

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 2 September 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 Tim Hall (Chairman)
Mr Keith Taylor (Vice-Chairman)
Mr Ian Beardsmore
Mr Steve Cosser
Mrs Carol Coleman
Mrs Margaret Hicks
Mr David Munro
Mr George Johnson
Mr Ernest Mallett MBE
Mr Michael Sydney
Mr Richard Wilson

Apologies:

Mr Jonathan Essex

12/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from Jonathan Essex.

13/15 MINUTES OF THE LAST MEETING [Item 2]

The minutes from the meetings on 15 July 2015 and 30 July 2015 were agreed as an accurate record of the meeting.

14/15 PETITIONS [Item 3]

No petitions were received.

15/15 PUBLIC QUESTION TIME [Item 4]

No public questions were received.

16/15 MEMBERS' QUESTION TIME [Item 5]

No Member questions were received.

17/15 DECLARATIONS OF INTERESTS [Item 6]

There were no Declarations of Interest.

18/15 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]

It was decided to take items 7 and 8 together, an update sheet was tabled and is attached as annex 1.

Officers:

Alan Stones, Planning, Development and Control Team Manager
Susan Waters, Senior Planning Officer
Nancy El-Shatoury, Principal Lawyer
Kerry James, Principal Transport Development Planning Officer

Speakers:

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

- Informed the Committee that he is currently the Secretary of Spelthorne Natural History Society, who he was representing today.
- Expressed that the national planning policy framework states new building is inappropriate on green belt land. Did not agree with the officers argument that very special circumstances had been made. The proposed new buildings will occupy a considerable area and be vertically very imposing and harm the green belt compromise its openness.
- Expressed that the concrete batching and aggregate bagging plant, stockpiles and parked trucks would be visible from reservoir embankment and seen by yacht club members and visitors.
- The mineral from Manor Farm should be exported. The plant would rely on imports after Manor Farm is worked. Noted that the applicant already has these facilities at their Hithermoor Quarry site and queried the need for the plant at this site.
- Expressed concern about the quantity of cement to be stored at the site and the alkaline wash water from the mixer trucks had the potential to damage or contaminate surrounding water supplies.
- The amenities of Manor Farm will not be enhanced by waterbodies. Noted that 25% of the area of Spelthorne currently has some form of water body. It would be better to backfill and restore the site to agriculture.

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

- Stated that he endorsed the points made by the previous speaker.
- At the previous meeting officers had stated that the bagging and batching plant were contentious and inappropriate development on Green Belt land but there were mitigating circumstances. He and questioned what these mitigating circumstances were. .
- Questioned how planning conditions, eg hours of working, and traffic would be enforced and controlled.
- Expressed concern that there was a lack of control dealing with dust and questioned if the dust control action plan would extend to the batching plant.

Mike Courts, the applicant, spoke in support of the application. The following points were made:

- Noted that the application had already gone through intense scrutiny.
- Expressed that the reports and attached annexes to the report today provided sufficient information for the Committee to make an informed decision.
- Informed the Committee that as well as planning permission a licence for the batching plant was required from the local authority, from Environmental Health. This ensures effective dual control for dust.
- On the issue of backfilling the site expressed that this would involve HGVs bringing waste to the site and put more HGVs on the public highway. A perfectly good alternative scheme is proposed which seeks to keep the HGV movements to the minimum. Richard Walsh, one of the two Local Members had registered to speak and made the following points in reference to the application:
 - At the last meeting expressed to the Committee that the applicant should not go ahead with gravel extraction. This time wanted to raise the concern of residents over the restoration to water.
 - Questioned the restoration maintenance after care timeline of 25 years, expressed that this should be longer in perpetuity.
 - Residents and CLAG2 have objected to wet restoration and made representations indicating that it is possible to use a conveyor to backfill the site. Expressed that a conveyor would be of more benefit to residents in order to minimise HGV movements to and from the site. Residents had accepted wet restoration, but importing waste by conveyor or by road through Queen Mary Quarry and across the road from there. Noted from the report that 300 HGV movements would be made, questioned what the 300 movements were and over what period of time.
 - Expressed that a landfill site would be a better option for residents.

