

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 7 January 2015 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 Richard Wilson

**Apologies:**

Mr Michael Sydney, Substituted by Mr Denis Fuller

**1/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies were received from Michael Sydney. Denis Fuller substituted for Michael Sydney.

**2/15 MINUTES OF THE LAST MEETING [Item 2]**

The Minutes were approved as a true record of the previous meeting.

**3/15 PETITIONS [Item 3]**

There were none.

**4/15 PUBLIC QUESTION TIME [Item 4]**

There were none.

**5/15 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**6/15 DECLARATIONS OF INTERESTS [Item 6]**

There were no declarations of pecuniary interest.

George Johnson informed the committee that he had been notified of political comments made on item 7 without his knowledge. He would take part in that item with an open mind.

**7/15 MINERALS AND WASTE APPLICATION SP/2012/01132: LAND AT MANOR FARM, ASHFORD ROAD AND WORPLE ROAD, LALEHAM AND LAND AT QUEEN MARY QUARRY, WEST OF QUEEN MARY RESERVOIR, ASHFORD ROAD, LALEHAM, STAINES, SURREY. [Item 7]**

*Two update sheets were tabled and are attached as Annexes 1 & 2 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

Alan Stones, Planning Development Control Team Manager

Nancy el-Shatoury, Principal Lawyer

Caroline Smith, Transport Development Planning Team Manager

Susan Waters, Principal Planning Officer

**Speakers:**

David Lavender, a local resident, made representations in objection to the application. The following points were made:

- There had been no offer to the community of compensation such as road safety measures.
- The restoration would result in land being transformed into fenced off lakes, without public access.
- Spelthorne contributes substantially to the Mineral Plan already.
- Many lorries are on the roads before 6.30am.
- Severe impact on local residents from noise.
- There are no arbitration mechanisms

Stephen Bishop, a local resident, made representations in objection to the application. The following points were made:

- Long-standing resident of Laleham. Spoke at the first Manor Park application which failed.
- There is a lot of new housing and local schools which will be affected.
- The Mineral Plan is meant to protect the Green Belt but this application breaches that intention.
- The site should be fully restored and not left as deep lakes.
- The Manor Farm and adjacent sports ground site has archaeological potential.
- The lake would bring the potential for breeding mosquitos.
- Eric Pickles had recently raised the heightened risk of flooding caused by old gravel pits which had been filled with deep water.
- The lake would be 40 feet deep and people would be at risk of drowning.

Jenny White, a local resident, made representations in objection to the application. The following points were made:

- Lives on Brightside Avenue.
- Her property would be severely impacted by the development.

- There had been a cumulative and qualitative impact on the local community of minerals extraction sites.
- The length of time that the extraction and restoration would take was unacceptable.
- Spelthorne Borough Council supports objections.
- More than 300 local residents had attended a recent public meeting on the application and a large number of residents had signed a petition against the application.
- The lake would cause insect swarms.
- There would be more than 300 operational days a year and so the public would not get relief from the noise.
- The prevailing acoustic environment means that the noise impact was dependent on wind direction and wind strength.
- There was much concern about the potential for future flooding.
- The mitigating actions proposed are not adequate.

Michael Nevins, a local resident, made representations in objection to the application. The following points were made:

- A longstanding resident of Staines and local estate agent.
- Many insurance companies now refuse to insure properties within 400m of deep water.
- The onus is on the insured parties to declare the creation of a gravel pit.
- He could give examples of under offer properties where the sale had collapsed as building insurance had been refused.
- He highlighted a number of roads and local schools whose insurance would be affected.
- It would be irresponsible and immoral of the Council to grant permission.

Mike Courts of Brett Aggregates, spoke in response to the objectors as the applicant. He raised the following points:

- Speakers had mentioned a lack of arbitration mechanisms. He highlighted a meeting with Mr Lavender two years previously at which the offer of a community liaison committee was made. This was refused but the offer still stands.
- Brett Aggregates' lorries do not go onto the highway until 7.30am. They do not start before that time.
- The development would improve the flood storage capacity.
- The lake would be 18 feet not 40 feet deep.
- The minimum distance from any back garden was 100m.
- There was no extra traffic associated with this application.
- The Environment Agency had not objected.
- The officer report comprehensively covers every issue raised by the objectors.
- The comments made forget that residents have been consulted at length during production of the Minerals Plan.
- The application had been designed in line with Minerals Policy and Development Policies. If the plans which identify preferred sites for mineral extraction are abandoned, the impact will be on Surrey as a whole as applications could be made anywhere.

- The officer report concludes that the application would not give rise to unacceptable impacts on the local community and complies with development plans.

Richard Walsh, the local Member for Laleham and Shepperton, had registered to speak. The following points were made:

- He was representing local people in Laleham and supports those residents who oppose the application under consideration.
- His concerns were about people's quality of life and the proposal to not fully restore the land.
- This was the wrong area for this development. Gravel pits are not usually created within a village.
- The amount of gravel being extracted was relatively small and so it was questionable whether there was any necessity for this work to take place.
- Local residents do not want a wet restoration. There is already a lot of water in Spelthorne.
- This was the last bit of Green Belt between Staines and Laleham.
- Pollution and noise would cause impact on local residents.

Daniel Jenkins, the local Member for Staines South and Ashford West, had registered to speak. The following points were made:

- He was speaking on behalf of his local residents.
- This site was in the midst of a densely populated area.
- Facilities for children's use back onto this site.
- There are many elderly people in the area.
- The development would cause noise pollution, dust pollution, chemical pollution and ground water pollution.
- The site is part of the Green Belt.
- The open-ended timeframe was unacceptable.
- In the community consultation, Brett Aggregates stated that restoration would be mixed and include a recreation area. Now access to the restored site will be prohibited.
- The wet restoration would introduce safety hazards in perpetuity, particularly for children and young people. This would cause permanent stress for parents.
- In July 2014, a number of people throughout the country drowned in former quarry pits.

