

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 15 October 2014 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

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

Members Present:

Mr Keith Taylor (Chairman)
Mr Tim Hall (Vice-Chairman)
Mr Ian Beardsmore
Mrs Natalie Bramhall
Mrs Carol Coleman
Mr Jonathan Essex
Mrs Margaret Hicks
Mr George Johnson
Mr Christian Mahne
Mr Ernest Mallett MBE
Mr Michael Sydney
Mr Richard Wilson

102/14 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

There were no apologies.

103/14 MINUTES OF THE LAST MEETING: 24 SEPTEMBER 2014 [Item 2]

These were agreed as a true record of the last meeting.

104/14 PETITIONS [Item 3]

There were none.

105/14 PUBLIC QUESTION TIME [Item 4]

There were none.

106/14 MEMBERS' QUESTION TIME [Item 5]

There were none.

107/14 DECLARATIONS OF INTERESTS [Item 6]

There were none.

108/14 SURREY COUNTY COUNCIL PROPOSAL EL2012/3285: LAND AT CLAYGATE PRIMARY SCHOOL, FOLEY ROAD, CLAYGATE, SURREY KT10 0NB [Item 7]

AN UPDATE SHEET WAS TABLED AND IS ATTACHED AS ANNEX 1 TO THE MINUTES

As well as speaking for himself, Mr. Barry Evans would speak on behalf of four registered speakers who were unable to attend the meeting.

Declarations of interest:

None

Officers:

Alan Stones, Planning Development Control Team Manager
Stephen Jenkins, Deputy Planning Development Manager
Nancy El-Shatoury, Principal Lawyer
Caroline Smith, Transport Development Planning Team Manager
Chris Northwood, Planning Regulation 3 Team Leader

Speakers:

Barry Evans, a local resident, made representations in objection to the application. The following points were made,

- Is also representing the views of 100 elderly vulnerable residents who are unable to attend the meeting today.
- The introduction of the MUGA (multi use games area) would add noise and disruption to residents living at The Firs.
- Would be a loss of residential amenity and loss of the playing field.
- MUGA can be re-sited on the south side of the field.
- MUGA would exacerbate flooding from the school field to The Firs residential area.
- Planners did not properly consult residents on this application.

Barry Evans spoke on behalf of Sandra Maycock, a local resident. The following points were made,

- Residents of The Firs have always enjoyed good relations with the school.
- Have tried to be tolerant but want peace and quiet and to spend time on the patio without being disturbed.
- Loss of residents amenity

Barry Evans spoke on behalf of Sheila Davis, a local resident. The following points were made,

- Surface water from the school field does not drain away and floods residents recreation area.
- Residents were told flooding was due to a broken pipe but this was not fixed.
- MUGA will be used by the school for the whole day which will cause a loss of amenity for residents.
- Possibility of MUGA being moved to the south side of the field.

Barry Evans spoke on behalf of Ethel Edwards, a local resident. The following points were made,

- MUGA will lead to an increase in noise levels
- There will be a loss to residential amenity
- Flooding will be exacerbated for future years

Barry Evans spoke on behalf of Bruce Rostron, a local resident. The following points were made,

- Sound of footballs hitting the fence of The Firs grounds has become unbearable
- Sighting of the MUGA is not good and will cause disruption to residents who want to enjoy peace and quiet
- Possibility of people using the MUGA after school times causing disruption in the evenings.
- Breaches of human rights as not all residents were consulted on this proposal.

Representatives from the school in support of the application, Ms Liz Berry and Ms Aine Gee, addressed the Committee and raised the following points;

- Some residents from The Firs have commented on how much they enjoy the noise from the playground.
- Struggling to teach P.E on school grounds as pupil numbers are increasing.
- MUGA will not be used for the whole day. Any extracurricular activities after school will finish by 4.30pm.
- There will be no substantial loss of the playing field with the MUGA.
- Children can only access south side of school field with teachers
- The broken drain referred to by residents has been fixed.

The local Member had not registered to speak.

