

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 13 December 2017 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

These minutes are subject to confirmation by the Committee at its meeting on Wednesday, 21 March 2018.

(* present)

Elected Members:

- * Mr Tim Hall (Chairman)
- * Mr Keith Taylor (Vice-Chairman)
- * Mrs Natalie Bramhall
- * Mr Stephen Cooksey
- * Mr Matt Furniss
- * Mr Jeff Harris
- * Mr Edward Hawkins
- * Mr Ernest Mallett MBE
- * Mrs Bernie Muir
- * Dr Andrew Povey
- * Mrs Penny Rivers
- * Mrs Rose Thorn

255/17 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Cllr Bernie Muir. There were no substitutions.

256/17 MINUTES OF THE LAST TWO MEETINGS [Item 2]

The Minutes were APPROVED as an accurate record of the previous two meetings.

257/17 PETITIONS [Item 3]

There were none.

258/17 PUBLIC QUESTION TIME [Item 4]

There were none.

259/17 MEMBERS' QUESTION TIME [Item 5]

There were none.

260/17 DECLARATIONS OF INTERESTS [Item 6]

Dr Andrew Povey declared a non-pecuniary interest in that he is a Trustee of the Surrey Hills Society.

261/17 GU17/P/01585 COBBETT HILL EARTH STATION, COBBETT HILL ROAD, NORMANDY, GUILDFORD, SURREY, GU3 2AA [Item 7]

An update sheet was tabled at the meeting and this is attached at Annex A.

A site visit was conducted last month and was well attended by Members.

Officers:

Caroline Smith, Planning Development Manager
Stephen Jenkins, Deputy Planning Development Manager
Jeffrey NG, Planning Officer
Kirsty Wilkinson, Senior Transport Development Planning Officer
Nancy El-Shatoury, Principal Lawyer

Speakers:

Nick Sutcliffe, local resident, made the following points:

1. Concerned about the absence of a condition to control HGV access routes on arrival at the site.
2. The restriction allows 7.5 tonne HGVs on an access only basis but the road is too narrow to allow any other vehicle to pass a HGV when coming the other way.
3. The report states that a condition was recommended by the County Highway Authority but the report does not reveal what this suggested condition would be.
4. The case is built on the Green Belt report which fails to reveal the other sites that were available at the time of submission of this application.
5. Raised with the applicant company's Managing Director (MD) that Chambers Waste Management site, located in Burpham, was available. The MD advised this was ruled out as it was too expensive; however very special circumstances does not operate on this basis.
6. Questioned what challenge was made to the dossier of sites considered by the applicant and whether it was independently reviewed.
7. Concerned with the analysis of the very special circumstances case.

Ross Dibsdall, local resident, made the following points:

1. Objections based on safety and suitability of the development in the area.
2. Cobbett Hill Road has lanes with a width of 2.2m in places. HGVs can be up to 2.55m wide. The site is already used by a coach and truck breakdown company, therefore there is a high probability of two large vehicles meeting and being unable to pass one another.
3. HGVs veering into the opposite carriageway is a safety hazard to other road users, and video evidence of this has been circulated to Members. The video shows a TGM lorry illegally accessing the site from the A323.
4. The Earth Station has B1 use, but this paper facility requires B2 use therefore it cannot be located here.
5. Site is in the Green Belt, on SSSI land, the road is unsafe for larger vehicles; therefore no clear reason why this should be considered as a special circumstances case.
6. Littering is still possible despite the three metre high fence.

Nick Williams, local resident, made the following points:

1. Objects to the application as an increase in HGV traffic is unsuitable for the area.

2. A map, several photographs and a video have been circulated to Members.
3. Applicant states 154 HGV movements per week. These HGVs will be 18, 26 and 32 tonnes. The applicant company's catchment area is Farnham and Guildford. Due to the 7.5 tonne weight restriction on the smaller lanes, the only alternative route from Guildford would be past Fox Corner, with a near 90 degree turn, and through Pirbright Village. This would result in a large increase of HGVs in our village which will be highly detrimental to the environment.
4. The applicant's statement that HGVs would all use the A331 is misleading and highly unlikely.
5. Cobbett Hill junction with the A324 is already dangerous.
6. Residents of Cobbett Hill say HGVs are flouting the law, ignoring the restriction on a regular basis. The video circulated to Members shows this.
7. Agreements regarding the routing will be unenforceable.

