

**PLANNING AND REGULATORY COMMITTEE
NOTICE OF MEETING**

Date: Wednesday, 21 March 2018
Time 10.30 am
Place: Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN

Contact: Huma Younis or Emma O'Donnell, Room 122, County Hall
Telephone: 020 8213 2725 / 020 8541 8987
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[For queries on the content of the agenda and requests for copies of related documents]

APPOINTED MEMBERS [12]

Tim Hall (Chairman)	Leatherhead and Fetcham East;
Keith Taylor (Vice-Chairman)	Shere;
Natalie Bramhall	Redhill West & Meadvale;
Stephen Cooksey	Dorking South and the Holmwoods;
Matt Furniss	Shalford;
Jeffrey Harris	Tadworth, Walton & Kingswood;
Edward Hawkins	Heatherside and Parkside;
Ernest Mallett MBE	West Molesey;
Bernie Muir	Epsom West;
Andrew Povey	Cranleigh & Ewhurst;
Mrs Penny Rivers	Godalming North;
Rose Thorn	Godstone;

EX OFFICIO MEMBERS (NON-VOTING) [4]

David Hodge CBE	Leader of the Council	Warlingham;
John Furey	Deputy Leader, Cabinet Member for Economic Prosperity	Addlestone;
Peter Martin	Chairman of the Council	Godalming South, Milford & Witley;
Tony Samuels	Vice-Chairman of the Council	Walton South & Oatlands;

APPOINTED SUBSTITUTES [17]

Mary Angell	Woodham and New Haw;
Mike Bennison	Hinchley Wood, Claygate and Oxshott;
Chris Botten	Caterham Hill;
Nick Darby	The Dittons;
Jonathan Essex	Redhill East;
Angela Goodwin	Guildford North;
David Goodwin	Guildford South-West;
Richard Hampson	Haslemere;
Nick Harrison	Nork & Tattenhams;
Julie Iles	Horsleys;
Graham Knight	Horley East;
Yvonna Lay	Egham;
David Lee	Caterham Valley;
Cameron McIntosh	Oxted;
Chris Townsend	Ashtead;
Will Forster	Woking South;
Fiona White	Guildford West;

Register of planning applications: <http://planning.surreycc.gov.uk/>

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AGENDA

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and notices of substitutions under Standing Order 41.

2 MINUTES OF THE LAST MEETING

(Pages 1 - 14)

To confirm the minutes of the meeting held on 13 December 2017.

3 PETITIONS

To receive any petitions from members of the public in accordance with Standing Order 84 (please see note 7 below).

4 PUBLIC QUESTION TIME

To answer any questions received from local government electors within Surrey in accordance with Standing Order 85 (please see note 8 below).

5 MEMBERS' QUESTION TIME

To answer any questions received from Members of the Council in accordance with Standing Order 68.

6 DECLARATIONS OF INTERESTS

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

7 SURREY COUNTY COUNCIL PROPOSAL TA/2018/92

(Pages 15 - 46)

St Mary's Junior School, Silkham Road, Oxted, Surrey RH8 0NP

For the construction of two single storey extensions to the two existing classrooms blocks, a new single storey studio block; associated external works including a new path to improve accessibility across the site to link with adjacent Downs Way Infant School; and surface water flood mitigation measures.

8 ENFORCEMENT AND MONITORING UPDATE REPORT (Pages 47 - 56)

This report provides the Committee with an update on enforcement and monitoring activity covering the period from 1 February 2017 to 28 February 2018.

9 APPOINTMENT TO OUTSIDE BODIES: ROYAL SURREY COUNTY HOSPITAL NHS FOUNDATION TRUST COUNCIL OF GOVERNORS (Pages 57 - 60)

To agree the appointment of a Surrey County Council Member to the Royal Surrey County Hospital NHS Foundation Trust Council of Governors.

10 DATE OF NEXT MEETING

The next meeting of the Planning & Regulatory Committee will be held on Wednesday 18 April 2018.

**Joanna Killian
Chief Executive**
Published: Friday 9 March 2018

MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting. To support this, County Hall has wifi available for visitors – please ask at reception for details.

Anyone is permitted to film, record or take photographs at council meetings. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

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It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

Thank you for your co-operation

Note: *This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.*

Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.

If you have any queries regarding this, please contact the representative of Legal and Democratic Services at the meeting

NOTES:

1. The Chairman will adjourn the meeting for lunch from 12.45pm unless satisfied that the Committee's business can be completed by 1.15pm.
2. Members are requested to let the Regulatory Committee Manager have the wording of any motions and amendments not later than one hour before the start of the meeting.
3. Substitutions must be notified to the Regulatory Committee Manager by the absent Member or group representative at least half an hour in advance of the meeting.
4. Planning officers will introduce their report and be able to provide information or advice to Members during the meeting. They can also be contacted before the meeting if you require information or advice on any matter.
5. A record of any items handled under delegated powers since the last meeting of the Committee will be available for inspection at the meeting.
6. Members of the public can speak at the Committee meeting on any planning application that is being reported to the Committee for decision, provided they have made written representations on the application at least 14 days in advance of the meeting, and provided they have registered their wish to do so with the Regulatory Committee Manager no later than midday on the working day before the meeting. The number of public speakers is restricted to five objectors and five supporters in respect of each application.

7. Petitions from members of the public may be presented to the Committee provided that they contain 100 or more signatures and relate to a matter within the Committee's terms of reference. The presentation of petitions on the following matters is not allowed: (a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985; and (b) planning applications. Notice must be given in writing at least 14 days before the meeting. Please contact the Regulatory Committee Manager for further advice.
8. Notice of public questions must be given in writing at least 7 days before the meeting. Members of the public may ask one question relating to a matter within the Committee's terms of reference. Questions on "confidential" or "exempt" matters and planning applications are not allowed. Questions should relate to general policy and not detail. Please contact the Regulatory Committee Manager for further advice.
9. On 10 December 2013, the Council agreed amendments to the Scheme of Delegation so that:
 - All details pursuant (applications relating to a previously granted permission) and non-material amendments (minor issues that do not change the principles of an existing permission) will be delegated to officers (irrespective of the number of objections).
 - Any full application with fewer than 5 objections, which is in accordance with the development plan and national policies will be delegated to officers.
 - Any full application with fewer than 5 objections that is not in accordance with the development plan (i.e. waste development in Green Belt) and national policies will be delegated to officers in liaison with either the Chairman or Vice Chairman of the Planning & Regulatory Committee.
 - Any application can come before committee if requested by the local member or a member of the Planning & Regulatory Committee.

The revised Scheme of Delegation came into effect as of the date of the Council decision.

TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to "*have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*". This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: "*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*"

Development plan

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))

- Surrey Waste Plan 2008 (comprised of the Core Strategy, Waste Development and Waste Development Control Policies DPDs)
- Aggregates Recycling Joint DPD for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils in Surrey
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in each report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

Material considerations

Material considerations will vary from planning application to planning application and can include: relevant European policy; the March 2012 National Planning Policy Framework (NPPF) and updates; the March 2014 national Planning Practice Guidance (PPG) and updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2013; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

National Planning Policy Framework and Planning Practice Guidance

The March 2012 [National Planning Policy Framework](#) (NPPF) and subsequent updates replaced 30 Planning Policy Statements, Planning Policy Guidance Notes, Minerals Policy Statements and Minerals Policy Guidance Notes and related Practice Guides, some Government Circulars and letters to Chief Planning Officers and provides consolidated guidance for local planning authorities and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG) provides related guidance. The NPPF should be read alongside other national planning policies on [Waste](#), [Travellers](#), [Planning for Schools Development](#), [Sustainable Drainage Systems](#), [Parking](#), and [Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development which the document states "*should be seen as a golden thread running through both plan-making and decision-taking*" (paragraph 14). The NPPF makes clear the purpose of the planning system is to contribute to the achievement of sustainable development which has three dimensions: economic, social and environmental. These give rise to the need for the planning system to perform a number of mutually dependent roles: an economic role, a social role and an environmental role. The NPPF sets out 12 core land-use planning principles that should underpin both decision-taking and plan making.

The NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 14) states that development proposals that accord with the development plan should be approved without delay; and where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless any

adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or specific policies in the NPPF indicate development should be restricted.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 215 states that in determining planning applications local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given). For emerging plans the NPPF (paragraph 216) states that, unless material considerations indicate otherwise, weight may also be given to relevant policies in emerging plans according to:

- *“The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *“The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given), and;*
- *“The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).”*

HUMAN RIGHTS ACT 1998 – GUIDANCE FOR INTERPRETATION

This Guidance should be read in conjunction with the Human Rights section in the following Committee reports.

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights in English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report. Members of the public wishing to make oral representations may do so at Committee, having given the requisite advance notice, and this satisfies the requirements of Article 6.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one’s personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.

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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 informatics 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
21 March 2018.

Meeting ended at: 11.25 am

Chairman

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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:
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: <ol style="list-style-type: none"> 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: <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 	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: <ol style="list-style-type: none"> 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: <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 <u>to</u> 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 <u>to</u> 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).

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 <u>taking</u> 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:
<p>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.</p>	<p>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.</p>

Reason for Condition 5

Current Wording:	Revised Wording:
<p>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</p>	<p>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.</p>

Waste Plan 2008.

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.

TO: PLANNING & REGULATORY COMMITTEE
BY: PLANNING DEVELOPMENT MANAGER
DISTRICT(S) TANDRIDGE DISTRICT COUNCIL

DATE: 21 March 2018

**ELECTORAL DIVISION(S):
Oxted
Mr McIntosh**

PURPOSE: FOR DECISION

GRID REF: 539214 153469

TITLE: SURREY COUNTY COUNCIL PROPOSAL TA/2018/92

SUMMARY REPORT

St Mary's Junior School, Silkham Road, Oxted, Surrey RH8 0NP

Construction of two single storey extensions to the two existing classrooms blocks, a new single storey studio block; associated external works including a new path to improve accessibility across the site to link with adjacent Downs Way Infant School; and surface water flood mitigation measures.

St Mary's Junior School lies in the Urban Area of Oxted and within Flood Zone 1. The school is a 3 FE (form of entry) junior school with a consented capacity of 360 pupil places. This proposal is seeking to expand the school to a 4 FE school and increase the consented capacity to 480 pupil places, an increase of 120 pupil places.

The application proposes three single storey extensions to the school. Rear extensions to both of the main school teaching blocks are proposed which would provide two classrooms in each extension. A single storey studio building is proposed to the side of the school. In addition to these extensions an additional internal pathway is proposed to more directly link St Mary's Junior School with Downs Way Infant School which lies adjacent to the north, as well as the provision of a raised bund to create a flood storage area along the edge of the playing field to the east of the school building.