Key Points raised during the discussion:

1. The Planning Development Control Team Manager stated that he did not believe the application in question impacted upon the human rights of residents.
2. The application was introduced by the Planning Development Control Team Manager who explained that concerns were raised by residents regarding visual impact but the MUGA would only be used between certain times of the day. Officers do not believe there would be significant benefit from moving the MUGA to the south side of the field. This would impact on the playing field. The MUGA in question would adjoin an existing hard play area and would be situated near the edge of the schools extensive playing field. With regards to noise, a condition relating to times of use has been included. The county noise consultant does not believe there would be any significant change to noise with the MUGA. The application is acceptable in terms of drainage with the MUGA having a permeable surface to help combat any flooding issues.
3. The Planning Development Control Team Manager explained that there were no specific rules around consulting Members of the public and any consulting was done on a discretionary basis. Officers targeted those residents who had specified an interest in an application.
4. Some Members raised concerns around the disturbance to residents but understood the need for the MUGA. Members queried whether the MUGA could be moved to the south side of the field. Officers stated that they believed that the MUGA did not cause significant disturbance to residents and moving this to the south side could conflict with policy.
5. Members felt that more options around where else the MUGA could be moved needed to be investigated further.
6. The Planning Development Control Team Manager explained that because officers did not consider the application to have any adverse impacts, Members should not be looking to consider alternative sites for the MUGA.
7. It was commented that moving the MUGA to the south side of the school was away from other areas of activities of play which was not a preference for the school.
8. Members commented on the need to have a site visit to the school to understand the location issues.
9. The Principal Lawyer explained that the committee could either defer consideration of the application until after a site visit has been held or, if the committee is minded to refuse the

application, refer it back to the applicant with the grounds for refusal which would apply were the committee to determine the application.

Actions/Further information to be provided:

None

RESOLVED:

That **Application No. EL2012/3285: Land at Claygate Primary School, Foley Road, Claygate, Surrey KT10 0NB** be **REFERRED** back to the applicant for reconsideration on the grounds of residential amenity.

Committee Next Steps:

None

109/14 SURREY COUNTY COUNCIL PROPOSAL RU.14/0464: LAND AT LYNE AND LONGCROSS C OF E SCHOOL, LYNE LANE, LYNE, CHERTSEY, SURREY, KT16 0AJ. [Item 8]

AN UPDATE SHEET WAS TABLED AND IS ATTACHED AS ANNEX 2 TO THE MINUTES

Declarations of interest:

None

Officers:

Alan Stones, Planning Development Control Team Manager
Stephen Jenkins, Deputy Planning Development Manager
Nancy El-Shatoury, Principal Lawyer
Caroline Smith, Transport Development Planning Team Manager
Chris Northwood, Planning Regulation 3 Team Leader

Speakers:

Tracy Warren spoke on behalf of Faye Lindsay, a local resident. The following points were made:

- represented parents whose children were at the school
- want to provide a continual faith school in an area which has significant need for additional school places
- school is at the heart of the community and will breathe new aspiration for the community
- raised a petition supporting the school which has received over 260 signatures

The local Member had not registered to speak.

Key points raised during the discussion:

1. The report was introduced by the Planning Development Control Team Manager who explained that Runnymede borough council had objected on green belt grounds. It was explained that Members had been on a site visit to see the school in question. The application required the demolition of the existing building, with the roof having to be demolished by hand due to the presence of bats. Officers feel parking issues have been addressed through the school transport plan, the church car park and on street parking measures. Officers also believe that very special circumstances exist in relation to the need for additional school places.
2. A Member of the committee commended the application and felt that partners had been clearly consulted and that residents had been listened too. The design of the new build was also commented as being in keeping with the area.
3. Members commented on the benefit of the site visit to the school.
4. A Member of the committee asked for clarification around the number of children travelling to school by car. The Transport Development Planning Team Manager explained that consultants aimed to decrease the number of children coming to school by car to 47%. The officer felt that this figure was too low. It was further explained that 6% of children walked to school and the other 14% means of transport to school was unknown.
5. The Planning Regulation 3 Team Leader explained that a walnut tree would need to be removed from the front of the school as it was located in the proposed area where a new vehicle access would be located for the staff car park. A Member commented that the location of the walnut tree in contrast to the new proposed access was noted on the site visit to the school.
6. Some Members commented on the need to include lighting in the church car park and lighting from the church passage to the school. The Planning Regulation 3 Team Leader explained that the church car park would serve bus drop off and pickups during the day which did not justify lighting the car park. As the car park also belonged to the church it was considered to expect the church to address lighting.
7. It was stated that during the winter it would get darker quicker and therefore lighting in the car park would need to be

addressed. It was commented that low level lighting should be arranged.