Robert White, Operations Manager, TGM environmental, made the following points in response:

1. TGM environmental operated for 20 years from a site on the West Horsley estate. 12 months ago, due to the redevelopment of the estate for the Grange Park Opera Company, TGM had to vacate the site and seek a new local site to service the customer base they had established.
2. The operation at West Horsley Estate was based next to tenanted farm cottages and within 100m of the main house without causing any disturbance or disruption to the residents or management of the estate.
3. Our operations are managed to the highest environmental standards and controls for our industry and we will be good neighbours to the residents of Cobbett Hill.
4. In the event that Planning Permission is approved, I will be based at Cobbett Hill and once the site is operational, I will be easily contactable in the event residents have any questions or concerns.

Adrian Lynham, Head of Waste and Resource Management, WYG- applicant's agent, made the following points in response:

1. This is a minor development for cardboard and paper recycling to replace an existing local facility.
2. Numerous technical reports were submitted alongside the application; including a Green Belt alternative sites assessment. Over 40 other potential sites were considered however none of these were considered to be suitable. The applicant made enquiries about the Chambers site that was mentioned by one of the residents, however they were unwilling to sell to TGM on the basis that they were a competitor.
3. A habitat screening assessment was submitted alongside a transport statement, noise and light assessments, surface water management scheme and a site management scheme to ensure the site would be environmentally acceptable.
4. Waste operations usually require an Environmental Permit. This operation is exempt from this requirement as it is a clean and low key operation, which should provide some assurance to residents.
5. The site would still be regulated and monitored by the Environment Agency.

6. In line with the officer recommendation to permit subject to conditions, I hope you will be able to grant planning permission.

Keith Witham, Local Member, made the following points:

1. Unanimous concern expressed by all four local Parish Councils.
2. Residents have commented that the officer report incorrectly categorises the site as an active industrial site with planning permission for general industrial and storage purposes. General industrial use is in fact B2 and is not appropriate in residential or sensitive areas. The permission granted was for B1 offices, research and light industrial only
3. Officer report fails to note the 2003 Guildford Local Plan identifies that the site lies outside the defined settlement boundary within the area of open countryside and designated Green Belt.
4. There is a presumption of inappropriate waste regarding policy CW6- Development in the Green Belt.
5. There is no analysis of where the waste arises from and voluntary restraints and informatives here are considered to be insufficient.
6. There is no assessment to the inappropriateness or degree of harm to the Green Belt.
7. Alternative sites were listed in the report, however many sites were stated as being “not compatible with TGM’s requirements”, even though they have a variety of industrial uses and some are better suited in Green Belt terms.
8. I ask the Committee to consider refusal due to inappropriate development within the Green Belt, not consistent with planning permission 15/P/00183 for B1 use only, not consistent with the current Guildford Local Plan, and not consistent with policy CW6- development within the Green Belt.

Key points made during the discussion:

1. The case officer informed Members that there was a small typographical error in paragraph 131 of the report and that the second sentence should read: “Ash Parish Council and Pirbright Parish Council have also raised their concerns in that the applicant has **not** sufficiently demonstrated very special circumstances to justify inappropriate development in the Green Belt.”
2. Members stated that having visited the site, it was well suited for the applicant and there would be no harm to the Green Belt because the site already exists and was in poor condition.
3. Members commented that whilst the road had no restriction for vehicles at present, the application would allow for routing conditions to be imposed. Furthermore, with 154 HGV movements per week in a 60 hour operation meant this equated to 2.5 HGV movements per hour which was not considered to be excessive.
4. Members sought clarity on the difference between B1 and B2 use. The Deputy Planning Development Manager explained that the Surrey Waste Plan (SWP) policy CW5 gave priority to allocate sites that were industrial and employment sites. The officer referred to general industrial and storage uses in the report, however there is a footnote explaining the permissions that had been granted by Guildford Borough Council. It was explained that the report does not refer to a B2 use, but instead an industrial use. This application is for a waste use and it is acknowledged that it is for a different use to its current

use, however the SWP policy acknowledges that priority should be given to existing uses that have some industrial use or employment sites and that fits within this category.