10 letters of objection have been received which raise concerns largely over the increase in traffic which would be generated by the proposal. Oxted Parish Council has also raised objections to the proposal on similar grounds. There have been no objections received from the other consultations which have been undertaken.

The school has put forward a strong case in respect of the educational need for this expansion and in accordance with advice in the NPPF this should be accorded great weight in the decision making. Officers have assessed all of the relevant issues in this case and conclude that the proposal complies with the Development Plan in most cases but with the exception of some moderate adverse impact on residential amenity from traffic. Having regard to government advice officers consider that the importance attached to meeting the need for school places clearly outweighs any harm in this case.

The recommendation is to PERMIT subject to conditions

APPLICATION DETAILS

Applicant

St Mary's Junior School

Date application valid

15 January 2018

Period for Determination

12 March 2018

Amending Documents

282/007/001 Site Location Plan dated 18/04/17 received 09/02/17

282/007/002 Rev A Existing Site Plan dated 08/05/17 received 09/02/17

282/007/003 Rev A Existing Floor Plan & Immediate External Areas dated 08/05/17 received 09/02/17

282/007/004 Rev D Proposed Site Plan dated 08/05/17 received 09/02/17

282/007/005 Rev D Proposed Floor Plans & Immediate External Areas dated 08/05/17 received 09/02/17

3511-300P1 DRAINAGE LAYOUT received 08/02/17

2017/184-01 SITE SURVEY dated Oct 2017 received 09/02/17

2017/184-02 SITE SURVEY dated Oct 2017 received 09/02/17

2017/184-02 SITE SURVEY dated Oct 2017 received 09/02/17

2017/184-03 SECTIONS 1-21 dated Oct 2017 received 09/02/17

2017/184-04 SECTIONS 22-36 dated Oct 2017 received 09/02/17

Greenfield Run-off Volume dated 27/11/17 received 19/02/18

ICP SUDS Mean Annual Flood dated 27/11/17 received 19/02/18

Appendix C Hydraulic modelling report received 19/02/18

Flood routing through storage facility dated 29/11/17 received 19/02/18

Planning Statement update Jan 2018 received 09/02/18

School Travel Plan received 09/02/18

Planning application form received 09/02/18

SUMMARY OF PLANNING ISSUES

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

	Is this aspect of the proposal in accordance with the development plan?	Paragraphs in the report where this has been discussed
PRINCIPLE OF DEVELOPMENT AND EDUCATIONAL NEED	YES	28-40
DESIGN AND VISUAL AMENITY	YES	41-43
IMPACT ON TREES	YES	44-48
IMPACT ON PLAYING FIELDS	YES	49-52
IMPACT ON RESIDENTIAL AMENITY	YES	53-58
FLOOD RISK	YES	59-63
HIGHWAYS AND TRAFFIC	YES	64-74

ILLUSTRATIVE MATERIAL

Site Plan

Plan 1

Aerial Photographs

Aerials 1 and 2

Site Photographs

- Fig 1** St Mary's School front elevation and staff parking
 - Fig 2** Existing rear elevation of teaching block on southern part of the site showing site of proposed extension
 - Fig 3** Existing rear elevation of central teaching block showing site of rear extension
 - Fig 4** Existing northern elevation of school building showing site of proposed studio extension
 - Fig 5** General location of new internal footpath to link St Mary's School with Downs Way Infants
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BACKGROUND

Site Description

- 1 St Mary's Junior School occupies a site which is broadly 'L' shaped, spanning from Silkham Road in the south west to the woodland and scrubland of the Green Belt land to the east and north east. It lies to the east of Silkham Road just north of the junction with Chichele Road, in Oxted, Surrey. Residential dwellings and the Downs Way Infant School lie to the north. Beyond the eastern and south-eastern boundaries lies Green Belt designated land including Area of Great Landscape Value and Area of Outstanding Natural Beauty. To the south of the site are further residential properties that face onto Chichele Road.

- 2 Staff, pupils and visitors access the school via the main entrance at the southern corner of the site. There is separate direct access to the kitchens for staff and deliveries. There is an access path that runs from Silkham Road along the north-west edge of the site that gives access to Downs Way Infant School. There are two car parks for the school catering for staff and visitors, both accessed from Silkham Road. The upper car park is larger and also currently provides access to the upper playground and school grounds for maintenance and fire appliances.
- 3 For a length of the site boundary along Silkham Road, adjacent to the upper car park, there is an area of grass with a number of established trees, forming a buffer between the road and school site.
- 4 There is a caretaker's house located at the far south western corner of the site with access directly to the junction of Silkham Road and Chichele Road. The house has a self contained front and rear garden fenced off from the larger school site. The house is two storey with a tiled pitched roof.
- 5 The southern and eastern boundaries to the school site are mostly shared with Green Belt land and feature a screen of well established trees. Two open playground areas lie adjacent to the school buildings and a fenced ball court is situated towards the west of the site. The rest of the school site is predominantly playing fields.
- 6 The site topography features a gradual fall in level from the north to the south. The western end of the site containing the school buildings and playgrounds has a difference in level of approximately 4.5m along the frontage to Silkham Road. The site lies within Flood Zone 1 and is at risk from surface water flooding and overland flow.

Planning History

- 7 No planning history with Surrey County Council. Several applications have been determined by the District Council including the provision of a hard surface games area in 2017 (reference 2017/1229 permitted September 2017).

THE PROPOSAL

- 8 The current school is a 3 FE (form of entry) junior school with a consented capacity of 360 pupil places. The current school roll is just over this capacity at 363 pupils. The school has 58 staff members in total which equates to 37 FTE (full time equivalent).
- 9 The school is seeking to expand to a 4 FE school and increase the consented capacity to 480 pupil places, an increase of 120 pupil places. From the information provided by the school, 8-10 additional staff members will be required to facilitate the expansion.
- 10 The proposal is to extend both of the existing teaching blocks by adding two classrooms and ancillary storage to the ends of each building. The dimensions of the proposed extensions are as follows:
 - Extension to northern block – 10m deep by 17.5m wide with a maximum height of 5.5m
 - Extension to southern block – 10m deep by 17m wide with a maximum height of 3.5m

Each of these extensions is proposed as single storey and reflect the materials and roof form of the host building. Extending the classroom blocks allows the school to maintain year groupings across the school.

- 11 The remaining required accommodation, which includes a studio space, is to be provided in a new build block to the north of the existing building at the western edge of the upper playground. This building is 10m deep by 12m wide and is again single storey (maximum height 4m) but has a changing roof height and design to take account of the change in ground level.
 - 12 To address the significant change in level across the site, the proposed external works immediately adjacent to the new build elements have been carefully designed so as to maintain accessible routes across the site. This includes Part M compliant ramping with banking or small retaining walls where necessary.
 - 13 An additional internal pathway is proposed to more directly link St Mary's Junior School with Downs Way Infant School. A new 'faith area' will be provided along this route to provide a focused activity space that can be shared by both schools.
 - 14 As well as the proposed buildings the proposal includes the provision of a raised bund to create a flood storage area along the edge of the playing field to the east of the school building.
-

CONSULTATIONS AND PUBLICITY

15	Oxted Parish Council	Objects to this application due to road safety issues which have not been addressed. There has been no provision for extra parking which will be required for the increased staffing numbers. It appears that no construction statement has been provided. It was identified by the Councillors that 'Park and Stride' does not work when families have children at different schools and when the weather is bad. The Parish Councillors welcome the expansion of the school, however the issues raised need to be addressed.
16	Tandridge District Council	No objection. Some concerns over parking, access and traffic and these matters should be carefully considered
17	Godstone Village Association	No comments received
18	Arboriculturalist	No comments received

19	SuDS & Consenting Team	No objection. Satisfied that the proposed drainage scheme meets requirements subject to conditions
20	Transportation Development Planning	No objection subject to conditions
21	Archaeological Officer	No comments received
22	Sport England	No objection

Summary of publicity undertaken and key issues raised by public

- 23 The application was publicised by the posting of two site notices and a total of 129 owner/occupiers of neighbouring properties were directly notified by letter. 10 letters have been received as a result of this publicity which raise the following issues:
1. Consideration should be given to the congestion the proposal will give to the area at pick up and drop off times. The local area already grinds to a halt at these times as the surrounding roads are narrow.
 2. Parents block residents' driveways.
 3. The proposal does not include additional parking for staff or parents and there is limited parking in surrounding roads.
 4. A further 120 pupils will cause inconvenience to residents.
 5. There are no yellow lines or bollards at the Downs Way entrance when there used to be.
 6. Increase in traffic will bring an increase in fumes and pollution.
 7. Increase in traffic will be a threat to the safety of children.
 8. The introduction of more hard surface area will increase drainage issues and the potential for flooding which may impact my property.

PLANNING CONSIDERATIONS

Introduction

- 24 The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
- 25 In this case the statutory development plan for consideration of the application consists of the Tandridge District Core Strategy 2008 and the Tandridge Local Plan Part 2: Detailed Policies. In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations.
- 26 In assessing the application against development plan policy it will be necessary to determine whether the proposed measures for mitigating any environmental impact of the development are satisfactory.
- 27 In this case, the main planning issues are the need for the development, the impact on residential amenity, design considerations, highways and traffic matters, impact on trees, impact on playing field and flooding.

PRINCIPLE OF DEVELOPMENT AND EDUCATIONAL NEED

Tandridge District Core Strategy 2008

Policy CSP1 – Location of Development

Tandridge Local Plan Part 2: Detailed Policies 2014-2029

PolicyDP1 –Sustainable Development

- 28 Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It continues by stating that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. It states that Local Planning Authorities should *inter alia* give great weight to the need to create, expand or alter schools. The site lies within an existing built up area; Policy CSP 1 of the Core Strategy states that new development will be directed to such areas to promote sustainable patterns of travel and make the best use of previously developed land. Policy DP1 of the Tandridge Local Plan states that applications which accord with development plan policies will be approved without delay. . .