8. The species of the replacement tree for the walnut tree located at the front of the school had yet to be agreed but would be an extra heavy standard tree. Condition 11 of the application gives officers control of the type of tree planted in replacement of the walnut tree.
9. A Member stated that they had been in contact with the head teacher of the school who did not think lighting in the car park was necessary.
10. It was queried whether a risk assessment on the car park had been carried out to assess the safety risk in low lighting.
11. As this was a primary school, it was pointed out that many of the children going to and from school would be accompanied by an adult therefore the need for lighting in the car park was not essential.
12. A vote was taken and Members agreed to extend condition 9 to include low-level lighting in the church car park.
13. The Planning Development Control Team Manager stated that he believed that the walnut tree was located in the middle of the proposed access to the car park and would therefore need to be removed to create on site staff parking.
14. The committee agreed an informative for officers to investigate whether parking provision could still be provided in the staff park without removal of the existing walnut tree. A further informative was also agreed, that subject to the arboriculturalist's advice, the replacement tree should be of the same species as the tree being removed.

Actions/Further information to be provided:

None

RESOLVED:

That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. **RU2014/0464** be **PERMITTED** subject to conditions for the reasons set out in the report and the extension of condition 9 to read:

“The development hereby permitted shall not be occupied unless and until the improvements to the Church Car Park as shown generally on drawing number TSP/DHP/P2550/11 revision B (Appendix E to the

revised transportation statement dated July 2014), *and including low-level lighting in the Car Park*, have been subject to detailed design and fully implemented”.

Two informatives were also agreed:

- The applicant is advised that, subject to arboricultural advice, the Committee consider that the tree planted to replace the walnut tree to be felled should be of the same species.
- The applicant is advised that, subject to arboricultural advice, the Committee consider that the tree planted to replace the walnut tree to be felled should be of the same species.

Committee Next Steps:

None

110/14 MINERALS/WASTE SP/14/01125/SCC: LAND AT OAKLEAF FARM, HORTON ROAD, STANWELL MOOR, SURREY, TW19 6AF [Item 9]

AN UPDATE SHEET WAS TABLED AND IS ATTACHED AS ANNEX 3 TO THE MINUTES

- The local Member had not registered to speak at committee but had been on the site visit with the committee.

Declarations of interest:

None

Officers:

Alan Stones, Planning Development Control Team Manager
Stephen Jenkins, Deputy Planning Development Manager
Nancy El-Shatoury, Principal Lawyer
Caroline Smith, Transport Development Planning Team Manager

Key points raised during the discussion:

1. The report was introduced by the Deputy Planning Development Manager who explained that the application in question was a former mineral site which had planning permission granted in 2009. The location of the site is south west to London Heathrow and is approximately 10 hectares in size. The proposal would include operations to be carried out within the MRF building 24 hours per day, 7 days per week. Objections had been received from Spelthorne Borough Council on noise grounds but officers do not believe that any noise would be heard from outside of the building.

2. A Member commented on the close proximity of the site to London Heathrow and asked for officers to ensure the correct mitigation measures were undertaken to ensure there was no noise from the site in the evenings.
3. The possibility of an open day at Oakleaf Farm for residents was discussed.
4. A Member asked for clarity around condition 4, the loading and unloading of HGVs between restricted times. The Deputy Planning Development Manager stated that condition 4 could be reworded so to replace 'HGV' with 'delivery vehicles', ensuring that any type of delivery vehicle was restricted between the stated hours.
5. The Deputy Planning Development Manager explained that the Environment Agency (EA) was responsible for waste control on the site.
6. Officers and Members agreed to remove the last sentence from paragraph 75 of the report. This had been left in from the 2009 application.
7. A Member commented that the site was well bounded.
8. Concern was raised around the intensification of green belt in the existing area especially with London Heathrow being so close by.
9. The Deputy Planning Development Manager clarified that operational doors at the site could be opened during the day but must be closed at night. The Chairman asked for this point to be made explicit in the report.

Actions/Further information to be provided:

None

RESOLVED:

That, subject to referral to the Secretary of State as a Departure and the prior completion of a deed of variation of a S106 Agreement, the application is **PERMITTED** subject to conditions for the reasons set out in the report and the amendment of condition 4 to read:

“There shall be no deliveries or the loading and unloading by *any delivery vehicles except* between the following times:

0700-1800 Mondays to Fridays
0700-1300 Saturdays

There will be none on a Sunday or any public holiday.

An additional informative was also agreed:

- To consider holding an annual open day for residents at the application site.