5. In response to a question regarding consistency with the Guildford Local Plan, the Deputy Planning Development Officer explained that the officer report acknowledges the Guildford Local Plan and its status and that it carries some weight in the consideration of the application. A Member informed the Committee that the new Guildford Local Plan had recently been approved by Guildford Borough Council and was due to be submitted to the Inspector.
6. A Member highlighted that it was important to remember that this is not a paper recycling facility, but simply a bulking facility to be based on an active industrial site before the waste is transferred elsewhere.
7. Members noted that Surrey and Oxfordshire were recently announced as having the highest rate of recycling in the country, at 57.7%, demonstrating the authorities' hard work with Districts and Boroughs to attain excellent results. Furthermore, recycling sites were of benefit to Surrey's landfill sites and to the residents of Surrey.
8. A Member raised concern that a majority of the alternative sites considered were in the Green Belt and did not feature in the Surrey Waste Plan, therefore special circumstances issue had not been fully overcome. The Deputy Planning Development Manager explained that the site assessment report acknowledged that Surrey has over 70% Green Belt. The location of the site in relation to the operator's catchment area had to be taken into account so to minimise the impact of HGVs. The scale of the development compared to other waste sites was also considered, but the assessment is just one of the factors when considering a special circumstances case.
9. Members sought clarity to the number of HGV movements as there were two contradictory figures in the officer report. The Planning Development Manager confirmed that this operation would entail 154 movements per week.
10. A Member commented that goods vehicle operating license conditions were more stringent than planning conditions, and local communities can report any concerns regarding breaches into the Central Licensing office at any point.
11. It was questioned as to how the conditions would be enforced. The Transport Development Planning Officer explained that the routing conditions had been agreed with the applicant to ensure minimal use of Cobbett Hill Road by HGVs. The Principal Lawyer explained that if complaints about non-compliance were made, officers would investigate. Officers would contact the operator in the first instance and explain the need to comply with conditions. If they continued to fail to do so, the next step would be to serve a breach of condition notice requiring them to comply with conditions. If they failed to do this, the next step would be prosecution at Magistrates court. This has been done in the past. The Principal Lawyer also commented that officers rely upon residents to inform them of breaches. Enforcement officers also conduct checks when they can.
12. The Chairman moved the revised recommendation including the information on the update sheet. There were eight votes for and three votes against, therefore the recommendation to permit was carried.

RESOLVED

That application GU17/P/01585- COBBETT HILL EARTH STATION,
COBBETT HILL ROAD, NORMANDY, GUILDFORD, SURREY, GU3 2AA- be
PERMITTED subject to the conditions outlined in the report and update sheet.

**262/17 DECISION ON PLANNING APPEAL REF: APP/B3600/X/16/3160668, LAND
WEST OF SHEEPWALK, SHEEPWALK, SHEPPERTON [Item 8]**

Members noted the appeal decision.

263/17 DATE OF NEXT MEETING [Item 9]

The next meeting of the Planning and Regulatory Committee will be held on
24 January 2018

Meeting ended at: 11.25 am

Chairman

UPDATE SHEET**MINERALS/WASTE GU17/P/01585****DISTRICT(S)** GUILDFORD BOROUGH COUNCIL**Cobbett Hill Earth Station, Cobbett Hill Road, Normandy, Guildford, Surrey GU3 2AA****Change of use to waste paper and waste cardboard recovery and transfer facility;
overnight HGV parking.****CONSULTATIONS AND PUBLICITY*****Consultees (Statutory and Non-Statutory)***

1. County Environmental Assessment Officer
No objection.

Parish/Town Council and Amenity Groups

2. Comments from Normandy Parish Council have been received on this application. The Normandy Parish Council objects to the proposed development and has made the following comments:

Planning Policy

- The proposed development is in contrary to GBLP 2003 Policies RE2, G1(12), G3, G5(9), G5(8), NE1, NE2, and NE4.