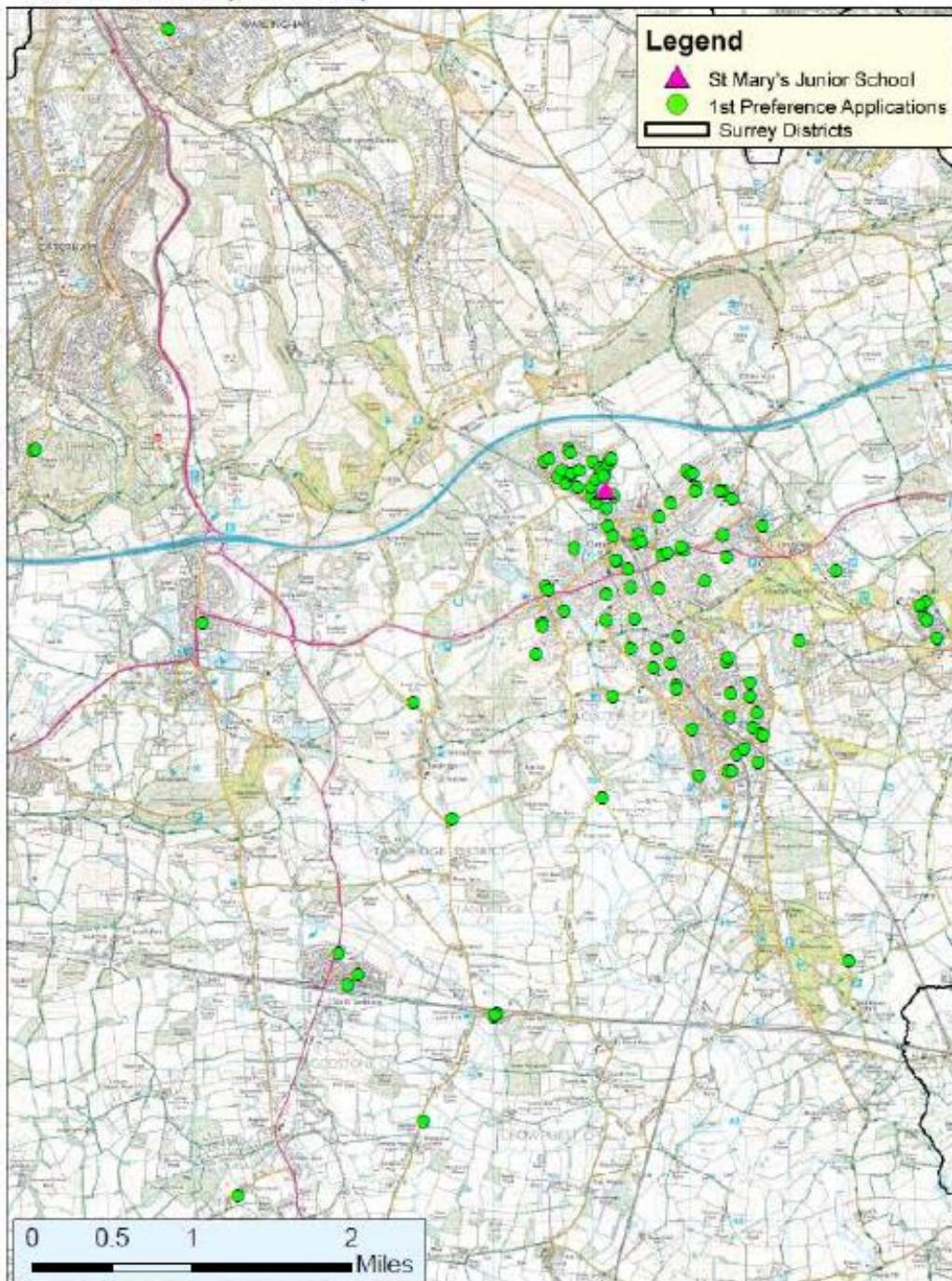
Educational Need

- 29 St. Mary's Junior School offers 90 junior places per year, having 360 places in total. Between November 2016 and February 2017, the Local Authority and Governing Body of the school ran a consultation on amalgamating the school with Downs Way School, to form a single, all-through primary school. As part of this, it was proposed to formally increase the school's junior capacity to 120 places per year on a permanent basis. This proposal was approved, and, as a consequence, the newly amalgamated school could admit 120 pupils into its Year 3 in 2018 with the intention to retain this capacity in future years, subject to planning approval.
- 30 The school is a vital part of the Council's education offer in the local area, in terms of the role it plays in supporting the County Council in delivering against its statutory duty to provide sufficient school places, relative to demand.
- 31 Tandridge is experiencing a steady increase in the demand for school places, reflecting both a rise in birth rate and increased house building and migration within the area. Births in the Borough in 2014 were 9.2% higher than births in 2002. Additional school places have been provided reflective of this demand and further growth is anticipated in the short- to medium-term, which needs to be accommodated via expansion of school provision.
- 32 Within Oxted & Limpsfield, infant provision has recently been expanded (at Downs Way School) to accommodate the increase in cohort. There is presently provision for 180 places per year in Reception, composed of the following:
- Downs Way School (offering 60 Reception places per annum);
 - Hurst Green Infant School (offering 30 Reception places per annum);
 - Limpsfield C of E Infant School (offering 60 Reception places per annum);
 - and

- St. Peter's C of E Infant School (offering 30 Reception places per annum).
- 33 Within the area, there is provision for 150 places per year in Year 3, composed of the following:
- Holland Junior School (offering 60 Year 3 places per annum); and
 - St. Mary's C of E Junior School (offering 90 Year 3 places per annum).
- 34 As is evident from the above, there is presently a 1FE shortfall in places in the junior sector, relative to infant provision and this proposal seeks to balance supply between the two levels, in order that all pupils can be offered a junior place within the locality.
- 35 Demand for primary school places has been rising in Oxted & Limpsfield, in line with the general increase across the whole of the Tandridge District. Projections of future demand for junior school places are presented in the table below:
- | YEAR | JUNIOR PAN | JUNIOR PROJECTION | SURPLUS |
|----------------|------------|-------------------|---------|
| 2017/18 | 150 | 141 | 9 |
| 2018/19 | 150 | 161 | -11 |
| 2019/20 | 150 | 171 | -21 |
| 2020/21 | 150 | 163 | -13 |
| 2021/22 | 150 | 170 | -20 |
| 2022/23 | 150 | 159 | -9 |
| 2023/24 | 150 | 157 | -7 |
| 2024/25 | 150 | 160 | -10 |
| 2025/26 | 150 | 162 | -12 |
- 36 As can be seen from the above, there is a need for additional junior places in the area from September 2018, which aligns with the point at which the expanded cohort at Downs Way transitions to the junior sector. The proposed expansion of St Mary's School as proposed would reduce all of the above projected deficits by 30 places and add a certain amount of surplus, thereby augmenting the scope for parental preference and allowing greater flexibility to accommodate fluctuations in demand.
- 37 The School does not operate a defined catchment area but recruits to admission criteria that give priority, in line with faith-based and distance-based criteria. A plan of the existing pattern of first preferences for admission at the school is presented overleaf.
- 38 In order to align supply with demand in respect of school places, the Council aims to expand junior places in the Oxted & Limpsfield area by 1 form of entry. Where possible, the Council's strategy is to expand high quality provision that meets parental preference, whilst also ensuring that there is a diverse pattern of provision, so as to provide families with some element of choice. As an Ofsted-rated 'Outstanding' school, St. Mary's meets these aspirations, with this being a key reason underpinning the Council's decision to take this expansion scheme forward for 2018. The fact that the corresponding expansion of infant provision was provided at Downs Way (which will be amalgamated with St. Mary's in September 2018) also makes this institution the logical choice at which to expand junior provision. To enable the school to accommodate its maximum potential

capacity, the extensions to the classroom blocks are required, sufficient in extent to allow the school to accommodate an additional four classes of pupils.

1st Preference Applications for Autumn 2017 Entry at St Mary's Junior School (118 Total)



Conclusion on need

- 39 Surrey County Council, as the Local Education Authority, has a statutory duty to provide sufficient school places. The present and future demand indicates that one more form of entry in this area is required and this proposal would achieve this and would enable Surrey County Council to meet the known demand and also allow a small surplus

capacity for late applicants, any additional small housing developments and in-year admissions.

- 40 In conclusion on this issue, this application seeks to provide additional school places within the built up area of Oxted for which there is a defined need. Relevant national policy advice state that the need for school places should be accorded great weight. The proposal does therefore accord with that policy advice and there is therefore a strong presumption in favour of this development subject to compliance with other relevant policies in the development Plan as examined below.

DESIGN AND VISUAL AMENITY

Tandridge District Core Strategy 2008

Policy CSP18 – Character and Design

Tandridge Local Plan Part 2: Detailed Policies 2014-2029

Policy DP7 – General Policy for New Development

- 41 Policy CSP18 of the Core Strategy requires new development to be of a high standard of design that reflects and respects character, setting and local context. Local Plan Part 2 Policy DP7 requires all new development to be of a high quality design which effectively integrates with its surroundings.
- 42 All of the three proposed extensions are of a similar scale to the existing buildings on the site and have all been designed to match the existing host buildings as closely as possible in respect of design, scale and use of materials. The two classroom extensions to the rear of the existing classroom blocks maintain the same brickwork and roof profiles of the existing buildings. The new standalone studio block is proposed to have a part flat roof and part mono-pitched roof, with a zinc finish. The form of this building, and its roof has been carefully considered to address the site topography and change in levels, as well as take into account the existing school building in this location.
- 43 Officers consider that the proposal accords with the relevant policies in the Development Plan and are acceptable in this regard.

IMPACT ON TREES

Tandridge District Core Strategy 2008

Policy CSP18 – Character and Design

Tandridge Local Plan Part 2: Detailed Policies 2014-2029

Policy DP7 – General Policy for New Development

- 44 Policy CSP18 of the Tandridge District Core Strategy 2008 states that development must have regard to the retention of important trees or groups of trees affected by the development. Policy DP7 requires existing trees on development sites to be retained where possible or replaced if required to be removed.
- 45 A full Arboricultural Assessment has been submitted with this application which shows that five individual trees will need to be removed together with partial removal of a further group of trees to facilitate the development. These are located at the rear of the site close to the existing school. The trees to be removed comprise predominantly category C (low value) trees (3), two category U trees (trees generally unsuitable for retention) and the group contains category B trees (Category B trees are generally of medium

value but on this site due to their multi-stemmed status and position they are not high quality species within that category).

- 46 The removal of all of the trees is required as they are on/close to the sites of the proposed new extensions/works. Whilst the loss of these trees is regrettable, officers accept that their removal is justified to facilitate the proposed extensions. The loss of the trees has to be balanced against the other aspects of this proposal including the need for the school places. The trees to be removed are well within the school site and do not have a significant impact on the visual amenity of the area as a whole. The trees are not of high value or quality and are not visible from vantage points outside of the school and the impact of their loss can be mitigated by replacement tree planting elsewhere on the site which can be required by a condition.
- 47 There are a considerable number of other trees within this site which will be retained and protected during the construction phase. The proposed detailed measures for the protection of existing trees have been submitted with the proposal and can be controlled by way of a condition on the planning permission.
- 48 Having regard to the above, officers are of the view that the proposal accords with the relevant Development Plan policies in this regard and is acceptable in this regard subject to conditions relating to tree protection and also replacement tree planting.