Committee Next Steps:

None

111/14 MINERALS AND WASTE APPLICATION RE13/00882: DECISION ON PLANNING APPEAL REF APP/B3600/A/13/2206251 AND DECISION ON COSTS APPLICATION [Item 10]

Declarations of interest:

None

Officers:

Alan Stones, Planning Development Control Team Manager
Stephen Jenkins, Deputy Planning Development Manager
Nancy El-Shatoury, Principal Lawyer
Caroline Smith, Transport Development Planning Team Manager

Key points raised during the discussion:

1. The result of the planning appeal was introduced by the Planning Development Control Team Manager who explained that on the whole there had been a pleasing result.
2. Two of the reasons for refusal had been accepted but an additional third reason included by the committee around ecology had been considered unreasonable at the appeal.
3. The Chairman stated that on the whole this was good news but the additional reason for refusal included by the committee would incur costs against SCC. The Chairman asked for Members to be careful around overturning officer's decisions and to be aware of the dangers that were involved with including additional reasons for refusal.

Actions/Further information to be provided:

None

RESOLVED:

The report was noted.

Committee Next Steps:

None

112/14 DATE OF NEXT MEETING [Item 11]

The next meeting will be held on Tuesday 18 November 2014 at 10.30am.

Meeting closed at 1pm

Chairman

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Planning & Regulatory Committee 15 October 2014

Item No 7

UPDATE SHEET

SURREY COUNTY COUNCIL PROPOSAL EL/2012/3285

DISTRICT(S) ELMBRIDGE BOROUGH COUNCIL

Land at Claygate Primary School, Foley Road, Claygate, Surrey KT10 0NB

Construction of tarmac multi-use games area with fencing surrounds.

CONSULTATIONS AND PUBLICITY

A further letter of objection has been received. This raises similar issues to those already listed in the report namely that the writer has concerns over the potential for noise and disturbance from the extended MUGA to adjacent residential dwellings. The writer also states that an alternative location must be available which would have less impact.

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UPDATE SHEET**SURREY COUNTY COUNCIL PROPOSAL RU2014/0464****LAND AT LYNE AND LONGCROSS C OF E SCHOOL, LYNE LANE, LYNE****Para 19**

One further representation has been received, from the promoter of the petition submitted in support of the application.

It argues that the need for the development in providing additional school places, meeting the demand for faith places, and addressing the right balance between infant and junior places where there are separate infant and junior schools as well as all through primary schools, outweigh objections on Green Belt grounds. It would be an important asset at the heart of the local community. The green part of the site is unaffected and mitigation measures are in place to counter traffic impacts.

After para 59

There are no specific policies in the Runnymede Local plan governing sustainable construction and renewable energy. Para 95 of the NPPF expects local planning authorities to plan for new development in locations and ways which reduce greenhouse emissions; actively support energy efficiency improvements to existing buildings and be consistent with zero carbon buildings policy.

The application is accompanied by an energy audit which proposes energy saving measures in the design of the new building to achieve an energy performance better than that required by Part L and L2 of the Building Regulations. This includes the following;

- Enhanced insulation values and airtightness standards for walls floors, roofs, windows and doors
- Use of high efficiency condensing gas boilers and separate condensing water heating enabling boiler plant to be switched off in summer
- Underfloor heating arranged zonally with room temperature sensors
- Use of natural ventilation throughout
- Energy efficient lighting; use of multi sensor lighting responsive to external light levels and rooms being left unoccupied
- External directional lighting controlled by time clocks.

These measures produce a 37.5% carbon saving over the notional building and the applicant is not therefore proposing the use of any on site renewable energy.

Subject to implementation of the measures described in the energy audit officers consider that the proposed building achieves a satisfactory standard of sustainable construction. A condition is recommended to secure this.

Para 51

When members of the committee visited the site on 8 October, it was suggested that permission should be tied to the provision of the car park improvements, and that it was desirable for the car park to be lit if it was to be used as a base for a walking bus in the winter months.

The connection between the development and the provision of car park improvements is made by the recommended Condition 9.

Officers do not consider that it is necessary to require a lighting scheme in association with the proposed school development. It is not expected that the car park will be used by the school when it is dark. It is intended to facilitate the walking bus, which will operate at normal school start and finish times, when demand for parking is at its peak. Even in midwinter the peak will not be during hours of darkness. The school does have breakfast and after school clubs which may extend the school day into hours of twilight or darkness, but pick up and drop off for these will be away from the peak, when parking in the lay by and on street parking closer to the school can be expected to be available and the walking bus will not be in operation. Otherwise, officers consider that lighting would have an unnecessary urbanising effect on the car park.

Add condition:

16 The development hereby permitted shall be carried out in full accordance with the energy efficiency details contained in section 3.0 and Appendix 1 of the Energy Audit submitted with the application.