Ecology and Biodiversity

- The proposed development has a significant detrimental impact on the biodiversity of the area, including the SPA.
- The proposed development is likely to cause increased disturbance to ground nesting birds and other wildlife in the area as it will incur air and groundwater pollution.

Air Quality and Dust Control

- Windblown issues

Noise

- Noise pollution

Lighting and Visual Impact

- The proposed development will result in significant negative visual impact from the access and parking.
- The proposed development does not have a high enough standard of landscaping design and does not therefore integrate into the existing landscape.
- The proposed development would not safeguard the characteristic landscape of the area and existing natural features.

Traffic and Highways

- Cobbett Hill Road has a weight restriction of 7.5 tonnes and the road is too narrow for two HGVs to pass each other.
- Concerns regarding the walkers, horse riders and cyclists.

- Transport Assessment has incorrect assumptions as it does not identify the quantity of HGV movements and it does not take account of other approved developments, such as Pirbright Institute.
- No evidence is given to support the 260 vehicle movements per week.

Green Belt

- The application site is within the Green Belt and the applicant does not give any reasons why an exception should be made to the current Green Belt policy.
- The proposed development is an inappropriate development in the Green Belt.
- The alternative site assessment is not adequate to cover other available sites.

Other Issues

- The development will harm the local environment.
- The proposed development would pose an unacceptable risk to the health or safety of the neighbouring and environment.

Officers' Comments

3. The current Officers' Report deals with the above concerns. No new relevant planning issues to the proposed development have been raised.

PLANNING CONSIDERATIONS

ENVIRONMENT AND AMENITY

Ecology and Biodiversity

4. Based on the submission of the Report to Inform Habitats Regulations Assessment Screening dated July 2017, the County Environmental Assessment Officer has provided a Habitats Regulations Assessment Screening Report in accordance with the Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The Report concluded that the proposal development would not give rise to have significant impacts on the ecological integrity of the Ash to Brookwood Heaths SSSI component of the Thames Basin Heaths SPA or the Thursley, Ash, Pirbright and Chobham SAC, subject to the imposition of conditions.

Lighting and Visual Impact

5. Paragraph 98 of the Officers' Report is superseded by the following paragraph:
6. Given the purposes of operational need, Officers consider that the details submitted are acceptable and the proposed lighting units would not give rise to any adverse impacts on the surrounding environment. However, a condition will be imposed to restrict the operations and working hours, so as to protect local amenity.

TRAFFIC AND HIGHWAYS

7. Paragraph 117 of the Officers' Report is superseded by the following paragraph:
8. Cobbett Hill Road is subject to the weight restriction of 7.5 tonnes. There is also a physical constraint at the southern section of Cobbett Hill Road which makes the road is not wide enough to enable two HGVs to pass each other at the same time. During the pre-application stage, the applicant agreed to have a 'right-turn out, left-turn in' arrangement. The CHA also recommends a condition to secure that all authorised vehicles shall enter the site by turning left from Cobbett Hill Road and exit by turning right onto Cobbett Hill Road. Officers consider that the condition suggested by the CHA regarding the access into the site is necessary to secure that the 'right-turn out, left-turn in' arrangement proposed by the applicant. Officers also consider that a condition should be imposed to require the applicant to erect a signage

within the application site to remind the authorised vehicles can only exit the site by turning right onto Cobbett Hill Road, prior to the operation of the waste paper and waste cardboard recycling and transfer facility.

RECOMMENDATION

6. Conditions 2, 3, 4, 5, 6, 10 and 11 are amended as follows: (changes in bold and underlined)

Conditions:

Condition 2 Commencement

Current Wording:	Revised Wording:
The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing seven working days of the commencement of the Development.	The development hereby permitted shall be begun not later than the expiration of three years beginning with the date of this permission. The applicant shall notify the County Planning Authority in writing <u>within</u> seven working days of the commencement of the Development.