IMPACT ON PLAYING FIELDS

Tandridge District Core Strategy 2008

Policy CSP 13 Community, Sport and Recreation Facilities and Services

- 49 Para 74 of the NPPF states that existing open space including playing fields should not be built on unless the land is surplus to requirements, the loss would be replaced elsewhere or the need for the development outweighs the loss. Policy CSP of the Core Strategy states that existing community, recreational, sports facilities and open space will be safeguarded in accordance with National planning advice
- 50 This proposal impacts on existing playing field land in that a raised bund is proposed to create a flood storage area. This has been shown to be provided along the edge of the playing field to the east of the school building and is required to mitigate the additional surface water flow from the proposed new buildings (see the section on Flood Risk below).
- 51 Sport England has been consulted on the planning application and has raised no objection on grounds that the proposed bund is on land which is incapable of forming part of a playing pitch and it would not result in the loss of, or inability to make use of any playing pitch now or in the future.
- 52 Officers are of the opinion that there is a demonstrated need for the proposed mitigation measure in the form of the bund to attenuate water run-off in an area where there exists problems. As the bund does not have any adverse impact on the existing playing pitches at this school, this element of the proposal accords with the relevant national and local planning policy in this regard and is acceptable.

IMPACT ON RESIDENTIAL AMENITY

Tandridge District Core Strategy 2008

Policy CSP18 – Character and Design

Tandridge Local Plan Part 2 – Detailed Policies 2014 – 2029

Policy DP7 – General Policy for New Development

- 53 NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Core Strategy policy CSP18 requires that development should not significantly harm the amenities of occupiers of neighbouring properties by reason of overlooking, overshadowing, visual intrusion, noise or other impact. Local Plan policy DP7 requires that development should not significantly harm amenities and privacy of neighbouring properties by reason of overlooking, overshadowing or overbearing effect.
- 54 The three extensions in this case are a significant distance from the nearest residential dwelling (the closest relationship being a distance of some 45m between the rear elevation of 32 Chichele Road and the proposed extension to the rear of the most southerly classroom building on the school site). Given these distances and the fact that the extensions are single storey there will not be any adverse impact on residential amenity arising from the proposed extensions themselves.
- 55 Officers acknowledge that the proposed expansion to this school will give rise to an increase in traffic in the local area at drop off and pick up times and will therefore have some additional impact on nearby residents at those peak times. From survey information provided with the application a high proportion of pupils at this school travel there by private car (48% in the morning and 54% in the afternoon). This situation is already difficult for local residents as indicated in the letters of objection on this application (summarised above), giving rise to a loss of residential amenity by virtue of inconvenience of access, noise, and fumes.
- 56 The Transportation Assessment submitted by the applicants in support of this application includes the recommendation that the school produce a Travel Plan as a mitigation measure against the impact of the increase in pupil numbers. The County Highways Authority (CHA) endorses the need for this and it will be secured by way of a condition on this planning permission. The Travel Plan has the potential to assist in managing the current and future situation (for example a number of residents have referred to the inconvenience caused by inconsiderate parking in their letters of objection and measures can be put forward in a Travel Plan to seek to influence this). In addition, given that a significant number of staff and pupils live within a 1km radius of the school, a Travel Plan can introduce measures which can seek to positively influence the modal split so that there is less reliance on the private car – such as encouraging cycling or walking to school.
- 57 This situation in respect of highways issues is one which occurs at most school sites. Officers are of the opinion that whilst there is a degree of increased loss of amenity to local residents (by virtue of vehicle numbers on the highways and additional short term parking) the increase in this case will be a moderate one having regard to that which already occurs at this school and the fact that it is confined to short periods during weekdays only. The proposal would not give rise to any severe impact as referred to in the NPPF paragraph 32 (see paragraph 53 above). In addition the introduction of a Travel Plan secured as part of this permission (this school does not currently have any Travel Plan) is a positive measure which has the potential to positively influence this in the future.

- 58 Officers therefore consider that the moderate adverse impact on residential amenity which would arise from this proposal by virtue of the increase in traffic needs to be balanced against the other issues relevant in this case including the strong need for the required school places. Officers are therefore satisfied that the proposal accords with the provisions of the Development Plan in this regard and is acceptable.

FLOOD RISK AND DRAINAGE

Tandridge Local Plan Part 2 – Detailed Policies 2014 – 2029

Policy DP21 Sustainable Water Management

- 59 Policy DP21 states that development proposals should seek opportunities to reduce both the cause and impact of flooding by incorporating sustainable drainage systems and restricting surface water runoff. The policy follows similar advice set out in the NPPF in respect of flooding and states that development in Zones 2 and 3, and on sites greater than 1 hectare in Zone 1 of the Environment Agency's floodplain map will only be permitted where:
1. The sequential test has been applied and passed and the proposal is a development form compatible with the level of risk
 2. A Flood Risk Assessment has been completed which demonstrates that the development is at least risk neutral and
 3. Appropriate mitigation measures are provided.
- 60 In this case the site lies within Zone 1 and the site is only at risk of surface water flooding and overland flow but it is greater than 1 hectare. The application has therefore been supported by a Flood Risk Assessment. This concludes that the increase in building footprint of 675 m sq on existing hardstanding areas will not lead to an increase in surface water runoff rate or volume on the site. In accordance with the sequential test criteria the proposed development represents 'more vulnerable' development but is appropriate within Flood Zone 1.
- 61 The proposed bund has been identified within the Flood Risk Assessment as a way of protecting the existing school buildings and the proposed new extensions from surface water flooding. The bund will create increased catchment and attenuation of surface water than exists at present and therefore flooding will be substantially reduced at the school and in the area of the new buildings. The Flood Risk Assessment also confirms that the measures proposed will not increase flooding on any areas outside of the school site and in fact as it retains and deals with the surface water in a more controlled way within the site is likely to improve the flood risk for the surrounding areas.
- 62 In respect of surface water drainage the applicants have submitted a drainage strategy which uses cellular storage to provide water quality control thereby reducing the risk of flooding downstream. The Lead Local Flood Authority (SUDS and Consenting Team) has advised that it is satisfied with the proposed drainage scheme subject to conditions to secure detailed drawings and ensure that the approved scheme is acceptable and suitably implemented.
- 63 Officers consider that subject to appropriate conditions, the proposals accord with the development in this regard and are acceptable.

HIGHWAYS AND TRAFFIC

Tandridge District Core Strategy 2008

Policy CSP18 – Character and Design

Tandridge Local Plan Part 2 – Detailed Policies 2014 – 2029**Policy DP5 – Highway Safety and Design**

- 64 Core Strategy policy CSP18 requires that development should not significantly harm amenities by reason of traffic. Local Plan Policy DP5 permits development which does not unnecessarily impede the free flow of traffic or create hazards to traffic on the network or other road users.
- 65 The existing trip generation associated with St Mary's School indicates that roughly 51% of all pupils travel to school by car (48.3% in the AM, 54.2% in the PM), generating approximately 208 (AM) and 196 (PM) trips during the peak periods. The applicant has indicated that this may be reduced further due to breakfast/afternoon club activities - however, the County Highways Authority has made an assessment on the more robust figure in order to account for a worst-case scenario, and days where breakfast/afternoon club may not occur.
- 66 The propensity for car travel to this school (either via car or car share mode) by pupils is high given that a large proportion of the pupils reside within recommended walking distance of the school. The CHA concludes, and notes from the Transport Assessment, that a Travel Plan has not been implemented within the school despite it being open for a number of years. Therefore, the potential to improve modal shift to active modes and decrease trip generation by vehicles has not yet been adequately pursued for existing pupils and staff. A Travel Plan (TP) is described in the Surrey County Council Development Related Travel Plans Good Practice Guide as: "...*a strategy for managing access to a development site, helping to meet the travel needs of the site users, in particular reducing the impacts of car travel, encouraging greater use of public transport, cycling and walking, and where possible reducing the need to travel.*" The TP audience are those people who are using the site and the main focus of a TP are those who can be influenced most. In respect of school travel plans, this means those who use the school and those who work at the school. There is support in national and local policy for the development and implementation of School Travel Plans as a more appropriate means of mitigating the effects of car trips (including demand for on street parking) to the school.
- 67 The proposed increase in both pupils and staff at St Mary's Junior School is expected to generate an additional 54 (AM) and 46 (PM) trips for pupils, and seven additional trips for staff by car (resulting in 118 and 110 additional two way movements respectively). Given that these trips are likely to occur at staggered time, with only a proportion arriving during the peak hours (given breakfast/after school club), the CHA does not consider that this would have a significant impact upon the existing road network. However The CHA acknowledges that this increase may cause a perceived impact for local residents (this issue is examined in paragraphs 55 to 58 above).
- 68 In respect of parking, restrictions within the neighbouring streets consist of double yellow lines, single yellow lines, school keep clear markings and/or unrestricted parking and parking bays. There are parking restrictions on Silkham Road (Mon- Fri) between 08:15- 09:15 and 14:30-16:00 and also along Chichele Road (Mon to Fri/Sat - depending on location), between 08:30-18:30. The CHA has consulted with the parking team to determine if there are future schemes to implement further/modified parking restrictions; at present there are no plans to amend these schemes. The CHA notes that many

residents in the area have commented upon parking associated with the school has a tendency to block access/egress to drives for local residents and that parents park in an ad-hoc manner. While parking restrictions are enforceable, it is up to the school to try to ensure that parents abide by parking restrictions and behave accordingly, and they can remind them of best practice. This could be accomplished by requesting that the Parking Enforcement Team attend the school for a period of time to reinforce good parking behaviour amongst parents. This is one of the measures which could also be taken forward in the School Travel Plan.