Reason; To ensure the new building is constructed to a satisfactory standard of energy efficiency and sustainability pursuant to para 95 of the NPPF.

Add reason for Condition 8:

8 to ensure mitigation of the transport impacts of the proposal in order that the development should not prejudice highway safety nor cause inconvenience to other highway users, and in the interests of the residential amenities of the area pursuant to Policy MV4 of the Runnymede Borough Local Plan Second Alteration 2001.

UPDATE SHEET**MINERALS/WASTE SP/14/01125/SCC****DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL**Land at Oakleaf Farm, Horton Road, Stanwell Moor, Surrey, TW19 6AF**

The construction and use of a recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4 hectares comprising: MRF building, site office and workshop; wheel wash and two weighbridges; lorry and car parking areas; storage areas; site entrance and access road; and landscaping bunds without compliance with Condition 3 and Condition 21 of planning permission ref: SP08/0992 dated 19 November 2009 to allow operations to be carried out within the MRF building 24 hours per day, 7 days per week.

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

CONSULTATIONS AND PUBLICITY***Consultees (Statutory and Non-Statutory)***

18 Spelthorne Borough Council – EHO

- The Spelthorne Borough Council Environmental Health Officer (EHO) has commented on the proposal in terms of noise and lighting.
- In relation to noise, the EHO agrees with recommendations of the noise report submitted with the application, provided that the applicant submits the necessary noise mitigation detail in respect of the proposed plant.

Officer Comments

The comments of the EHO echoed the concerns of the County Noise Consultant (CNC) and Officers, and a revised noise assessment was submitted in August 2014 which included noise calculations based on the specific type of slow speed shredder proposed in the new operation. In taking account of the specific noise emission data supplied in the revised assessment for the specific shredding machinery proposed, the CNC considers that the noise limits as defined by Surrey County Council noise guidelines can be achieved for the proposed operation and recommended the imposition of an additional planning condition for controlling night-time noise limits at the site, which are to be set at a lower limit in line with night-time noise limit guidelines.

- The EHO has recommended that there should be a requirement that any plant installed outside the building, such as an extraction system, is to be of a design and be installed and maintained so that its noise contribution to other noise emitted from the site, including from the MRF, does not result in noise limits being exceeded.

Officer Comments

The CNC has assessed the ventilation system and fan noise data for the proposed extraction system contained in the August 2014 noise report and is satisfied with the ventilation acoustic specifications, and considers that the noise criterion for night-time taking account of plant such as the ventilation system can be achieved. The

recommended planning condition for controlling night-time noise emissions at the site as referred to above applies to external plant such the extraction system.

- The EHO also raised comment in relation to the provision of galvanised roller shutter doors on the MRF building which could potentially cause disturbance to nearby residents, particularly if operated at night, and so appropriate attenuation should be employed.

Officer comments

As part of the noise mitigation measures proposed by the applicant for operating the MRF building at night- time, the roller shutter doors are to remain closed.

- The EHO has also commented on the proposed new lighting and considers that it is not expected that the new lighting would cause any disturbance to nearby residents.

SECTION – GREEN BELT

(Last sentence para 101 should read)

- 101 The development is an existing recycling facility and the changes to the machinery to be operated within the building are being made to improve the efficiency for the processing and recycling of materials that are handled inside the building, which would *contribute* towards both national and local targets towards sustainable waste management.

RECOMMENDATION

Amend wording of condition

Condition 1 – Approved Documents

1. The development hereby permitted shall be carried out in all respects strictly in accordance with the following plans/drawings:

Drawing No 1163/2C Site Location Plan dated 30.05.06

Drawing No 1163/6N Site Layout Plan dated January 2008 (Revision N dated March 2009)

Drawing No 08/126/02B Proposed MRF Crushing & Baling Building dated 30.10.08

Drawing No 1163/9E Bunds Sections dated September 2008 (Revision E dated 9 May 2011)

Drawing No 08/126/01 Proposed Office Elevations dated 30.10.08

Drawing No 08/126/03 Proposed Garage Elevations dated 30.10.08

Drawing No 1163/10H Planting Plan dated March 2009 (Revision H dated 26 August 2010)

Drawing No 1163/12 Buffer Strip Access Plan dated March 2009

Drawing No 1163/35 Proposed variation of Condition 3 of planning permission SP08/0992 dated February 2014

Drawing No. 1163/37B MRF Lighting Layout dated May 2014

Reason

For the avoidance of doubt and in the interests of proper planning.