Key points raised during the discussion:

1. The Planning Development Team Manager introduced the report and informed the Committee that the item was considered in January 2015. The Kides protocol states that when there is a delay with issuing decisions, the Council must consider any new material updates. The Committee was told that the mineral in the site, preferred area J in the minerals plan, was needed and the landbank in the county for concreting aggregates was well below the minimum provision required of seven years. He added that the restoration had been dealt with in the previous report and restoration options and the indicative restoration scheme is wet restoration in the restoration supplementary planning document and has been through the plan process. The restoration proposed drawn up on that basis. The environment and amenity impacts had been extensively considered in the report. Concerns had been raised about crystalline silica and health impacts. This is present in the natural environment but only of concern in the work place where you have enclosed areas. A Dust Action Plan is required by condition, and conditions were proposed to control hours of working, noise and other things. On Green Belt under the Kides process case law had been identified which meant the whole development including mineral extraction had to be considered inappropriate development, not just the concrete batching and aggregate bagging plant. Officer's view was that need, sustainability of

having the plant where the mineral is produced and no long term impact on openness of the green belt combine to form very special circumstances.

2. The Committee questioned the reasons for allowing the bagging and batching plant and officers noted that batching plants at mineral sites were traditionally considered as a more sustainable option, than when located on another site remote from the source of mineral.
3. A Member expressed that a land fill site or conveyor would not be of benefit to nearby residents. It was added that water restoration would increase the chances of flooding in surrounding residential areas.
4. A Member expressed that there would not be enough resources left in Surrey to maintain a seven year land bank and would need to be extracted at a slower rate.
5. Restoration options and transporting waste to the site and HGV movements were questioned by some Members and it was stated that the site is located off of the A308, which means HGV movements would not affect residents. New information and evidence was now available to show waste could be transported by conveyor which some Members, who did not support the wet restoration proposals, felt meant the minerals plan and wet restoration proposals for the site were unsafe and the site should be backfilled and restored to agriculture.
6. Officers informed the Committee that the bagging and batching plant would be in place until 2033 with planning permission ending in 2038. Extraction and processing was a five to six year timetable.
7. Officers informed Members that the strength of the argument in support of the application proposals was strong. There was still a reasonable amount of minerals in Surrey so the 7 year land bank was still applicable. Officers informed the committee that they considered the minerals plan was robust and remained sound. It had undergone due process in its preparation and took into account a number of issues and wet restoration would be acceptable.

RESOLVED:

It was agreed that, subject to the prior completion of a S106 legal agreement between the county council, the applicant and Thames Water Utilities Ltd 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 and SP07/1275 to no more than 300 HGV movements (150 two way HGV movements) on any working day attached as Appendix D to **PERMIT** subject to conditions and informatives for the reason set out in the report.

Action/further information to be provided:

None.

19/15 MINERALS/WASTESP13/01003 - LAND AT QUEEN MARY QUARRY, ASHFORD ROAD, LALEHAM, SURREY TW18 1QF [Item 8]

Officers:

Alan Stones, Planning, Development and Control Team Manager
Susan Waters, Senior Planning Officer

Nancy El-Shatoury, Principal Lawyer
Kerry James, Principal Transport Development Planning Officer

The discussion in relation to this item is recorded under item 7.

RESOLVED:

It was agreed subject to planning permission being granted to planning application ref. SP2012/01132 for the extraction of mineral from Manor Farm to **PERMIT** subject to the conditions and informatives set out in the recommendation in the report (Item 8) to the Planning and Regulatory Committee on 7 January 2015.

Action/further information to be provided:

None.

**20/15 SURREY COUNTY COUNCIL PROPOSAL EL/2012/3285
(SUPPLEMENTARY REPORT TO OFFICERS' REPORT CONSIDERED AT
THE MEETING HELD ON 15 OCTOBER 2014) [Item 9]**

An update sheet was tabled and is attached as annex 2.

Officers:

Alan Stones, Planning, Development and Control Team Manager
Nathan Morley, Senior Planning Officer
Nancy El-Shatoury, Principal Lawyer
Kerry James, Principal Transport Development Planning Officer

Speakers:

Barry Evans, a resident of the Firs Sheltered Housing development and the Deputy Chairman of the Firs and Fawcus Close Residents Association made representations in objection to the application on behalf of himself and another four residents; Brenda Goldsmith, Ethel Edwards, Bruce Rostron and Sandra Maycock. The following points were made:

- Informed the Committee that windows of the Firs was directly facing the school which is a few metres away.
- Expressed that the grass area closest to the Firs is normally fairly quiet area, using this space for a multi use games area (MUGA) would cause noise and be detrimental to the residents.
- Expressed that the new application was misleading and included inaccurate information.
- Expressed that there was no consideration to how to school would mitigate the noise impact.
- Expressed that the visual impact of the MUGA would not be in keeping with the surrounding area.
- Disagreed with the Planning Officers determination that there was not another suitable location for the MUGA.
- Noted the current condition was that the school would use the MUGA between 8.00am and 5.45pm, the school often use facilities later then this and on weekends.