Denise Saliagopoulos, a Member for the adjoining division Staines upon Thames, had requested to speak and had been allowed by Chairman's discretion. The following points were made:

- She had strong views about this application.
- Spelthorne had been very generous and accommodating for minerals extraction.
- Last year, Spelthorne had experienced serious flooding by river, drainage and surface water. More than 900 households had been affected.
- It was a serious omission by the Environment Agency not to object or ask for flooding mitigation.

- The committee should consider whether it was reasonable to permit this development in a built-up area.
- Government is encouraging community groups to stand up for their local communities.
- She highlighted a refusal at another council to a similar application and recommended that the committee consider the same reasons for refusal.

*The Committee adjourned for a short break from 11.20am to 11.30am.*

### **Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and assured the committee that the application does comply with the development plan and would not have adverse impact on the local community. He informed the committee that it should not give any weight to the previous refusal as there had been three development plans including this as a preferred site for minerals extraction published since that time. The latest plan also included a requirement for the type of restoration proposed in this application. Surrey was also below the required target for minerals extraction and, while this application would add a further 1.7 years to the reserve, with a permission Surrey would still not have reached its target. He highlighted that consultants had been satisfied with regard to noise and dust pollution and the mitigating actions proposed. The development would not increase flood risk but would provide additional capacity. The water is already there as ground water. Importantly, the Environment Agency does not raise any objections. The Planning Development Control Team Manager also advise the committee that a revised recommendation was included in Update Sheet 1 (Annex 1).
2. In response to a query, the Planning Development Control Team Manager informed the committee that it should not attribute any weight to the insurance argument as it was not a material planning consideration.
3. It was explained that the site had always been envisaged as having a wet restoration because of the difficulties of HGV access to deliver infill material. It would not be possible to use the conveyor to deliver lumps of clay. The planning inspector had accepted this point during the inquiry to develop the Minerals Plan.
4. The Principal Planning Officer confirmed that the development would increase storage capacity. A site-specific flood risk assessment had been undertaken and consultants had advised that a wet restoration would not increase flood risk in the surrounding area.
5. Ian Beardsmore declared that he was on the Spelthorne Borough Council planning committee but that he had stood down when this application was considered and did not participate. He also stated that he was the only person on the Planning & Regulatory Committee who had voted against the Minerals Plan because of the impact on Spelthorne. He went on to suggest that residents had accepted reluctantly that the development would happen but that the wet restoration was an insulting and unnecessary addition. Other sites with worse HGV access had received dry restoration. National policy

states that dry restoration should be carried out where possible. As national policy trumps local policy, there was a policy basis for returning the site to farmland.

6. The Chairman stated that at the site visit, the difficulties for HGV access had been clear. The requirement for wet restoration had been agreed to protect resident amenity. The Transport Development Planning Team Manager confirmed that the issue was one of resident amenity. To deliver the dry waste to infill the gravel pit would require 120 HGV movements a day down Worple Road.
7. A Member countered that a dry restoration is what the community wants. If this was feasible in highways terms and meets national policy than it should be the approach taken.
8. The Planning Development Control Team Manager informed Members that residents' concerns about the restoration had been taken into account during the planning inquiry process. He informed the committee that it would not be acceptable to go against the Mineral Plan requirements and there had been no change in circumstances since the Plan had been published.
9. A Member suggested that as a condition required the restoration within six years of starting extraction, the development was not open-ended. The Environment Agency had commented on flood concerns and requested five conditions which were included in the report. There was a condition limiting noise of conveyor. There is a condition proposed on ground water. The Member queried whether the application is acceptable in general terms as the development would be controlled as much as it could be. He brought Members' attention to a report previously viewed by the committee which shows that over the past three years, demand for concreting aggregate had been flat and low. Therefore, Surrey has a longer-term supply of concreting aggregate than suggested. He also suggested that sharp sand could be replaced with recycled aggregate but that the Minerals Plan does not take this into account. Therefore, the need argument was not accurate. He also highlighted the inclusion of a nature conservation area for use by a local school and queried how this could be accessed if the site is being fenced off. He also asked why the potential for birdstrike was being highlighted given the large reservoir at the neighbouring site.
10. The Principal Planning Officer confirmed that the potential for bird strike can increase with an additional water body in the area. The BAA safeguarding team is satisfied that the proposals will not increase birdstrike. The proposals include the creation of a nature conservation study area to be made available to Buckland Primary School.
11. The Planning Development Control Team Manager agreed that there had been lower demand for sharp sand over the past three years. This was not statistically significant and does not predict the likely future demand of sand and gravel. The formula was devised to provide certainty over the supply of aggregates. As industry picks up, they will require increased supply. The figures do include recycled aggregates.
12. A Member pointed out that Spelthorne Borough Council was party to the gravel strategic plan. Its objections to this application are tentative and weak. The site is in the Minerals Plan. The fact that it is next to a residential area is not unusual for gravel pits. The application was well-considered. If vehicular access was permitted to allow the infill of the gravel pits, there would be further objections. Wet restorations

take place in many old gravel pits. They are not new and are not a big problem.