Conditions 3 Pre-Commencement

Current Wording:	Revised Wording:
Prior to the commencement of the development hereby permitted, a Construction and Environmental Management Plan shall be submitted and approved in writing by the County Planning Authority. The Construction and Environmental Management Plan shall be implemented strictly in accordance with the approved Plan.	Prior to the commencement of the development hereby permitted, a Construction and Environmental Management Plan shall be submitted <u>to</u> and approved in writing by the County Planning Authority. The Construction and Environmental Management Plan shall be implemented strictly in accordance with the approved Plan.

Condition 4 Pre-Commencement

Current Wording:	Revised Wording:
<p>Prior to the commencement of the development hereby permitted, a Noise Assessment shall be submitted to and approved in writing by the County Planning Authority. The Noise Assessment shall include details of:</p> <p>a) An Assessment Report should be carried out in accordance with British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound' (BS 4142:2014) which has identified:</p> <ul style="list-style-type: none"> • the Noise Sensitive Receptors (NSRs); • between 06:00 and 07:00 hours (night-time), the Rating Level, LAr(15min), of the combined noise emissions from all plant and 	<p>Prior to the commencement of the development hereby permitted, a Noise Assessment shall be submitted to and approved in writing by the County Planning Authority. The Noise Assessment shall include details of:</p> <p>a) An Assessment Report <u>should be</u> carried out in accordance with British Standard 4142:2014 'Methods for rating and assessing industrial and commercial sound' (BS 4142:2014) which has identified:</p> <ul style="list-style-type: none"> • the Noise Sensitive Receptors (NSRs); • between 06:00 and 07:00 hours (night-time), the Rating Level, LAr(15min), of the combined noise emissions from all plant and

<p>activities associated with the application site shall not exceed the existing representative LA90 background sound level at any time by more than +5 dB(A) at the nearest NSR;</p> <ul style="list-style-type: none"> • between 07:00 and 18:00 hours (daytime), the Rating Level, LAr(1hr), of the combined noise emissions from all plant and activities associated with the application site shall not exceed the existing representative LA90 background sound level at any time by more than +5 dB(A) at the nearest NSR. <p>b) Mitigation Scheme to achieve the required Rating Levels at each noise sensitive receptor based on (a).</p> <p>c) Noise monitoring plan</p> <p>The Noise Assessment shall be implemented as approved.</p>	<p>activities associated with the application site shall not exceed the existing representative LA90 background sound level at any time by more than +5 dB(A) at the nearest NSR;</p> <ul style="list-style-type: none"> • between 07:00 and 18:00 hours (daytime), the Rating Level, LAr(1hr), of the combined noise emissions from all plant and activities associated with the application site shall not exceed the existing representative LA90 background sound level at any time by more than +5 dB(A) at the nearest NSR. <p>b) Mitigation Scheme to achieve the required Rating Levels at each noise sensitive receptor based on (a).</p> <p>c) Noise monitoring plan</p> <p>The Noise Assessment shall be implemented as approved.</p>
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Condition 5 Pre-Operation

Current Wording:	Revised Wording:
<p>Prior to the operation of the waste paper and waste cardboard recovery and transfer facility, a verification report demonstrating completion of works as set out in the approved Sustainable Urban Drainage System Scheme, shall be submitted and approved in writing by the County Planning Authority.</p>	<p>Prior to the operation of the waste paper and waste cardboard recovery and transfer facility, a verification report demonstrating completion of works as set out in the approved Sustainable Urban Drainage System Scheme, shall be submitted to and approved in writing by the County Planning Authority.</p>

Condition 6 Pre-Operation

Current Wording:	Revised Wording:
<p>Prior to the operation of the waste paper and waste cardboard transfer and recycling facility, a design scheme of the signage requiring the authorised vehicles to turn right when leaving the site, shall be submitted and approved in writing by the County Planning Authority. The approved signage shall be erected strictly in accordance with the approved scheme.</p>	<p>Prior to the operation of the waste paper and waste cardboard transfer and recycling facility, a design scheme of the signage requiring the authorised vehicles to turn right when leaving the site, shall be submitted to and approved in writing by the County Planning Authority. The approved signage shall be erected strictly in accordance with the approved scheme.</p>