- 69 At present peak parking occurs between 08:45-09:00 AM and between 15:15-15:30PM, and as existing, there is spare parking capacity available for both peak hours (Table 4.3 and 4.4, Transport Assessment, Page 19). Parking is available on site for staff, which accommodates 33 parking spaces between two car parks - however the CHA has suggested that the smaller car park may not have the ability to fully accommodate the indicated amount at present given its size and configuration. Given this, the CHA notes that with the proposed expansion, the school could consider expanding the larger parking area in order to ensure that all parking for staff can be undertaken on site between the two schools and encourage car share/modal shift options in line with the Travel Plan. Officers have considered this suggestion regarding the provision of more staff parking on the St Mary's school site and note that any additional provision of car parking could not take place without the loss of playground. It is not therefore considered appropriate to pursue additional on-site parking as part of this planning application. Officers would comment that with the amalgamation of St Mary's School with The Downs School, planned for later this year, there may be future opportunities to improve the staff parking over the two schools and this is another measure which could be considered as part of the School Travel Plan.
- 70 The school has advised that alternative modes of transport for pupils is encouraged, and the school presently provides 20 parking spaces for scooter pods but the CHA has noted that no formal cycling spaces are indicated, despite demand existing for approximately seven cyclists. However, given that approximately 40% of pupils (38.9% in the AM and 42.7% in the PM) travel by sustainable travel modes (walking, scooter or cycling), there is opportunity available to increase this ratio and decrease travel by car given that 68% off pupils (approximately), live within 2km of the school. The implementation of the Travel Plan and encouragement of active travel modes for existing pupils and staff, in addition to the investigation of possible 'Park and Stride' opportunities, may help to alleviate some of the parking pressures in the area. As such the CHA has requested a minimum number of scooter and cycle parking facilities be provided on site and these can be secure by a condition on the permission.
- 71 A parking survey undertaken by the applicant has indicated that it is likely a shortfall of 21 parking spaces (PM peak only; table 8.2 Transport Assessment, page 33) would be achieved with the proposed expansion during a fifteen minute period. While this is a concern, a balanced approach would suggest that the implementation of the Travel Plan may have an impact on this figure and that there is potential to acknowledge that parking patterns and numbers change slightly on a daily basis dependent upon attendance. The CHA would only raise a concern regarding a shortfall in parking if it were likely to lead to road safety issues, and this is not the case.

- 72 The CHA has noted that a number of local residents have expressed concern about road safety issues associated with the proposed development and expansion of the school. The PIA (Personal Injury Accident) record for the school indicates 8 accidents within the vicinity (400m radius) of the school; of which six occurred during school peak periods. None of the accidents have been attributed to road layout or design but have been attributed to driver behaviour. There are footways either side of Silkham Road and an informal crossing point with road markings at the junction of Silkham Road/Chichele Road. The CHA does not consider that the increase in pupils at the site would necessarily result in an increase in road safety accidents.
- 73 Finally though a *draft* Travel Plan has been submitted with the application the CHA has advised that this will require expanding (to include the measures referred to above), formalising and amending - this can also be secured by an appropriate condition.
- 74 Having regard to the above and in conclusion on this issue officers consider that the proposal does not give rise to any impact in respect of highway safety and accords with Development Plan policy in this regard. Officers acknowledge that traffic conditions do have an impact on residential amenity (considered under that section in the report above) but the impact in respect of this must be weighed against the other factors in this application in particular the need for the development.

HUMAN RIGHTS IMPLICATIONS

- 75 The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
- 76 In this case, the Officer's view is that while impacts on amenity caused by traffic are acknowledged, the scale of such impacts is not considered sufficient to engage Article 8 or Article 1 of Protocol 1. Their impact can be mitigated by conditions. As such, this proposal is not considered to interfere with any Convention right.

CONCLUSION

- 77 The site lies within the Urban Area where development is acceptable in principle and there is a strong educational need for the expansion and therefore a presumption in favour of approval.
- 78 Officers consider that the development would be in keeping with the design and visual amenity of the existing site and surrounding area. The design of the proposed extensions would integrate with the main school buildings. The location and scale of the buildings would ensure that the development would not adversely impact upon residential amenity. The loss of a number of trees is acceptable in this case in view of the nature of those trees and the existence of larger trees along the site boundary subject to replacement trees being planted. Flooding and drainage issues have been adequately dealt with. Officers consider that the proposal is acceptable on highway grounds. Whilst it is acknowledged that there will be an increase in traffic to and from the school, this increase will not have any significant impact on residential amenity such that the proposal is unacceptable in this regard and also having regard to the need for the

proposed development. Furthermore the impact can be reduced through the provision and adoption of a Travel Plan which can be secured by a condition on this planning permission.

RECOMMENDATION

- 79 That pursuant to Regulation 3 of the Town and Country Planning General Regulations 1992, that application **TA/2018/92** be PERMITTED subject to the following conditions:

Conditions:

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

282/007/001 Site Location Plan dated 18/04/17
 282/007/002 Rev A Existing Site Plan dated 08/05/17
 282/007/003 Rev A Existing Floor Plan & Immediate External Areas dated 08/05/17
 282/007/004 Rev D Proposed Site Plan dated 08/05/17
 282/007/005 Rev D Proposed Floor Plans & Immediate External Areas dated 08/05/17
 282-007-PL6 Proposed Floor Plan & Immediate External Areas dated 18/04/17
 282-007-PL7 Proposed Roof Plan dated July 2017
 282-007-PL8 Existing Floor Plan and Immediate External Areas dated 05/07/17
 282-007-PL9 Proposed Floor Plan & Immediate External Areas dated 18/04/17
 282-007-PL10 Existing Elevations Teaching Block 1 dated July 2017
 282-007-PL11 Existing Elevations Teaching Block 2 dated July 2017
 282-007-PL12 Existing Elevations Admin Block dated July 2017
 282-007-PL13 Proposed Elevations Teaching Block 1 dated July 2017
 282-007-PL14 Proposed Elevations Teaching Block 2 dated July 2017
 282-007-PL15 Proposed Elevations New Build Studio dated July 2017
 282-007-PL16 Existing Sections dated July 2017
 282-007-PL17 Proposed Sections dated July 2017
 3511-300P1 DRAINAGE LAYOUT
 2017/184-01 SITE SURVEY dated Oct 2017
 2017/184-02 SITE SURVEY dated Oct 2017
 2017/184-02 SITE SURVEY dated Oct 2017
 2017/184-03 SECTIONS 1-21 dated Oct 2017
 2017/184-04 SECTIONS 22-36 dated Oct 2017

3. The development hereby permitted shall not commence until details of the design of a surface water drainage scheme have been submitted to and approved in writing by the County Planning Authority. Those details shall include:
 - a) A design that satisfies the SuDS Hierarchy and that is compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS.
 - b) The results of infiltration testing completed in accordance with BRE:365.

- c) Evidence that the proposed solution will effectively manage the 1 in 30 & 1 in 100 (+CC% allowance for climate change storm events, during all stages of the development (Pre, Post and during), associated discharge rates and storages volumes shall be provided using a Greenfield discharge rate of 1l/s should results of infiltration testing show soakaways are unsuitable (as per the SuDS pro-forma or otherwise as agreed by the LPA).
 - d) Detailed drawings to include: a finalised drainage layout detailing the location of SuDS elements, pipe diameters, levels, details of how SuDS elements will be protected from root damage and long and cross sections of each SuDS element including details of any flow restrictions and how they will be protected from blockage.
 - e) Details of Management and Maintenance regimes and responsibilities.
 - f) A plan showing exceedance flows and how property on and off site will be protected.
 - g) Details of the final surface water flood mitigation strategy including details of the proposed bund, slot drain and aco drain.
4. Prior to the first occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the County Planning Authority to demonstrate that the Drainage System has been constructed as per the agreed scheme.
 5. (a) Before any equipment, machinery or materials are brought onto the site for the purposes of carrying out the development hereby permitted, protective fencing in accordance with the details contained in Appendix 4 and drawing no. TPP01 – Tree Protection Plan dated 07/08/17 contained in the Arboricultural Impacts Assessment Statement and Arboricultural Method Statement submitted with the application shall be installed and shall thereafter be maintained until all equipment, machinery and surplus materials have been removed from the site. For the duration of works on the site no materials, plant or equipment shall be placed or stored within the protected area.

(b) The development shall be carried out in all respects in full accordance with all other measures to protect trees during construction as set out in the Arboricultural Impacts Assessment Statement and Arboricultural Method Statement.
 6. Prior to the occupation of the development hereby permitted a scheme to provide replacement tree planting within the site shall be submitted to and approved in writing by the County Planning Authority. Such a scheme shall include the size, location and species of the proposed trees and measures for the replacement trees of any tree which is removed, uprooted or destroyed or dies or becomes in the opinion of the County Planning Authority seriously damaged or defective. All proposed and replacement trees shall be maintained for a period of five years after planting.
 7. Prior to the occupation of the development hereby permitted, an updated School Travel Plan shall be submitted to and approved in writing by the County Planning Authority. The submitted Travel Plan shall include details of measures to promote sustainable modes of

transport and provisions for the maintenance, monitoring and review of the impact of the Plan and its further development. The development shall thereafter be carried in all respects in accordance with the approved details.

8. Subject to Condition 9 below, the development shall be implemented in accordance with the 'Outline Construction and Environmental Management Plan' dated 18/12/2017 submitted with the application unless otherwise agreed by the County Planning Authority in an application on that behalf.
9. In carrying out the development hereby approved, no HGV movements to or from the site shall take place between the hours of 8.00 and 9.00 am and 3.00 and 4.00 pm nor shall there be any HGVs associated with the development at the site laid up, waiting, in roads of Silkham Road, Downs Way, Woodland Court, Field Court, Greenacres or Chichele Road during these times.
10. The development hereby permitted shall not be occupied until the flood alleviation measures contained within the Flood Risk Assessment and Drainage Strategy dated 13 December 2017 submitted with the application have been provided.
11. Prior to the first occupation of the development hereby permitted a verification report carried out by a suitably qualified engineer shall be submitted to and approved in writing by the County Planning Authority to demonstrate the safety and reliability of the proposed flood attenuation bund. This shall include measures for regular inspections to identify seepage, heaving or piping.
12. The development hereby permitted shall not be occupied unless and until facilities have been provided in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority for the secure parking of scooters/bicycles within the development site, with a minimum provision of 25 scooter parking spaces and 15 cycle parking spaces. The approved facilities shall thereafter be retained and maintained.

Reasons:

1. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy DP21 of the Tandridge Local Plan Part 2 - detailed Policies 2014 - 2029.
4. To ensure the Drainage System is constructed to the National Non-Statutory Technical Standards for SuDS in accordance with PolicyDP21 of the Tandridge Local Plan Part 2 - detailed Policies 2014 - 2029.
5. To ensure the retention of trees on the site in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029

6. To replace trees which have been removed to facilitate the development to preserve and enhance the visual appearance of the area in accordance with Policy CSP18 of the Tandridge District Core Strategy 2008 and Policy DP7 of the Tandridge Local Plan Part 2: Detailed Policies 2014-2029
7. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012. These conditions are required to meet the objectives of the NPPF (2012), and to satisfy policy CSP12 of the Core Strategy DPDS (2008) and policy DP5 of the TLP Part 2: Detailed Policies (2014).
8. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012. These conditions are required to meet the objectives of the NPPF (2012), and to satisfy policy CSP12 of the Core Strategy DPDS (2008) and policy DP5 of the TLP Part 2: Detailed Policies (2014).
9. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012. These conditions are required to meet the objectives of the NPPF (2012), and to satisfy policy CSP12 of the Core Strategy DPDS (2008) and policy DP5 of the TLP Part 2: Detailed Policies (2014).
10. To reduce the impact of flooding at the site in accordance with Policy DP21 of the Tandridge Local Plan Part 2 - detailed Policies 2014 - 2029.
11. To reduce the impact of flooding at the site in accordance with Policy DP21 of the Tandridge Local Plan Part 2 - detailed Policies 2014 - 2029.
12. In order that the development should not prejudice highway safety nor cause inconvenience to other highway users and/or are required in recognition of Section 4 'Promoting Sustainable Transport' in the National Planning Policy Framework 2012. These conditions are required to meet the objectives of the NPPF (2012), and to satisfy policy CSP12 of the Core Strategy DPDS (2008) and policy DP5 of the TLP Part 2: Detailed Policies (2014).