13. A Member informed the committee that Bucklands Primary School had refused the offer of a nature conservation study area and queried whether Laleham Primary School had been offered the same. The Principal Planning Officer confirmed that that Laleham Primary School had not been offered an area and showed where the School was situated in relation to the site on a map. There was no physical connection between the school and the site but it was not know what the formal reasons were for not offering an area to that school.
14. In response to a question, the Principal Planning Officer informed the committee that the site would be worked wet to minimise the generation of dust. There would also be other mitigating actions included in a dust action plan.
15. A Member accepted the argument about the water table and the additional capacity. However, while the water table on agricultural land will rise when it rains and then drop, reservoirs tend to hold water and not drop. Therefore, while the wet restoration may give short-term flood alleviation, in the long-term it will increase flood risk. The Chairman reminded the committee that experts had told them that there was no increase to flood risk and so it would not be possible to formulate a reason for refusal using that issue.
16. In response to further comments about whether dry restoration was possible, the Chairman and the Planning Development Control Team Manager reminded the committee that such a proposal would be contrary to the Council's own Minerals Plan which had been drafted to protect resident amenity. A number of objections had already highlighted traffic issues. By pushing for dry restoration, traffic issues would multiply.
17. The Planning Development Control Team Manager assured the committee that the Minerals Plan is in conformity with the NPPF. The NPPG, which Members have referred to, is guidance.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

That, subject to the prior completion of a section 106 legal agreement to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273, SP13/01238, SP07/1275 and SP13/01239 to no more than 300 HGV movements (150 two way HGV movements) on any working day for which draft Heads of Terms are set out in the Annex, the application be **PERMITTED** subject to conditions and informatives, for the reasons set out in the report.

*Ernest Mallett left the meeting at 12.33pm.*

**8/15 MINERALS AND WASTE APPLICATION SP13/01003/SCC: LAND AT QUEEN MARY QUARRY, ASHFORD ROAD, LALEHAM, SURREY TW8 1QF [Item 8]**

*An update sheet was tabled and is attached as Annex 3 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Nancy el-Shatoury, Principal Lawyer  
Caroline Smith, Transport Development Planning Team Manager  
Susan Waters, Principal Planning Officer

The local Member had not registered to speak.

**Key points raised during the discussion:**

1. Members agreed that the main points had been raised during the discussion on item 7.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

That, subject to planning permission being granted to planning application ref. SP12/01132 for the extraction of mineral from Manor Farm, that the application be **PERMITTED** subject to conditions and informatives, for the reasons set out in the report.

**9/15 MINERALS AND WASTE APPLICATION RE14/02134/CON: NO. 2  
PERRYLANDS LANE, SMALLFIELD, HORLEY, SURREY RH6 9PR [Item  
9]**

*An update sheet was tabled and is attached as Annex 4 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Nancy el-Shatoury, Principal Lawyer  
Caroline Smith, Transport Development Planning Team Manager

The local Member had not registered to speak.

**Key points raised during the discussion:**

1. The Planning Development Control Team Manager introduced the report and highlighted the revised condition in the update sheet (Annex 4). He said that officers no longer wanted to recommend the removal of the word 'retained' but did recommend the insertion of the new wording. He explained the history to the site and the reason why a new planning application was being made.
2. Members queried whether any enforcement activity was underway and highlighted comments in the objections that relate to activity that wouldn't even be permitted through this application. Officers confirmed that the site continued to operate and that as the applicant was participating in a process to gain planning permission it had been



decided not to pursue enforcement at present. The points made about the concrete crusher should be set aside.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

That the application be **PERMITTED** subject to conditions, for the reasons set out in the report.

**10/15 SURREY COUNTY COUNCIL PROPOSAL EL/2014/4011: LAND AT MANBY LODGE INFANT SCHOOL, PRINCES ROAD, WEYBRIDGE, SURREY KT13 9DA [Item 10]**

*An update sheet was tabled and is attached as Annex 5 to the Minutes.*

**Declarations of interest:**

None.

**Officers:**

- Alan Stones, Planning Development Control Team Manager
- Nancy el-Shatoury, Principal Lawyer
- Caroline Smith, Transport Development Planning Team Manager

The local Member, Christian Mahne, would speak as a member of the committee.

**Key points raised during the discussion:**

1. The local Member supported the application and requested that an informative be added asking that Highways address the blocked drainage at the back of the site as the extra loading would exacerbate problems. This was agreed.

**Actions/Further information to be provided:**

None.

**RESOLVED:**

- a) That the application be **PERMITTED** subject to conditions, for the reasons set out in the report.
- b) That an informative be included asking that Highways address the blocked drainage at the back of the site as the extra loading would exacerbate problems

**11/15 DATE OF NEXT MEETING [Item 11]**

The date of the next meeting was noted.

Meeting closed at 12.45 pm

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**Chairman**

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**UPDATE SHEET 1**

**MINERALS/WASTE SP/2012/01132**

**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey**

**Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.**

*Please note the Officer report should be amended/corrected as follows:*

**Summary report and recommendation (page 115)**

As planning applications SP13/1236, SP13/1238 and SP13/1239 at Queen Mary Quarry were issued 6 January 2015 the recommendation needs to be updated to refer to the new planning permissions as well as the planning permissions (refs SP07/1273 and SP07/1275) granted in 2009.

Replace recommendation in the summary report and on page 115 with:

**The recommendation is that, subject to the prior completion of a section 106 legal agreement to secure the long term aftercare management, (including bird management) of the land at Manor Farm and to limit the number of HGV movements in combination with planning permission refs SP07/1273, SP13/01238, SP07/1275 and SP13/01239 to no more than 300 HGV movements (150 two way HGV movements) on any working day for which draft Heads of Terms are set out in the Annex, to PERMIT subject to conditions and informatives.**

**ILLUSTRATIVE MATERIAL**

Plans 2 to 7 are included in the report as Figures 12 to 17. References in the report to Plans 2 to 7 should be read as Figures 12 to 17 respectively.