Condition 10 Operation

Current Wording:	Revised Wording:
<p>Except in emergencies to maintain safe site operations, which shall be notified to the County Planning Authority in writing within 7 working days of those emergency operations</p>	<p>Except in emergencies to maintain safe site operations, which shall be notified to the County Planning Authority in writing within 7 working days of those emergency operations</p>

take place, no access is allowed onto the Thames Basin Heaths Special Protection Area (SPA), Cobbett Hill Common Special Area of Conservation (SAC) and the Ash to Brookwood Heaths Special Site of Scientific Interest (SSSI).	taking place, no access is allowed onto the Thames Basin Heaths Special Protection Area (SPA), Cobbett Hill Common Special Area of Conservation (SAC) and the Ash to Brookwood Heaths Special Site of Scientific Interest (SSSI).
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Condition 11 Traffic and Highways

Current Wording:	Revised Wording:
<p>10. Except in emergencies to maintain safe site operations, which shall be notified to the County Planning Authority in writing within 7 working days of those emergency operations place, all authorised vehicles required by this permission must be in accordance with the following requirements:</p> <ul style="list-style-type: none"> • All authorised vehicles must enter and exit the site in forward gear only • All authorised vehicles must be no more than 16.2 metres in length 	<p>11. Except in emergencies to maintain safe site operations, which shall be notified to the County Planning Authority in writing within 7 working days of those emergency operations taking place, all authorised vehicles required by this permission must be in accordance with the following requirements:</p> <ul style="list-style-type: none"> • <u>All authorised vehicles must enter the site by turning left from Cobbett Hill Road and exit by turning right onto Cobbett Hill Road.</u> • All authorised vehicles must enter and exit the site in forward gear only • All authorised vehicles must be no more than 16.2 metres in length

7. Reasons for Conditions 4, 5 and 6 are amended as follows:

Reason for Condition 4

Current Wording:	Revised Wording:
The imposition of a pre-commencement condition is to secure that the applicant has to submit a detailed noise assessment, a mitigation scheme and a noise monitoring plan prior to the commencement of the development so as to safeguard the environment and local amenity in terms of noise impact and in accordance with Policy DC3 of the Surrey Waste Plan 2008.	The imposition of a pre-commencement condition is to <u>secure the submission of</u> a detailed noise assessment, a mitigation scheme and a noise monitoring plan prior to the commencement of the development so as to safeguard the environment and local amenity in terms of noise impact and in accordance with Policy DC3 of the Surrey Waste Plan 2008.

Reason for Condition 5

Current Wording:	Revised Wording:
The imposition of a pre-occupation operation condition is recommended by the SuDS & Consenting Team to secure that the applicant has to submit a verification report to demonstrate that the completion of works and to safeguard the environment and local amenity in terms of flooding prevention and in accordance with Policy DC3 of the Surrey	The imposition of a pre-occupation operation condition is recommended by the SuDS & Consenting Team to <u>secure the submission of</u> a verification report to demonstrate that the completion of works and to safeguard the environment and local amenity in terms of flooding prevention and in accordance with Policy DC3 of the Surrey Waste Plan 2008.

Waste Plan 2008.	
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Reason for Condition 6

Current Wording:	Revised Wording:
The imposition of a pre-occupation operation condition is to secure that the applicant has to provide adequate signage to provide a clear display on the agreed turning arrangement so as to safeguard the environment and local amenity in terms of traffic and in accordance with Policy DC3 of the Surrey Waste Plan 2008.	The imposition of a pre-occupation operation condition is to <u>secure the provision of</u> adequate signage to provide a clear display on the agreed turning arrangement so as to safeguard the environment and local amenity in terms of traffic and in accordance with Policy DC3 of the Surrey Waste Plan 2008.