Informatives:

1. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its accompanying technical guidance providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues; and determined the application within the timeframe agreed with the applicant. The applicant has also been given advance sight of

the draft planning conditions. This approach has been in accordance with the requirements of paragraphs 186-187 of the National Planning Policy Framework 2012.

2. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.
3. The attention of the applicant is drawn to the requirements of Sections 7 and 8 of the Chronically Sick and Disabled Persons Act 1970 and to Building Bulletin 102 'Designing for disabled children and children with Special Educational Needs' published in 2008 on behalf of the Secretary of State for Children, Schools and Families, or any prescribed document replacing that note.
4. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on our website.

CONTACT

Dawn Horton-Baker

TEL. NO.

020 8541 9435

BACKGROUND PAPERS

The deposited application documents and plans, including those amending or clarifying the proposal, responses to consultations and representations received as referred to in the report and included in the application file and the following:

Government Guidance

[National Planning Policy Framework 2012](#)

The Development Plan

Tandridge District Core Strategy 2008

Tandridge Local Plan Part 2: Detailed Policies

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<p>Site Location</p> <p>Scale 1:30,069</p>	<p>St Marys Junior School, Silkhamb Road, Oxted, Surrey RH8 0NP</p> <p>Construction of two single storey extensions to the two existing classrooms blocks, a new single storey studio block; associated external works including a new path to improve accessibility across the site to link with adjacent Downs Way Infant School; and surface water flood mitigation measures.</p>
	<p>Application No(s): TA/2018/92</p>
	<p>Electoral Division(s): Oxted</p>
<p>© Crown copyright. All rights reserved Surrey County Council, 100019613, 2018</p>	<p>This plan is for indicative purposes only</p>
	<p>539,415 153,641</p>
<p>538,983 153,292</p>	<p>Application Site Area</p>
	<p>Ref No: SCC REF 2017/0213</p>
<p>Date printed: 23/02/2018</p>	<p>0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 Metres</p>
	<p>Scale 1:2,250</p>

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2012-13 Aerial Photos

Aerial 1 : St Marys Junior School, Oxted



N

All boundaries are approximate

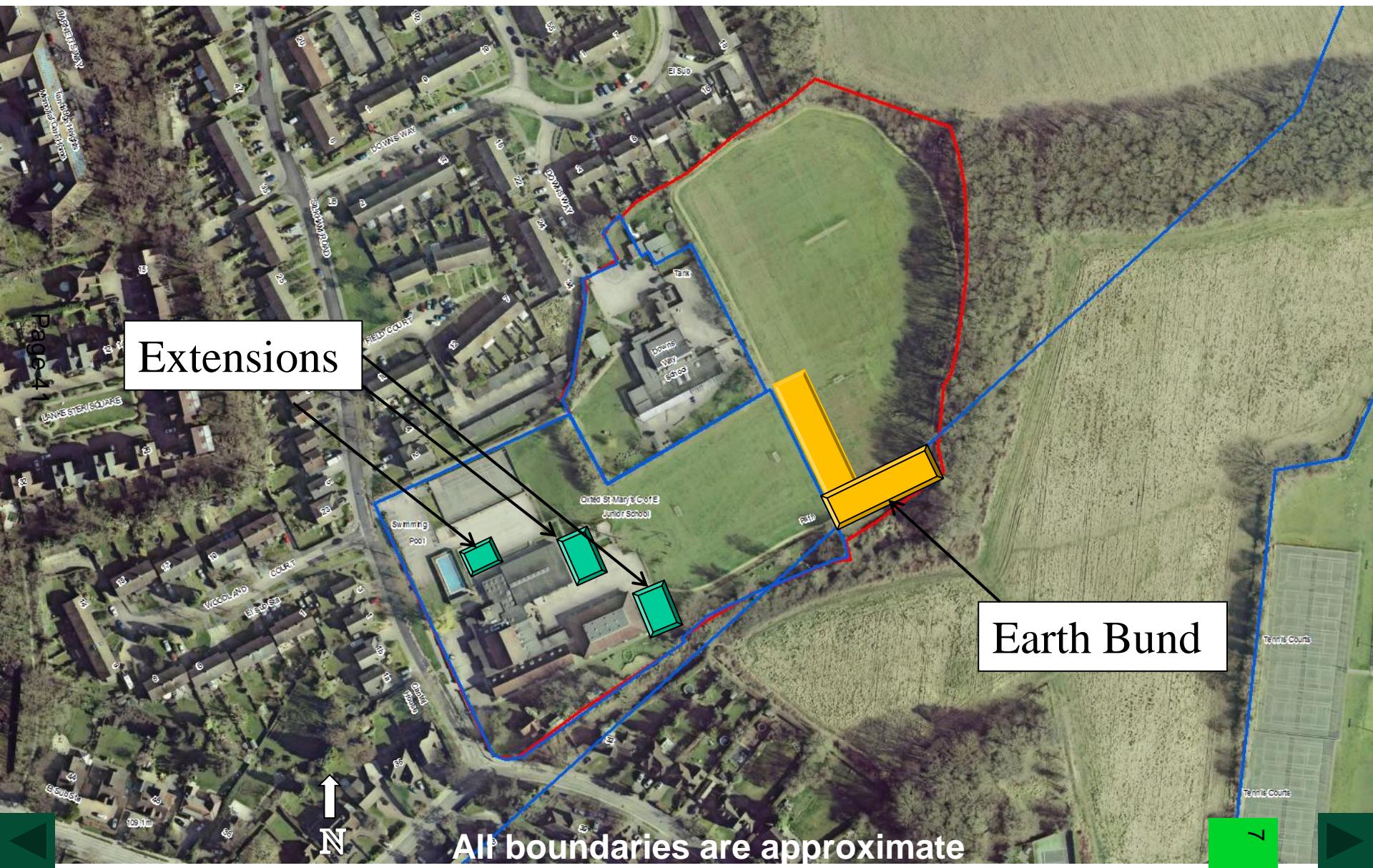
2012-13 Aerial Photos

Aerial 2 : St Marys Junior School, Oxted



2012-13 Aerial Photos

Aerial 3 : St Marys Junior School, Oxted



All boundaries are approximate

Figure 1 :St Mary's School front elevation and staff parking



Figure 2 : Existing rear elevation of teaching block on southern part of site showing site of proposed extension



Figure 3 : Existing rear elevation of Central teaching block showing site of rear extension



Figure 4 : Existing northern elevation of school building showing site of proposed studio extension



Figure 5 : showing general location of new internal footpath to link St Mary's School with Downs Way infants school



TO: PLANNING & REGULATORY COMMITTEE

DATE: 21 March 2018

BY: PLANNING DEVELOPMENT CONTROL TEAM MANAGER

DISTRICT(S): ALL

ELECTORAL DIVISION (S):
N/A

PURPOSE: FOR INFORMATION

GRID REF: N/A

TITLE: ENFORCEMENT & MONITORING UPDATE REPORT

SUMMARY

This report covers the period from 1 February 2017 to 28 February 2018

MONITORING OF AUTHORISED MINERAL & WASTE SITES

1. Site monitoring of consented sites remains on target with 100% of scheduled visits undertaken, with officers maintaining a proactive and helpful approach in advising operators of their options as and when planning breaches are identified.
2. The chargeable visits to mineral sites bring positive benefits in identifying breaches and encouraging retrospective applications as appropriate. Whilst a similar approach is used with waste site operators, there is no requirement to supply copies of site visit reports and communications with those operators, whilst varying widely across the spectrum of those we deal with is generally less productive as a result.

ACTION AT AUTHORISED SITES

3. **Moorhouse Sandpits, Westerham Road, Westerham** – A Certificate of Lawful or Proposed Use of Development (CLOPUD) and a Certificate of Lawful Established Use or Development (CLEUD) for a new mortar plant was refused by SCC in February 2014. While the mortar plant has been removed, an Enforcement Notice (EN) was issued on 30 September 2014 that required the removal of a concrete surface, fencing, storage bays and other infrastructure formerly associated with a mortar plant. Appeals were lodged by the landowners against the EN, and the refusals of both the CLEUD and CLOPUD, and the cases were heard at a Public Inquiry at County Hall in November 2015, but both appeals were dismissed in February 2016.
4. Appeals to the High Court were submitted in March and April 2016, but in late January 2017 the Court of Appeal did not grant leave to appeal and as such the enforcement notices were upheld, so the date for compliance was simply re-set and compliance has now been achieved.
5. **Alton Road Sandpit, Alton Road, Alton** – Planning permission WA/2014/0005 for sand and clay extraction and for landfill with household and inert waste contained a number of pre-commencement conditions. These addressed groundwater protection, drainage scheme, contamination, gas monitoring, protected species, maintaining

highway cleanliness and footpath improvement. Whilst all of the pre-commencement schemes have been submitted, some are yet to be determined, but development has commenced. Officers have considered these technical breaches and currently none of them are considered to be causing significant harm and as such enforcement action was considered unreasonable. The site is progressing well with extraction in the western cell and infill in the base of the central cell.