(Full size versions of Figures 12 to 17 will be on display at the meeting.)

**Site description and planning history**

Paragraph 16 refers to planning applications SP13/1236, SP13/1238 and SP13/1239 at Queen Mary Quarry which were reported to committee on 11 June 2014 and the resolution to grant planning permission subject to the prior completion of a legal agreement, which had yet to be completed. The legal agreement was completed in December 2014 and the decision notices on the three planning applications were issued on 6 January 2015.

Subsequent references in the report to these planning applications should be read as referring to planning permissions dated 6 January 2015.

## **CONSULTATIONS AND PUBLICITY**

### ***Parish/Town Council and Amenity Groups***

*Paragraph 66 CLAG2:* Remain opposed to the application. The action group find it incredible the County Council has only just realised that two aspects of the proposal are inappropriate development in the Green Belt and the publicity is considered just a procedural issue. It would appear fundamental to the planning process and they drew attention to inappropriate development on Green Belt land being contrary to National policy at least 12 months ago and is sufficient reason in itself to reject the application.

*Officer comment:* Officers have viewed these items of plant to be inappropriate development in the Green Belt from the outset, and prior to validation of the application in July 2012 the applicant was required to provide additional information in the application documents on very special circumstances. The Officer report has assessed the mineral extraction and proposed concrete batching plant and aggregate bagging plant aspects of the application against Green Belt policy. Only the two items of plant are considered inappropriate development in the Green Belt.

The recent publicity was not undertaken to inform people about a change to the application proposal, but to comply with the regulations for publicising planning applications, as the earlier publicity had not referred to these items of plant being a departure from the development plan.

*Paragraph 73 Spelthorne Natural History Society:* Views have now been received. These will be covered in Update Sheet 2.

### ***Summary of publicity undertaken and key issues raised by the public***

Update to paragraph 78 - Since the agenda was published further comments on the application have been received from 11 residents who had already made representations. Four new representations have been received. Written representations have now been received from 300 members of the public, organisations and groups.

### ***Additional key issues raised by the public***

**i) Need** Further comment has been made about there being no need for permission to be granted for extraction from Manor Farm and how alternative supplies such as marine dredged mineral are available to meet future rises in demand. Reference is made to the fall in sales of land won sand and gravel in Surrey and production of sand and gravel since 2003 and how demand for mineral is far less than Government apportionment figures which are based on historical sales figures.

The objectors consider the remaining amount of mineral that would be produced from preferred area sites in Spelthorne in the SMP2011 could be met from elsewhere in Surrey and marine dredged mineral and that there is no need for the land at Manor Farm to be worked.

#### *Officer comment:*

Paragraphs 94 to 107 and 117 to 132 of the report deal with minerals issues including landbanks for sand and gravel, and assessment of planning applications for mineral extraction. The purpose of landbanks is to give certainty over a longer period based on agreed levels of supply. Surrey does not operate in isolation but part of a wider area, and the landbank and apportionment for Surrey needs to be seen in the context of this.

following the latest assessment reported in the November 2014 Local Aggregate Assessment (LAA) no changes are proposed to the minerals provision rate contained in the SMP 2011 for Surrey.

As is referred to in the report minerals can only be worked where they are found. This has resulted in a concentration of sand and gravel working in north west Surrey and Spelthorne. The mineral supply regime is founded on the use of land won sand and gravel in combination with other sources such as marine dredge mineral and recycled and secondary aggregate.

The further comments on need and mineral supply issues do not affect the assessment by Officers of the proposal and conclusions set out in the report.

## **ii) Procedural**

- The concrete batching plant and aggregate bagging plant are departures from the development plan and concern has been raised that this is being considered to be just procedural. Residents have also expressed concerns about the late amendment to the application; feel the applicant Brett is trying to ride roughshod over the planning system; and are not happy with the timing of the consultation in early December 2014 and deadline for receipt of comments over the busy Christmas and New Year period; and query whether there is sufficient time to consider comments before the 7 January 2015.

- Majority of the committee don't live in the area and will be making a decision affecting local residents, have they visited the site?

*Officer comment:* The Planning and Regulatory Committee is a strategic committee made up of members representing different areas in Surrey, including wards in Spelthorne and elsewhere in north-west Surrey. Where members of the committee live in relation to planning applications considered by the committee is not a material planning consideration.

Members of the committee visited the site and surrounding area on 8 November 2013 as reported in paragraph 88. A further visit was undertaken on 4 December 2014.

Some residents have misunderstood the purpose of the recent publicity. It was not to inform people about a change to the application proposal, but undertaken to comply with the regulations for publicising planning applications, as the earlier publicity had not referred to these items of plant being a departure from the development plan. There is no requirement to consult statutory consultees about this issue.

The inclusion of the concrete batching plant and aggregate bagging plant are referred to in the description of development and have been part of the application proposal from the outset, and assessed in the Environmental Statement and planning application.

Officers have viewed these items of plant to be inappropriate development in the Green Belt from the outset, and prior to validation of the application in July 2012 the applicant was required to provide additional information in the application documents on very special circumstances. This has been available for public inspection as part of the application since the application was first publicised in 2012.

The recent publicity was a procedural matter and Officers have assessed any representations received since the report was published and where new issues have arisen or additional clarification considered appropriate covered these in this update sheet.

- Staines Town Society has not been consulted. If the society has not been consulted consideration should be adjourned until the County complies with its own Code of Best Practice.

*Officer comment:* Staines Town Society has not been notified about the planning application. Officers do not consider it necessary to defer consideration to allow the society to be notified.