- Noted that the Firs residents are elderly and very frail, during the summer they sit on the patio directly facing the MUGA, noise will affect the peace and quiet.
- Expressed that some grass banking could be taken away at the other end of the site and the MUGA placed there.
- Noted that the Firs Residents are sympathetic to the schools needs but express noise and living conditions need to be bearable, the prolonged application has caused stress and anxiety to the residents.

Darryl Taylor, the Claygate Primary School Head Teacher, made representations in support to the application. The following points were raised:

- Informed the Committee that the number of pupils at the school had increased to 460, space had been reduced to accommodate more classrooms meaning as much playground space as possible was needed.
- Expressed that the chosen location for the MUGA was the only viable option. Option B would cut the playground off from the MUGA and option C would cut the playground in half. That could be unsafe for the pupils, the children can be much easily monitored when all in one place.
- Informed the Committee that the MUGA would be used the same amount as the grass area is currently, children already occupy the grass area outside the Firs at break time.
- Noted that after school clubs finish at 5.45pm and evening/weekend use would be unauthorised.
- Additional drainage would be installed in the northern part of the site which would stop runoff water going onto the Firs land.
- Expressed that the school has a good and considerate relationship with the Firs residents and expressed some residents enjoy seeing the children play.
- Noted that the Firs previously had an extension built bringing the site closer to the school.
- Expressed that the school was happy to accept restrictions on the use of the MUGA.

The Local Member did not register to speak.

1. The Senior Planning Officer introduced the report and reminded the Committee that the application had previously been referred back to the school to look at further options. The school has supplemented more information to support the reasons why a MUGA is needed in the specified location and to consider three alternative locations.
2. The Chairman stated that a well attended site visit by the Planning and Regulatory Committee had recently taken place.
3. The Committee was informed that there would be no significant noise or visual impacts and no increase in the number of children using the site and that the MUGA would only be used by the school. This was supported by the fact that the plans are acceptable under the National Noise Policy.
4. A Member questioned why the update sheet stated the Firs residents should close their windows to maintain an appropriate noise levels and it was clarified that this meant to deal with reasonable infrequent

noise. It was added that the only issue with the application was residential amenity.

5. The Committee expressed the need for the school to have a MUGA and emphasised that the chosen location was the only viable option. A Member expressed that the condition should remain at 8.00am for permission to use the MUGA from.
6. Officers informed the Committee that the school gates were locked securely meaning no unauthorised access to the MUGA would be possible.

RESOLVED:

It was agreed that pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, Application No. EL2012/3285 be **PERMITTED** subject to conditions for the reasons set out in the report, including an amended condition 5 as recommended in the update sheet.

Action/further information to be provided:

None.

21/15 ENFORCEMENT PROTOCOL [Item 10]

Officers:

Alan Stones, Planning, Development and Control Team Manager

Ian Gray, Planning Enforcement Team Leader

Nancy El-Shatoury, Principal Lawyer

Key points raised during the discussion:

1. A Member expressed that residents would like the enforcement protocol to be tougher and not just used by the authority as a last resort.
2. The Committee noted that Surrey are meeting the Environment Agency (EA) more regularly and had built an effective relationship. The Planning Enforcement Team Leader informed the Committee that the service is working with the EA, Kent County Council, West Sussex County Council and Borough & District Councils to relay information and offer training.
3. The Committee expressed that monitoring does partly depend on residents to assist enforcement, though residents don't always know who to address with information.

RESOLVED:

The Committee noted and agreed the Enforcement Protocol.

Action/further information to be provided:

None.

22/15 DATE OF NEXT MEETING [Item 11]

The next Planning and Regulatory Committee meeting will be held at 10.30am on 23 September 2015.

Meeting closed at 1.05 pm

Chairman

UPDATE SHEET

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:

Kides consultation process

Paragraph 10 - Since the agenda has been published the Spelthorne Natural History Society have re sent their response to the Kides consultation.

The points raised and officer comments are set out in the Kides Assessment Table at Annex E to Item 7, see pages 133 to 138 of the 2 September 2015 Agenda.

Publicity

Update to paragraph 60 - Since the agenda was published further comments on the application have been received from one resident who had already made representations objecting to the application.

Resident comments: The resident refers to their previous objection to the construction of a concrete batching plant in the Green Belt being overlooked. The objector refers to the concrete batching plant needing very special circumstances for it to be built and that importing cement to supply the batching plant would increase the traffic movements, which with the restriction on traffic movements would increase the length of time to extract the mineral. The benefit to the operator of having a concrete batching plant on site do not satisfy the very special circumstances needed to build on Green Belt land and would provide another unwelcome precedent and lead to Green Belt land being reduced.

Officer comment: The resident's previous comments were objecting to the application on grounds of the concrete batching and aggregate bagging plant in the Green Belt and their view there were no very special circumstances to justify the grant of planning permission; air quality; and lack of consultation with the Staines Town Society.