6. **First Place Skips, Epsom Chalk Pit, College Road, Epsom** - A retrospective application for a Materials Recycling Facility (MRF) has now been submitted to retrospectively address a material change of use on the area of lawful use, from waste transfer to materials recycling facility.
7. **Stanwell Quarry, Southern Perimeter Road, Stanwell** – The submission of a retrospective application is awaited, which will seek to regularise an extension to the permitted MRF.
8. **Brockham Oilfield, Felton's Farm, Brockham** – In September 2016, Angus Energy sought CPA agreement for them to undertake maintenance using a 15m work-over rig on one of the three wells located within the site compound. They were subsequently advised that the proposed work would be covered under existing maintenance agreements, but that the drilling of any new wells, including sidetracks, plus the testing or production from wells not already authorised, would not be permitted.
9. Having been advised by Angus Energy that the presence of hydrocarbons within the X4 well construed it as being 'live' and led to them working overnight, officers relayed this information to the Health & Safety Executive, and on the basis of good practise it was considered reasonable to allow the night working for a period of one week to provide a safe environment for those working on site whilst the work-over was completed.
10. It subsequently transpired that a sidetrack had in fact been drilled. Angus Energy later claimed they already had permission for this. Officers did not believe that to be correct and sought Counsel's opinion, which once received, reinforced officers views. However, the operator also obtained Counsel view, which apparently upheld their belief that the drilling of the sidetrack was authorised. We have encouraged the submission of a retrospective planning application to regularise the unauthorised drilling of the sidetrack as well as the required testing of oil from the sidetrack, which Angus Energy's planning consultant has agreed would be done.
11. This unauthorised development has highlighted discrepancies between the legislators of the oil and gas industry, as permits for the drilling of a new sidetrack were issued by both the Environment Agency and the Oil & Gas Authority, and their legislative requirements do not require planning permission to be in place before they are issued. Whilst perfectly understandable in terms of legislation, it makes it somewhat confusing and at times misleading for both those involved and those monitoring such development.
12. **South Holmwood Brickworks, Beare Green** – An Enforcement Notice that was issued in August 2015 to prevent a lawful use developing was not contested. The notice was not complied with, but a planning application to address the retention of two extensions and a 22m chimney on the brickworks building together with a large hardstand for brick storage was submitted and subsequently approved.

13. **Elm Nursery, Sutton Green** – In October 2017 the unauthorised operation of a wood-splitter prior to a noise assessment having been undertaken was investigated and found to have taken place. As a result it was decided that a Breach of Conditions Notice would be expedient and this was duly instructed, prepared and issued.

ACTION AT UNAUTHORISED SITES

14. Complaints and the investigation of unauthorised waste development and breaches of planning control are given priority and continue to be dealt with in accordance with the Division's performance targets.
15. **Land east of Swift Lane, Bagshot** – Land east of Swift Lane, Bagshot – A County Court Injunction from 2007 bought an aforementioned deposit of waste to a close but the removal of some 26,000m³ of imported inert waste could not be secured as the operator was declared bankrupt. The same person has more recently purchased the land, felled a large number of mature trees, levelled the previously imported waste soils, created a hard surface and pitched a number of mobile homes on the land for private rental. In addition to this re-engineering of the land, a skip company used the site as its operational base and was undertaking some recovery of metals as well as burning wood waste. Furthermore, a timber building, brick walls with metal gates and a large metal open ended barn structure were erected.
16. Officers have advised and worked with both Surrey Heath Borough Council Officers, and Ivy Legal, their appointed consultant, who is co-ordinating the taking of enforcement action. This resulted in three ENs with Stop Notices being issued, all of which were appealed. Further to officers supplying statements to Ivy Legal, a High Court Injunction was obtained in June 2017 that reinforced the extant notices, meaning that a penal notice was possible if a breach was proven. Surrey Estates Department are also involved as a number of pitches at the traveller site have unauthorised extensions that need to be addressed. A Public Inquiry is set to take place at Surrey Heath Borough Council's offices between 10-13 April 2018.
17. **Land adjacent to Stubpond Fisheries, off Stubpond Lane, Newchapel** – The unauthorised and illegal import, deposit, storage, crushing and export of waste concrete on land where such is precluded by an extant EN issued in 1989 was found to be taking place in 2008 and more recently in 2014. A CLEUD was submitted to Tandridge District Council (Ta DC), seeking to demonstrate that the concrete crushing activities had a lawful use, but whilst Ta DC agreed with the CPA that the use was not lawful, a decision was not issued. As a result, the landowner's solicitors have advised us that an appeal against non-determination was to be made in January 2016, but this was eventually made in June 2016 and awaits determination.
18. The CPA would have submitted representations in support of Ta DC that the use was illegal as it fell under the extant EN issued by the CPA in 1989. If PINS did not determine in the landowner's favour then a subsequent planning application to the CPA was possible.
19. The Appeal was dismissed and no planning application has been submitted to date. The concrete crusher has been removed and importation of waste concrete has ceased. Occasional monitoring of the site will continue in case any further waste uses resume.
20. **Ellerton, Peeks Brook Lane, Horley** – A CLEUD was issued by Ta DC in 1997 which allows the storage of waste and other non-waste uses, but the CLEUD does

not cover the processing of waste. Further to extensive site discussions with the landowner and operator at the site, to address the unauthorised processing of waste soils and erection of site infrastructure, a PCN was issued in October 2015.

21. The Environment Agency issued a Permit for the site in 2016 that allowed waste processing from an EA perspective. Whilst separate from the planning issues, the Permit complicates matters for the CPA in dealing with planning, especially since the operator has installed unauthorised infrastructure to mitigate the impact of noise and dust. Whilst welcome in terms of reducing the impact of the unauthorised development, it simply adds to the planning breaches.
22. The issue of an EN in 2016 was considered as the CPA did not agree with the landowner's planning consultant that the processing is ancillary to the uses that are covered by the CLEUD, however they subsequently agreed to the preparation of a planning application to regularise the unauthorised uses at the site and the installation of additional infrastructure that had been installed to mitigate the impact of noise and dust in the locality. The application was submitted at the end of February 2018.

UPDATES ON SITES WHERE ENFORCEMENT ACTION WAS PREVIOUSLY TAKEN

23. **Land at Stoney Castle Ranges, Grange Road, Pirbright** – An EN was issued on 1 April 2015 requiring the cessation of waste import, deposit, storage and disposal by spreading or burning of inert and non-inert waste respectively and the removal of all imported waste from the land. The landowner lives under bail conditions in the Philippines. Despite his adult son having met officers several times on site and asking many times, he has failed to supply an address for him. As a result only the son was served with a copy of the EN.
24. An appeal was submitted by the landowner's son who had confirmed his interest in the land to both officers of the CPA & EA, but further to his submission of an additional letter, PINS subsequently deemed he did not have an interest in the land and the appeal was therefore rejected.
25. In the absence of an appeal, compliance with the extant EN was required by 9 January 2016, but compliance was not forthcoming. Despite difficulties faced with the registered landowner living abroad, it remains the CPA's intention to pursue a prosecution of his son who we have evidence of as being responsible for managing the site. An application to the Magistrates Court was made in December 2017 and an initial hearing at Guildford Magistrates Court was set for 7 February 2018 at which the defendant surprisingly opted for Crown Court. A case review took place at Guildford Crown Court on 6 March and a one hour hearing has been set for 24 May 2018, to adjudicate as to whether or not the defendant is in fact 'responsible' for the site. Depending on the outcome, the case could be dismissed, a guilty plea could be offered or it could proceed to trial.
26. **Garth Farm, Newchapel Road, Lingfield** – An Enforcement Notice was issued on 1 April 2015 requiring the unauthorised use of the land for the import, deposit and disposal of mixed waste disposal and green waste disposal cease, with all imported waste to be removed. An appeal was lodged and a Local Inquiry was anticipated, but PINS advised that a Public Inquiry was to be arranged for July 2016 due to the need for evidence on oath by the principal appellant.

27. The appellant failed to turn up for the Public Inquiry in July 2016, with the subsequent excuse being that she had to attend hospital, but had failed to advise PINS and the CPA. In her absence, the Inspector decided that there were inconsistencies within the EN and accompanying plan that she could not correct and as such the CPA have unfortunately had to withdraw the EN and re-issue the documents. Difficulties with mixed uses at the site, comprising both District and County planning matters, have resulted in delays to the notice being re-issued and we are currently awaiting a response from Officers at Tandridge District Council. The land is now being purchased by a developer, which should result in the site being cleared of unauthorised tenants and tidied up.
28. **Land at New Pond Farm at the junction of Furze Lane & New Pond Road, Compton** – An extant County Court Injunction that was secured on 16 April 2014 against the longstanding tenant (who claims to be the landowner) and uncle to one of the trustees, has been breached through the continued importation of waste, and was not complied with through the removal of all imported waste from the land.
29. The continuing actions of the tenant left the CPA with little choice but to seek a prosecution for both contempt of Court and non-compliance with the requirements of the injunction, which if successful could result in a short penal sentence.
30. On 22 October 2015, Mr Percy Podger of Pond Farm, Furze Lane, Compton was given a 6-month suspended prison sentence at the Royal Courts of Justice made after Her Honour Judge May found Mr Podger guilty of being in contempt of injunctions prohibiting importation of waste onto Green Belt land. Judge May advised Mr Podger that unauthorised waste disposal activity must cease and the waste materials must be removed by 31 January 2016 to a licensed waste facility and that he had to pay the CPA's application costs.
31. Officers checked the site on 1 February 2016 and sought a prosecution at the Royal Courts of Justice as full compliance with the extant EN had not been achieved, demonstrating Mr Percy Podger's continuing contempt of the injunctions.
32. A hearing for committal of Mr Percy Podger for breaching the High Court Injunction on 1 April 2016 was unable to be heard as a result of cases over running. Both parties agreed that a further period of time would be given for Mr Podger to discuss the case with his legal representative who was only appointed shortly before the hearing. As such, the case was set to be heard in late August 2016 at the High Court.
33. Mr Percy Podger failed to attend the High Court hearing in August 2016, claiming ill health. The Judge requested the CPA to initiate a social services check on Mr Podger, requiring Mr Podger's solicitors to provide copy of their quotes for waste clearance to achieve compliance and the hearing was rescheduled for mid-November 2016 at Guildford County Court to make it easier for Mr Podger to attend.
34. At Guildford County Court on 17 November 2016, Judge Raeside considered our evidence with Mr Percy Podger in attendance. Mr Podger's counsel conceded that he had breached the Court order on more than one occasion, but no penal sentence was imposed. Following slight amendments to the Court Order, we were again successful in obtaining a date for full compliance which was set for 1 July 2017 and the Judge stated that any further proven breaches would result in imprisonment for Mr Podger.
35. After Mr Percy Podger came into significant funds from housing development being granted planning permission on an adjacent piece of land, compliance with the

requirements of the extant Enforcement Notices, backed by the County Court Order, were largely achieved albeit late in summer of 2017. All of the non-inert waste comprising mixed builders waste, green waste and recycled soils were removed from the site. The only thing not removed was a soil bund around three sides of the field containing the site's access on Furze Lane. That bund was formed from 200+ loads of inert soils that were the subject of our original EN in late 2006 which was not appealed, but not complied with. Mr Podger subsequently shaped and seeded the soils to form a 1m high bund. Pursuing a breach of the 2006 EN was not considered expedient at the time, but when further breaches led to the 2012 EN and subsequent injunctive action, the requirements of the original 2006 EN were wrapped up with it.