The planning application has been widely consulted on and publicised since 2012 including by placing of site notices and newspaper advertisements so there has been ample opportunity for the society to make comments. The impact of the planning application on residents in Staines and the local environment and landscape has been assessed and considered in the Officer report.

**iii) Application contrary to Spelthorne Borough Council Core Strategy** – proposal does not fit within the Spelthorne Borough Core Strategy vision statement and in particular in relation to flood risk, protection of the Green Belt, traffic, reduction in the generation of CO<sub>2</sub>, and protection of the natural and historic environment. Nor with core objectives and key policies in particular in relation to flooding (policy LO1), air quality, noise, vibration, light and dirt (Policies EN3, EN11, EN13 Light Pollution and EN14 Hazardous development); traffic implications; maintaining the local environment (policies EN6 Conservation Areas, Historic Landscapes, Parks and Gardens and EN7 Tree Protection) and Green Belt land, (Policy MC3).

*Officer comment:* Apart from policies EN6 and EN7 and EN13 and EN14 the other policies have been referred to in the report and used in the assessment of the application proposal.

In relation to Policy EN6 the potential impact on the Laleham Conservation Area (CA) has been assessed. The policy deals with development affecting a Conservation Areas and sets out matters to be addressed in planning applications for proposals within Conservation Areas and those outside which have the potential to affect the CA.

Having regard to Policy EN6 Officers consider the assessment and conclusion on the impact on the CA in paragraphs 353 to 368 is unchanged.

Policy EN7 relates to tree preservation orders (TPOs). There are no TPOs on vegetation within the planning application site so this policy is no relevant. Assessment of the impact on vegetation within and around the proposed development has been assessed in the landscape and visual impact section of the report.

Policy EN13 seeks to minimise the adverse impact from light pollution on the development. The impact of lighting is assessed in paragraphs 408 to 409 of the report and Officers consider the proposal is in compliance with Policy EN13.

Policy EN14 seeks to ensure public safety is maintained and deals with development involving hazardous substances or development in the vicinity of hazardous installations. This proposal does not involve hazardous substances requiring hazardous substances consent under the Planning (Hazardous Substances) Regulations 1992, nor is it within the vicinity of a hazardous installation. An Esso fuel pipeline and National Grid gas pipelines and electricity infrastructure run through the QMQ site. No objection has been received from the Health and Safety Executive, National Grid and the operators of the Esso Pipeline see paragraphs 47, 61 and 62 of the report. The impact on these was assessed in paragraphs 402 to 407 of the report and Officers consider the proposal is in compliance with Policy EN14.

**iv) Unacceptable environmental and amenity impact of working the land at Manor Farm (position not changed from earlier refusal and plan designation)** - Surrey Minerals Plan 1993 designation of the site as a Category 2 site - Position has not changed the site should still viewed as it was in the 1993 Surrey Minerals Local Plan where it was a Category 2 site and deemed there was no method of working or safeguards which could overcome the environmental disturbance that would result. This is more so given the flooding in the local area in 2013/2014.

*Officer comment:* As referred to in the report at paragraphs 108 to 111 circumstances are different to those when the site was identified in the 1993 plan, and the time an earlier planning application (which was a different scheme to that currently proposed, see paragraph 109) was refused by the Secretary of State in 1978.

As referred to in paragraph 112 the inclusion of land at Manor Farm as preferred area J in the Surrey Minerals Plan 2011 was subject to detailed assessment and consultation, and subject of examination at the Examination in Public in front of a Government appointed Inspector.

The policy context and designation in the current plan is for a presumption in favour of planning permission, which was not the case in the 1993 plan. Under current national policy there is a presumption in favour of the development plan and for planning permission to be granted for development proposals which accord with the development plan.

The planning application has been assessed against the key development requirements for the Manor Farm preferred area J, relevant development plan policy and national policy and guidance in the NPPF and NPPG and issues raised by objectors as set out in the report. The current proposal accords with the key development requirements in that no permanent HGV access is involved and processing is off site. A restoration based open space and open water restoration is proposed in the absence of a suitable access for use by HGVs or other acceptable means of importing material to backfill the site.

While a material consideration the 1978 refusal is of little significance in view of the up to date SMP2011 designation. There is strong evidence of need and no other demonstrable adverse impacts and Officers consider the proposed development accords with the relevant development plan policies and subject to imposition of planning conditions and a legal agreement as set out in the recommendation and this update sheet, together with controls through other regulatory regimes, the development would not give rise to unacceptable environmental or amenity impacts and the development is consistent with the NPPF and the current adopted development plan.

**v) impact of the concrete batching plant and aggregate bagging plant, which are large, has not been assessed.**

*Officer comment:* The impact of these two items of plant have been assessed in terms of noise, dust, landscape and visual impact, the water environment and Green Belt policy – see relevant sections of the report on these matters.

**vi) Air quality** There is lack of reference to nitrogen dioxide and intention of the Spelthorne Borough Council Air Quality Management Area (AQMA) to reduce nitrogen dioxide in the report. The report mentions that without the concrete batching and aggregate bagging plant there would be a reduction in number of vehicles attending the site. This would accord with the Surrey Future Congestion programme 2014. To increase vehicle movements would be against the County's commitment to improve air quality within Spelthorne.

*Officer comment:* Paragraph 294 of the report refers to nitrogen dioxide and the Spelthorne AQMA, no assessment was required in relation to nitrogen dioxide. In relation to traffic the proposed development would not generate traffic above the levels set for the current minerals and waste developments at QMQ and on this basis, as set out in paragraph 148 of the report a Transport Assessment was not required.

