

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 14 October 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
Mr Jonathan Essex
Mr David Munro
Mr Ernest Mallett MBE
Mr Richard Wilson

Apologies:

Mrs Margaret Hicks
Mr George Johnson
Mr Michael Sydney

33/15 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies were received from George Johnson, Margaret Hicks and Michael Sydney.

Helena Windsor substituted for George Johnson.

34/15 MINUTES OF THE LAST MEETING [Item 2]

Some factual amendments were made to item 7 and tabled at the meeting.

The minutes were agreed as an accurate record of the meeting.

35/15 PETITIONS [Item 3]

No petitions were received.

36/15 PUBLIC QUESTION TIME [Item 4]

No public questions were received.

37/15 MEMBERS' QUESTION TIME [Item 5]

No Member questions were received.

38/15 DECLARATIONS OF INTERESTS [Item 6]

No Declarations of Interest were received.

Mr Richard Wilson joined the meeting at 10.34am.

39/15 SURREY COUNTY COUNCIL PROPOSAL RE15/01766: LAND AT REIGATE PARISH CHURCH SCHOOL, 91 BLACKBOROUGH ROAD, REIGATE, SURREY RH2 7DB [Item 8]

It was decided to take item 8 first to allow time for the public speaker to arrive for item 7.

Officers:

Alan Stones, Planning, Development and Control Team Manager
Chris Northwood, Planning Regulation 3 Team Leader
Caroline Smith, Transport Development Team Manager
Nancy El-Shatoury, Principle Solicitor

Speakers:

There were no public speakers and the Local Member had not registered to speak.

A member of the Committee who was also Chairman of the Council Overview Board informed the meeting that he had initiated a call-in of a Cabinet decision regarding the funding arrangements for the Multi-Use Games Area at Reigate Parish Church School. However, this call-in had not addressed the planning aspects of the proposal which the Member would be considering with an open mind.

Key points raised during the discussion:

1. The Planning Regulation 3 Team Leader introduced the report and informed the Committee that the overgrown land on the site belongs to Surrey County Council (SCC) and the application proposed to replace the entire existing grassed area with an artificial surface. Access to construction would be through the wooded area; this would result in the loss of several trees. It was added that the significant loss to trees would avoid bigger trees minimising the loss. The grass area used by the school would be resurfaced with artificial surface. Five representations of objection had been received; mainly on the issues of traffic and noise, it was noted that there were no plans for the school to use the space more frequently than it was currently being used. Finally the Committee was informed that there were plans in the future to expand the school to a primary school but the application should be considered as stand alone item.
2. A Member commented on the suggested timing for the construction of the Multi Use Games Area (MUGA). It was expressed that 3-4 months was a long period of time and it was suggested that this could be completed over the school holidays as well as any other development. Members were informed that birds' nests are a constraint on site

clearance workover the spring/summer period meaning work was not scheduled for then. Officers commented that the MUGA was higher quality than standard causing the longer construction period.

3. The Committee raised concern at the loss of high grade trees and suggested that smaller construction vehicles could be used during the building period and the loss of any trees should be avoided. Officers noted that the proposed construction route avoided the larger trees and there were no sensible alternatives, a temporary surface would be laid to protect tree roots. It was added that the trees removed could be re-placedi within 12 months as a condition.
4. Members expressed concern that the applications for the MUGA and for expansion of the school were being determined separately. Officers explained that this was what the applicant had wanted to submit to committee and that the MUGA was something that the applicant wished to construct regardless of future plans to expand.
5. Officers informed the Committee that Sport England had not been consulted on the plans as the size of the area did not meet the threshold.

Resolved:

The Committee resolved that, pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, application no. RE15/01766 be **PERMITTED** subject to conditions for the reasons set out in the report.

Action/further information required:

None.

40/15 MINERALS AND WASTE APPLICATION WA/2014/0005: ALTON ROAD SANDPIT, FARNHAM, SURREY, GU10 5EL. [Item 7]

An update sheet was tabled and is attached to the minutes as Annex 1.

Officers:

Alan Stones, Planning, Development and Control Team Manager
Mark O'Hare, Senior Planning Officer
Caroline Smith, Transport Development Team Manager
Nancy El-Shatoury, Principle Solicitor

Speakers:

Anthony Goodall, a Local Resident, made representations in objection to the application. The following points were raised:

- Informed the Committee that he was a retired Chartered Engineer.
- Noted that the planning permission obtained for the application lapsed in 2006.
- Expressed that the air quality report was questionable.
- Requested an amendment to the condition regarding damage to wildlife
- Told the Committee that there was no gas emission information available for around 15 years

- Expressed that the application should be denied for the applicant to submit a re-design.

Robert Dance, the agent for the applicant, spoke in support of the application. The following points were made:

- Informed the Committee that external companies had been worked with to develop a plan.
- The application was before the committee again to address any new factors which have emerged since the committee gave planning permission in 2014. A key issue is update guidance on air quality.
- Noted that the pre-commencement activities that were required were ready to submit
- The applicant was in the process of a reptile re-location programme around the site
- Informed the Committee that the site had been trespassed and vandalised, more secure fencing would be erected.
- Told the Committee that the consulted air quality specialist groups had agreed the report conclusions
- A public consultation group would be established.

The Local Member, David Munro, registered to speak and made the following points in reference to the application:

- Noted that once the application is permitted the applicant can begin implementing the conditions
- Expressed local concern of the barbed wire on site
- Expressed the importance of the full involvement of the community

David Munro then left the room at 11.20am.