The earlier views of the resident were addressed in the Update sheet 1 to the January officer report – which is attached at Annex B to Item 7– see pages 81, 83, and 84 of the 2 September 2015 Agenda.

The impact of traffic generated by the importation of cement was assessed in the Environmental Statement and planning application – see comment to point 10 raised by the Spelthorne Natural History Society in Annex E (page 137 of the 2 September 2015 Agenda.)

The development proposed in this application has been reassessed against Green Belt policy as set out in paragraphs 64 to 66 the report and Annex F, see pages 26 to 27 and pages 147 to 162 of 2 September 2015 Agenda.

RECOMMENDATION

Condition 2 – Add the following two drawings to the table in condition 2.

Drawing PA19 dated 31/10/12 Topsoils classification and distribution
[Add between PA18 and EIA6.2.]

Drawing EIA 7.1 dated March 2012 Phase 1 Habitat Map
[Add between EIA6.2 and EIA 8.1.]

Condition 7 – Replace condition 7 with the following which updates the condition to refer to the Town and Country Planning (General Permitted Development) (England) Order 2015 which replaced the previous 1995 Order on 15 April 2015.

Restriction of Permitted Development Rights

7 Notwithstanding the provisions of parts 4 and 17 of Schedule 2 of the Town and County Planning (General Permitted Development) (England) Order 2015 (or any Order amending, replacing or re-enacting that Order):

no plant, buildings or machinery whether fixed or moveable, shall be erected on the site, without the prior written approval of the County Planning Authority in respect of the siting, detailed design, specifications and appearance of the plant, buildings or machinery.

Condition 24 (b) - Remove reference to Condition 23 (a) and replace with Condition 24 (a).

**PLANNING AND REGULATORY COMMITTEE
2 SEPTEMBER 2015
UPDATE TO AGENDA ITEM 9**

**SURREY COUNTY COUNCIL REGULATION 3 APPLICATION:
LAND AT CLAYGATE PRIMARY SCHOOL, FOLEY ROAD, CLAYGATE, SURREY
KT10 0NB**

SURREY COUNTY COUNCIL PROPOSAL EL/2012/3285 (SUPPLEMENTARY REPORT TO THE OFFICERS' REPORT CONSIDERED AT THE MEETING HELD ON 15 OCTOBER 2014)

CONSTRUCTION OF TARMAc MULTI-USE GAMES AREA WITH FENCING SURROUNDS

COMMENTS FROM ELMBRIDGE BOROUGH COUNCIL

No further comments have been received.

HOURS OF USE AND FURTHER COMMENTS FROM THE COUNTY NOISE CONSULTANT

Condition 5 in the Officers' Supplementary Report reads as follows:

5. The Multi Use Games Area shall be used by the school alone and only between the hours of 08:45 and 17:45 on Mondays to Fridays during term time. There shall be no use beyond the stipulated hours, and no use on Saturdays, Sundays and public and bank holidays.

The Applicant has requested that the starting time for use of the MUGA be 08:00 instead of 08:45. This would align the use of the MUGA with the current usage of the adjoining hard play area, which is used for extra-curricular sporting activities starting at 08:00 on several days a week during term time.

The Supplementary Information has been referred to the County Noise Consultant. He has concluded that:

- 1) Any adverse noise effects from the use of the MUGA during term times can easily be mitigated by residents of The Firs sheltered housing development closing windows overlooking the school site and opening windows on other facades to allow ventilation.
- 2) The effects of use of the MUGA at other times, with the overlooking windows closed in The Firs development should be minimal.
- 3) Noise effects associated with use of the MUGA and commencement of such use at 08:00 should be acceptable in the context of national noise policy (Planning Practice Guidance on Noise).

Officers endorse the conclusions of the County Noise Consultant. Officers consider that extending the amount of hard play area in the form of a MUGA will not result in any significant change in the level of activity in the northern part of the site. Officers also consider that, taking into account the earlier starting time, the conclusion in paragraph 23 of the Officers' Supplementary Report still stands (i.e. that there would be no demonstrable harm from the use of the MUGA). A planning condition is recommended to ensure that there would be no unduly adverse impact on residential amenity.

RECOMMENDATION

1. That Condition 5 in the Officers' Supplementary Report be amended to read as follows:
 5. The Multi Use Games Area shall be used by the school alone and only between the hours of 08:00 and 17:45 on Mondays to Fridays during term time. There shall be no use beyond the stipulated hours, and no use on Saturdays, Sundays and public and bank holidays.
2. That the following document be added to the list of ***Amending Documents*** under the heading of **APPLICATION DETAILS** in the Officers' Supplementary Report:

Email dated 28 September 2015