Whilst the proposal would generate fewer than the current permitted 300 daily HGV movements from the QMQ site during extraction at Manor Farm, the existing permissions can operate up to the end of 2033. It is not considered necessary, or reasonable, to seek to limit the HGV movements below the current permitted level of 300 daily HGV movements.

**vii) Restoration proposals** An objector has referred to 2006 and 2009 Surrey Minerals Plan draft documents and reference to restoration options for the Manor Farm site and how the application proposal does not follow the draft documents in relation to area considered (which is now bigger), and possible alternative restoration options (which as well as nature reserve included woodland planting, sporting or playing field extensions, community farm).

The preparation of the Surrey Minerals Plan documents (core strategy and primary aggregates DPDS) and restoration (SPD) involved publication and consultation on a number of versions,

which resulted in the final documents adopted as the SMP2011 and restoration SPD in 2011. The application has been assessed in the Officer report against the adopted documents.

**viii) Green Belt** The application should be refused as the concrete batching plant and aggregate bagging plant are inappropriate development in the Green Belt. The report on the County Council's Minerals and Waste Development Scheme, Annex 3, to Cabinet in December 2014 clearly views them as inappropriate, a month later a different view can't be taken. It is wrong to try and get planning permission for these items though an application for mineral extraction. The application should be withdrawn and resubmitted.

*Officer comment:* The concrete batching and aggregate bagging plant are inappropriate development in the Green Belt and have been assessed as such in the Officer report. For planning permission to be granted for very special circumstances need to be demonstrated. See paragraphs 438 to 463 of the report and comments above under Paragraph 66 CLAG 2 and Procedural.

## **RECOMMENDATION**

Amend wording of condition 4 so it reads as follows (to refer to the planning permissions issued on 6 January 2015):

- 4 Extraction of mineral from Manor Farm shall not commence until the mineral extraction from Queen Mary Quarry 'baffle' permission (refs. SP07/1269 dated 15 January 2009 and SP13/01236 dated 6 January 2015) has finished. The applicant shall notify the County Planning Authority in writing within seven working days of the commencement of extraction.

Any further changes required to planning conditions will be covered in Update Sheet 2.



## UPDATE SHEET 2

### MINERALS/WASTE SP/2012/01132

DISTRICT(S) SPELTHORNE BOROUGH COUNCIL

**Land at Manor Farm, Ashford Road and Worple Road, Laleham and land at Queen Mary Quarry, west of Queen Mary Reservoir, Ashford Road, Laleham, Staines, Surrey**

**Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.**

*Please note the Officer report should be amended/corrected as follows:*

## CONSULTATIONS AND PUBLICITY

### ***Parish/Town Council and Amenity Groups***

Paragraph 73 Spelthorne Natural History Society: Views have now been received objecting to the application on the following grounds which were raised in connection with the previous planning application by Shepperton Aggregates that the society still considers relevant:

- i) The application does not accord with the provisions of the development plan. The site is in the Green Belt and in close proximity to two schools, residential properties, sports grounds and recreation grounds and two public footpaths. Whilst accepting minerals can only be worked where they are found, this proposal is unacceptable, premature, will impact adversely on adjacent landuses, and a permanent maintenance compound is proposed.
- ii) The ES Non Technical Summary refers to pre submission consultation with local, regional and wildlife organisations. The Society has never been consulted and requests for copies of the application on CD have been ignored.
- iii) No further planning permissions for mineral extraction in Spelthorne Borough should be permitted until all existing sites are exhausted and the sites fully restored.
- iv) The ES wrongly refers to the agricultural grading of the land as mixtures of Grade 3b and 4 and concludes the loss of the agricultural land would be of low significance. The soils on the site are good and would support arable farming. Brett Aggregates have downgraded the use of the land to grazing and are not realising its full potential. In our opinion the land should be graded 1 and 2 in which case its loss would be significant.
- v) The restoration scheme obviates the need for landfill but involves creation of lakes of which there is a surfeit in Spelthorne.
- vi) Worple Road is unsuitable for use in connection with the proposal, the access is close to traffic calming measures and the road already heavily trafficked. Accessing the site compound off Worple Road will be worse.
- vii) The restoration habitats are all high maintenance and there is no indication of who will be responsible for their ongoing maintenance.

- viii) Object to the site being fenced, particularly the footpath which crosses the site. Removal of trees and a high steel fence will lead to loss of amenity.
- ix) The Society note there is not expected to be an impact on the water environment. However, new groundwater monitoring boreholes are proposed which suggests inadequate attention has been paid to the site's hydrology and there is no mention of what mitigation measures would be put in place if identified as necessary by the monitoring.
- x) The County Council's record with enforcing planning conditions in relation to sand and gravel working is poor.

In addition to the above the society raises issues relating to:

- bats (adequacy of the surveys as additional bat species have been found using land in the vicinity at Shepperton Studios and it is probable they may use the land at Manor Farm. The bat surveys were undertaken in 2011 and a further survey should be carried out before any development commences.
- Shortwood Common and Pond SSSI is closer to the site than Staines Moor SSSI and there is no reference in the report to the Ash Link Local Nature Reserve which is downstream of the processing plant site and could be impacted upon if the River Ash is polluted.
- The concrete batching plant and aggregate bagging plant are inappropriate development in the Green Belt, particularly as the development involves importation of construction and demolition waste.
- No assessment has been undertaken of the impact of the 15 metre stockpile at the processing plant site on underlying soils, mineral and the aquifer.
- There is no reference to the existing water abstraction licence.