Key points raised during the discussion:

6. The Senior Planning Officer introduced the report and informed the Committee that the application was first permitted on 3 September 2014; the current application was to extract sand and clay then infill with restoration within 15 years. There had been no objections from technical consultees. It was added that there was new air quality guidance in place and consultees agreed with the site plans. Members were informed that the applicant had undertaken reptile re-location and ground water monitoring.
7. A Member noted that the reason for the item coming back to Committee was the Kides protocol. It was expressed that issues considered the last time did not need to be re-considered.
8. It was queried whether the site was in an Air Quality Management Area (AQMA), officers commented that it was not, pollution monitoring was in place nearby. It was added that the site would need to be closely monitored to find out how the site affects the AQMA.
9. The Committee was informed that the recent vehicle pollution guidance had been reduced to 200 vehicle movements per day, the maximum the site would have daily would be 170.
10. Members were informed that everything proposed was in line with national policy; the air quality tests satisfied tests and were approved by officers.

Resolved:

The Committee resolved to **PERMIT** the application subject to conditions for the reasons set out in the report.

Action/further information required:

None.

41/15 DATE OF NEXT MEETING [Item 9]

The date of the next meeting was noted.

Meeting closed at 11.58 am

Chairman

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UPDATE SHEET TO AGENDA ITEM 7

Planning and Regulatory Committee 14 October 2015

Minerals and Waste Application: WA/2014/0005

Site: Alton Road Sandpit, Farnham, Surrey, GU10 5EL.

Application: Extraction of sand (770,000 tonnes) and clay (512,000 cubic metres) from a site of 36.2 ha; filling of existing and resultant void with (2.6 million cubic metres) non-hazardous industrial, commercial, household and inert waste; installation of plant and equipment; alterations to existing site access onto A31; and comprehensive restoration of the site over a period of 11.5 years without compliance with Condition 1 of planning permission ref. WA99/0223 to allow the development be completed in all respects not later than 31 December 2029.

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

Parish/Town Council and Amenity Groups (*comments after publication of attached report*)

22. Wrecclesham Village Society / TRASH Campaign made additional comments to those set out in either the attached report or the 3 September 2014 P&RC Report, as follows:
1. The Section 106 Agreement has been produced by the applicants and there are too few safeguards in place to ensure the proposal could or would progress in accordance with objectives;
 2. The agreed conditions are inadequate to deal with landfill gas. The applicants have had two years to provide a detailed redesigned gas management system, the County Planning Authority should have applied the precautionary principle to give this matter more consideration, and should compile a list of new conditions to deal with this landfill gas;
 3. Significant amount of unauthorised activity at the site means that conditions 40 to 47 on ecology need to be reviewed. There needs to be a full independent ecological assessment undertaken of activities at the site before the Committee could consider this application;
 4. The applicants have not complied with conditions 6b, 7, 15 and many others, along with informatives 11 and 12;
 5. In the absence of a truly independent air quality assessment, as well as a new condition providing assurances on air pollution levels, the Committee should not afford this application further consideration.

Officer's assessment (updated information for paragraphs 27 & 28 of the attached report)

27. Replace final three sentences with: 'This was primarily due to the granting of planning permission for the extraction of 4.1 million tonnes (mt) of soft sand at Mercers South Quarry, Nutfield in August 2014, together with reserve reassessments carried out in 2014 at: (i) Land North East of Pendell Farm, Bletchingley; (ii) North Park Quarry, Godstone; and (iii) Queen Mary Reservoir, Ashford, which also contributed to the increase in permitted reserves. At the end of 2014, permitted reserves increased to 8.5 mt for soft sand and fell to 1.5 mt for concreting aggregates.'

28. Amend second sentence to read: 'Over the same period, the landbank has increased significantly from 8.7 to 17.1 years for soft sand, and fallen from 1.9 to 1.7 years for concreting aggregates.'

Officer's Note:

In respect of the first point raised by Wrecclesham Village Society/TRASH Campaign, as noted at paragraph 36 of the attached report, the completed Legal Agreement has been signed by all relevant parties and Officers do not agree that it is incomplete or inadequate. With reference to second point raised, as noted at paragraph 39 of the attached report, this matter was previously addressed in the 3 September P&RC Report.

Paragraph 33 of the attached report notes that neither the National Planning Policy Framework nor the National Planning Practice Guidance draw on the 'precautionary principle' for planning decision making. Paragraph 24 of the attached report makes clear that recommended Condition 16 would ensure that no capping or restoration works of the historical landfill areas known as Riverdale and South East Landfill would take place until a detailed ground gas management plan had been submitted to and approved in writing by the County Planning Authority. No objections to this application have been raised by either the County Geotechnical Consultant, Environment Agency or Waverley Borough Council's Pollution Control, and they would all be consulted by the County Planning Authority when such 'pre commencement' details are received.

With reference to the third point raised, in respect of activities at the site since September 2014, this matter is addressed in the attached report from paragraphs 43 to 58. The comments of the County Ecologist are also set out in Appendix C to the attached report. Specifically, in view of condition 40, the presence of an Ecological Clerk of Work and the relative recent age of ecological surveys, the County Ecologist considers that they are still fit for purpose and no updating is required at the present time.

In respect of the fourth point raised and the suggested non-compliance with recommended conditions, the CPA's monitoring of the site and discussions with the applicant are set out at paragraphs 47 to 58 of the attached report. The CPA judged it to be reasonable to expect the operator to maintain compliance with the EA's Permit requirements and carry out ecological work during appropriate weather conditions. With reference to the last point raised, Officers also note that the adequacy of the recent air quality assessment submitted by the applicant is addressed in the attached report. Officers do not agree that Members are unable to determine this application today following the 'Kides' protocol.

In respect of the replacement sections of paragraphs 27 and 28 above, Officers do not consider that the updates provided alter the conclusion of the attached report.