*Officer comment:*

The matters raised by the Spelthorne Natural History Society about location of the site and potential impact on adjoining land uses and amenity, the water environment, traffic, restoration and post restoration management, protection of the Green Belt and assessment of the extraction and processing operations and the concrete batching plant and aggregate bagging plant against Green Belt policy have been raised by others and are addressed in the report. The references relating to the agricultural grade of the land are referring to the ES for the previous application ref SP10/0738. The ES accompanying this application identifies the land as being grades 3a, 3b and 2 (though the grade 2 land would not be worked). The impact on agricultural land and soils is assessed in the report at paragraphs 388 to 394.

In relation to the points made about the potential impact on the Shortwood Common and Pond SSSI and Ash Link Local Nature Reserve, no objection has been raised by Natural England, the Surrey Wildlife Trust or the County Ecologist and Biodiversity Manager. The Environment Agency, the body responsible for pollution control matters has raised no objection on water pollution grounds. The Ash Link Local Nature Reserve was established in 2012 and is situated some 2km downstream of the site. Although not referred to in the officer report, or ecological assessment undertaken by the applicant, Officers conclude the pollution control measures to be taken by the applicant would be sufficient to minimise potential impact on the reserve.

Assessment of the potential impact on bats is considered in the officer report between paragraphs 336 to 352. The County Ecologist and Biodiversity Manager has advised that there is sufficient survey information to assess the use of the application site by foraging bats. Whilst bat surveys should usually be no older than 2 years for bat licence applications, and where proposals are likely to have a high impact on bats, in this case he considers sufficient information has been provided on bats to determine the application.

Further bat survey work is required prior to work commencing and a mitigation plan produced and implemented as a result. This should cover checking of trees prior to removal to check for bat roosts, maintaining the foraging lines ~~Page 18~~ as hedgerows and provision of bat boxes. The further survey work would confirm the bat species using the site and inform the mitigation and

provision of species specific bat boxes and can be secured by planning condition. The conclusion on biodiversity matters remains as set out in paragraph 352.

### ***Summary of publicity undertaken and key issues raised by the public***

Update to paragraph 78 - Since the agenda was published further comments on the application have been received from 12 residents who had already made representations. Four new representations have been received. Written representations have now been received from 300 members of the public, organisations and groups.

### **RECOMMENDATION**

Replace condition 38 and reason 38 with the following.

**New Condition 38:** Prior to the commencement of development an updated bat survey shall be undertaken to assess the use of the site by foraging and roosting bats, and the survey results together with a biodiversity mitigation scheme submitted to and approved in writing by the County Planning Authority. The biodiversity mitigation scheme shall include the checking of trees prior to removal to check for bat roosts, the type and number of bat and bird boxes proposed and measures for maintaining foraging lines along hedgerows to be retained within and adjoining the application site. The biodiversity mitigation scheme shall be implemented as approved.

**New Reason 38:** To comply with the terms of the application and in the interests of biodiversity and wildlife conservation to comply with Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009, and Policy MC14 of the Surrey Minerals Plan 2011.

Add new heading and new condition 39 and reason 39.

### **Lighting**

**New Condition 39:** Prior to installation of any external lighting at the site compound details of the design and appearance of the lighting, its brightness, direction and methods of shielding shall be submitted to and approved by the County Planning Authority.

**New Reason 39:** To enable the County Planning Authority to adequately control the development and minimise its impact on the amenities of the local area in accordance with Policy MC14 of the Surrey Minerals Plan 2011 Strategic Policy SP6 and Policy EN8 of the 'Spelthorne Borough Core Strategy and Policies Development Plan Document' February 2009.

Add new heading and new condition 40 and reason

### **Concrete batching plant and aggregate bagging plant**

**New Condition 40:** Only mineral extracted at Manor Farm and processed at Queen Mary Quarry and as raised sand and gravel imported to and processed at the Queen Mary Quarry, and recycled aggregate material produced at Queen Mary Quarry, under planning permissions SP07/1273 and SP13/01238 and SP07/1275 and SP13/01239 shall be used in the concrete batching plant and aggregate bagging plant hereby permitted.

**New Reason 40 reason:** To comply with the terms of the application and to enable the County Planning Authority to exercise planning control over the development hereby permitted at the site which is situated in an area of Metropolitan Green Belt and to minimise the impact on local amenity in accordance with Policies MC3 and MC17 of the Surrey Minerals Plan 2011 Core Strategy.

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**UPDATE SHEET**

**MINERALS/WASTE SP13/01003/SCC**

**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**Land at Queen Mary Quarry, Ashford Road, Laleham, Surrey TW18 1QF**

**The siting and use of a conveyor to transport mineral extracted from Manor Farm to the mineral processing plant at Queen Mary Quarry as an alternative to the conveyor proposed in planning application ref: SP12/01132.**

**ILLUSTRATIVE MATERIAL**

Site Plan – this is Plan 1 Location Plan

Plan 2 – Application Area is included in the report as Figure 4 not Plan 2.

**BACKGROUND**

**Site Description and planning history**

Paragraph 4 refers to planning applications SP13/1236, SP13/1238 and SP13/1239 at Queen Mary Quarry which were reported to committee on 11 June 2014 and the resolution to grant planning permission subject to the prior completion of a legal agreement, which had yet to be completed. The legal agreement was completed in December 2014 and the decision notices on the three planning applications were issued on 6 January 2015.

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**UPDATE SHEET - AGENDA ITEM 9**

**Planning & Regulatory Committee 7 January 2015**

**Minerals & Waste Application: RE14/02134/CON**

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**No. 2 Perrylands Lane, Smallfield, Horley, Surrey RH6 9PR**

**The use of land as a soil processing facility, utilising imported builders construction and demolition waste, including: the siting of a screener, single storey portacabin, portaloo, two metal containers, concrete hardstanding, stockpiles of soils and rubble, perimeter soil bunds, lighting, water mist sprinklers, access gates, wheelwash, and the provision of car parking and fuel storage.**

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

**Paragraph 22**

An additional letter of representation has been received objecting to the planning application, taking the total number of letters of representation up to 12. New issues raised and not listed under the above paragraph include:

- Operator using more machines than permitted under appeal decision, including concrete crushing equipment,
- Not operating in accordance with conditions imposed on appeal decision, in particular no sprinkler system installed and machines working above height limit,
- Questions raised over the maximum tonnage of 12,000 tonnes per annum, as this equates to an average of 2-3 HGVs per day,
- Site suffers from poor drainage due to underground springs and no drainage measures installed,
- HGVs not covered or sheeted,
- Wheelwash facility not in operation.

*Officers Response*

Condition 11 offers control in respect of the equipment used on site, with Condition 9 preventing crushing on site. Condition 4 is a pre-commencement condition requesting details of a sprinkler system to be approved. The annual tonnage figure is an anticipated maximum but would depend on market conditions. However due to the nature of the business, there would be peaks in the summer months and very little activity in winter months, with HGV limits placed on the site for the peak times (Condition 13). Pre-commencement Condition 6 combined with the submitted drainage details addresses the issue of site drainage. Condition 12 ensures all HGVs visiting the site are to be sheeted. Pre-commencement Condition 4 requires the submission of adequate wheelwash facilities. Officers consider that the above Conditions offer the appropriate control in respect of the issues raised.

**CONDITIONS**

*Condition 4 - remove the word 'retained' in the second paragraph and insert 'in conditions otherwise likely to give rise to mud or debris being carried onto the highway' at the end of the condition.*

- 4 Prior to the commencement of the development hereby permitted details of the proposed wheel wash facilities and their operation shall be submitted to and approved in writing by the County Planning Authority. The approved wheel wash facilities shall be installed and used whenever the operations hereby permitted involve the movement of HGVs to or from the site in conditions otherwise likely to give rise to mud or debris being carried onto the highway.

*Condition 5 – insert ‘in dry or windy conditions’.*

- 5 Prior to commencement of the development hereby permitted the approved sprinkler system shall be installed and used thereafter whenever the proposed use is in operation in dry or windy conditions in order that the operator can minimise dust generated from the site.

*Condition 7 – insert ‘other than PIR security lights’ and ‘in advance or within 3-days of the operation having been undertaken’ at the end of the condition.*

- 7 No machinery shall be operated, no process shall be carried out, no servicing, maintenance or testing of plant shall be undertaken, no lights shall be illuminated (other than PIR security lights) and no deliveries taken at or despatched from the site outside the following times:

0800 – 1700 Mondays to Fridays,

0900 – 1330 on Saturdays

nor at any time on Sundays, Bank, National or Public Holidays.

This shall not prevent the carrying out of emergency operations but these are to be notified to the County Planning Authority, in advance or within 3-days of the operation having been undertaken.

*Condition 8 – remove ‘landfill’ and replace with ‘waste management facility’*

- 8 Only inert construction and demolition waste shall be imported onto the application site. All incidental waste, to include rubbish and scrap, shall be removed from the site and disposed of at a suitably licensed waste management facility.

*Condition 9 – remove ‘construction and demolition waste’ and insert ‘brick, concrete or stone’.*

- 9 There shall be no crushing of any brick, concrete or stone.

*Condition 13 – insert ‘other than as required for the movement of the plant and machinery authorised under the terms of condition 11’ at the end of the condition.*

- 13 There shall be no more than 30 HGV movements per day (15 in and 15 out) on Monday to Fridays and no more than 16 HGV movements (8 in and 8 out) on Saturdays. HGV movements should not exceed 20 tonnes capacity (other than as required for the movement of the plant and machinery authorised under the terms of condition 11).



*Condition 14 – remove ‘maintained and made available to the Planning authority on request’ and replace with ‘kept and submitted quarterly to the Planning Authority in February, May, August and November for the preceding 3-months’*

- 14 Any movements associated with the development hereby permitted shall be required to use the route as indicated on Drawing No.5253/005 so as to avoid the use of Broadbridge Lane to the south. Records of HGV movement to and from the site must be kept and submitted quarterly to the Planning Authority in February, May, August and November for the preceding 3-months.

*Condition 24 – insert ‘hereby permitted’ at the end of the condition.*

- 24 The drainage ditch on the north and west boundaries of the site and the french drain within the site, shall be provided in conjunction with the repositioning and construction of the bunds in accordance with the ‘Site Layout’ and ‘Drainage Strategy Plan’, and the drainage system shall be maintained and kept clear of debris at all times throughout the duration of the development hereby permitted.
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**UPDATE SHEET**

**SURREY COUNTY COUNCIL PROPOSAL EL/2014/4011**

**DISTRICT(S) ELMBRIDGE BOROUGH COUNCIL**

**Land at Manby Lodge Infant School, Princes Road, Weybridge, Surrey KT13 9DA**

**Demolition of Manby Lodge and two demountable classroom buildings and one brick built classroom block; erection of single and two storey extensions to main building to provide teaching, admin and ancillary facilities; laying out of new car park and other external works and provision of new cycle store.**

**CONSULTATIONS AND PUBLICITY**

Two further representations have been received. One seeks further information on the proposal while the other is by one of the three original correspondents raising further points about traffic impacts on Princes Road; parking restrictions are not observed and there is a need for traffic calming and imposition of a 20 mph limit on this road.

**RECOMMENDATION**

Amend Condition 9:

Add at beginning of 9b.), " subject to the requirements of Condition 13 below,"

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