36. Before being no longer instructed, Mr Podger's solicitors indicated that they did not believe the soil bunds were required to be removed by the County Court judgement, which was incorrect and Mr Podger's contractor had actually soil tested them in preparation for removal. The CPA sought Counsel's informal opinion as to whether continued action in pursuit of non-compliance with the Court Order was likely to be successful. They advised that despite the fact that the terms of the Court Order had clearly not been fully met, the planning 'harm' would again be considered by the Court, and that harm would be difficult to demonstrate as the low bunds did not impede openness within the Green Belt. As a result, officers have concluded that there was a limited chance of success at Court, and as such it was not in the public interest to continue pursuing non-compliance.
37. Apart from pursuing our costs, this concludes a dogged and hard fought major success in terms of maintaining the principles of planning enforcement through the TCPA in accord with our adopted Enforcement Protocol over a period of 11 years, the latter 5 involving a considerable amount of time and effort from Enforcement Officers, Planning Officers and Planning Solicitors. That said, although this will conclude our involvement with the site, unless any new waste development occurs, there remains a considerable amount of unauthorised planning issues at the site which we understand Guildford BC will now be pursuing.
38. **Ridgeways Farm, Lonesome Lane, Reigate** – Following the issue of a PCN in December 2008 regarding unauthorised import, deposit, storage, processing and disposal of waste materials, a Certificate of Lawful Existing Use Development (CLEUD) application was subsequently submitted in October 2010, but refused in May 2011.
39. An Enforcement Notice was to be issued in February 2013, however the question of unauthorised 'mixed uses' arose which we believed undermined the CPA's ability to enforce, due to the establishment of racking for storage of materials in relation to an authorised pre-existing use and the use of steel containers, scaffold and roofing sheets to create an additional covered storage area, screening of soils and partial infill of a pond. Following a meeting between Legal and Enforcement Officers from both SCC and Reigate & Banstead Borough Council (R&B BC), it was initially agreed that R&B BC would address the unauthorised development due to the unauthorised uses being mixed. Unbeknown to the CPA, R&B BC had received an application to regularise the unauthorised racking which appeared to address that which caused the mixed use concerns. As a result it was intended that the CPA would issue an EN to address the remaining unauthorised waste related development in spring 2016.
40. The landowner had moved abroad and indicated he was having the land cleared of the unauthorised waste development, which continued to be monitored as clearance was anticipated by mid September 2016. However, clearance was not completed and the landowner appeared to have returned to the UK and allowed occupancy of the

yard by a tenant who was undertaking waste recycling on the site. The landowner was advised by our solicitors that unless all waste operations ceased and the waste removed from site by 19 December 2016, an EN would be issued after consultation with R&B BC due to other non-waste related breaches. The landowners planning consultant advised that an appeal would be made in respect of any such enforcement action. Due to ongoing concerns about mixed uses at the site, which would have undermined the service of an Enforcement Notice, considerable delays arose for a number of reasons. Having reviewed the matter with Officers from R&B BC, it was agreed that since R&B BC officers had confirmed their view that there are no breaches of district planning matters taking place, Surrey County Council would issue the Enforcement Notice and deal with the subsequent appeal. An Enforcement Notice was issued on 3 January 2018 on both the landowner at his registered UK address and his planning consultant, as the landowner now lives in Thailand. An appeal has been made and is likely to be dealt with by Public Inquiry.

Examples of successful negotiation and ongoing challenges include:

41. **Highlands Farm, Portsmouth Road, Ripley -** : This agricultural land holding was reported as having been used by a former tenant for the importation and deposit of mixed inert waste materials (comprising soils, brick and hardcore) over areas of the site coupled with the periodic burning of imported mixed waste. The breach of planning control was addressed with the landowner and following protracted discussion and negotiations, the clearance of all deposited waste materials together with the tidying of the site was achieved without the need for formal action. The land has now been sold and it is understood the new landowner is in the processes of improving the general overall appearance of the land.
42. **Former Chalk Pit off Wanborough Hill, Wanborough -** A local waste contractor was found to be using this former small chalk quarry for the importation, deposit, stockpiling and processing of hard-core and chalk based materials with the permission of the landowner. It was subsequently documented by the contractor that the importation and processing activity was to screen out suitable materials for use in the repair of internal road and trackways around the land holding with the unusable material taken back off site. Officers advised that the land could not be used for this activity and that only materials fit for purpose (not requiring any treatment on site), could be used for such engineering repair works: subject to agreement with the local Planning Authority. Following discussions with the contractor this unauthorised activity ceased with all imported waste materials and machinery removed from the former chalk quarry.
43. **Land rear of 299 Connaught Road, Brookwood -** Complaints to the Local Environmental Health Department concerning regular fires on the land led to officers visiting the site to establish what was being burnt. It was found that the land was owned and in use by a building contracting company. Their main business was outlined as relating to emergency call out works to dwellings passed to them by insurance companies. This works occasionally generated varying waste materials that were brought back to the site. Such waste was either burnt on the land or bulked up and taken away by a local waste operator. Officers afforded the landowner a small window of time to clear and tidy the land without further recourse on the understanding that no repeat of the unauthorised waste development reoccurred. Subsequent site visits have not revealed any further unauthorised waste development.

TRAVELLER INCURSION AND WASTE DISPOSAL WITHIN SURREY

44. Local Authorities, Police forces and Environmental Crime Teams at the Environment Agency across the country have, and continue to, experience traveller incursion on an unprecedented scale as unauthorised occupation of sites is accompanied by the disposal of controlled waste arising from their work. The problems experienced led to a debate on 10 October 2017 in the House of Commons, which led to a call upon the Government to review the existing legal powers and procedures already in place to deal with unauthorised encampments and take all necessary action to prevent the recurring problem so that the interests of local residents, who have a right to enjoy the public amenities and facilities that they pay for through their taxes, are effectively protected by proposing a series of motions:
 - a) Improve prevention of traveller access on public land
 - b) Seeking a consistent approach toward illegal encampments and anti-social behaviour by the Police
 - c) Maintaining consideration of the Human Rights of Traveller groups
 - d) Recognising the financial burden on Local Authorities that are born through having to repeatedly issue eviction notices and clear waste from publicly owned land.
45. As a result Planning Enforcement Officers are advising the EA of each site that we become aware of, through the Borough and District councils, as soon as possible in order that they may obtain evidence where possible to gain intelligence on the travellers in question and the environmental crimes that they are committing.
46. From a planning perspective, we are of course left to deal with the landowners, as the modus operandi of the 'operators' is to access the land and dispose of commercial waste generated through their work over the course of a few days and then to vacate before searching for or head toward their next site. The tracking of some of the known vehicles has been undertaken by Police and EA staff and other agencies, but with limited success. I have listed a few of the sites below at which traveller incursion and waste disposal has taken place over the last six months and which will involve landowners in large scale clear up operations.
47. **Leg of Mutton Playing Field, Cobham** – The site was occupied for 19 days in July 2017 and the waste subsequently removed by Elmbridge BC's Leisure Services at a cost of around £8K.
48. **Land at Slyfield Industrial Estate, Guildford** – A plot on Guildford Borough Council's Slyfield Industrial Estate was occupied between 18-26/27 October 2017 and the waste was subsequently removed by Guildford BC's Estates Department at a cost of around £65K.
49. **Farnham Quarry, BVR, Farnham** – The unauthorised incursion and accompanying import, deposit and disposal of a considerable quantity of mixed waste took place over a week in mid-November 2017 by a group of travellers. Hanson UK, the landowners, obtained an eviction order and will remove the waste which has been estimated to cost around £40K in due course and reinstate the site to its restored status as a nature reserve.
50. **Land north of Tesco, Leatherhead** – The unauthorised occupation and accompanying import, deposit and disposal of a considerable quantity of mixed waste took place in mid-December 2017 by an identified group of travellers has left a cleanup operation of between £20 - £40K for the landowner to address. The

landowner ignored advice to improve the security of the site access and the land was subsequently subject to a second traveller incursion of two days' duration in late February 2018, which resulted in further controlled waste being deposited (with some of it being burnt), which will simply increase the future clearance costs.

51. **Land at former Royal Oak public house, Kingston Road, Leatherhead** – The site was occupied following the demolition of the pub and approximately £6K of non-inert controlled waste has been left on the land and the landowners have now instructed a contractor to commence the waste clearance from the site.
52. **Emerald House, High Road, Byfleet** – The vacant site was illegally occupied between 12-14 December 2017 and Wonder Investments the landowners are now investigating the cost of the site clearance, which is likely to be between around £5 - £10K. Upon leaving, they apparently split up and occupied two other sites within Woking Borough Council's jurisdiction at Walton Terrace and Britannia Wharf, the latter being owned by Woking BC who then evicted them.
53. **Land adjacent to Penton Hook Marina, Chertsey Lane, Staines** – A former landfill comprising river dredgings that had only been restored in the summer of 2017 by the Environment Agency (EA) as tenant of Marina Development Limited (MDL), was illegally occupied and tipped on by travellers between early December and 19 December 2017 when they were evicted. The EA and MDL are now in discussion to address the removal of a large volume of mixed waste which it is anticipated will cost in the region of approximately £40K, to bring about the clearance of the waste and restore the site once again.
54. **Former landfill Norlands Lane, Thorpe** – The site owners Viridor became aware of the travellers incursion. Viridor engaged bailiffs immediately and they served papers on the Friday requiring vacation of the site. Monday morning was agreed to as being acceptable, when it came to it, the travellers requested until 4pm. The travellers then started burning waste and threatened a bailiff who entered the site with a tow truck, with a machete. The Police were called and 25 officers arrived, including a helicopter & armed response unit, but the Chief Inspector would not sanction a removal of the travellers and Viridor had to go to Court to obtain a Part 55 Possession Order, which delayed removal for seven days. They left a large volume of mixed waste on site, with clearance costs plus new security fencing and moat and bund construction, the total cost of remediation will be £40K plus the £7K bailiff costs.
55. **Land at former San Domenico, Cobham A3** – The site was occupied with a large amount of mixed waste left in January/February 2017, the removal of which was addressed by the landowners. The site was again occupied on 15 January 2018 with waste again left with a fire involving waste disposal on site being addressed by Surrey Fire & Rescue on the 16 January before they vacated on the morning of the 17 January 2018. Site security fencing and personnel has since been increased and it is anticipated that the site which is the subject of a future development will be cleared of waste by Euro Garages the current landowner, though the cost of waste clearance will be less as the travelers had less time to tip and disposed of it by the fire.
56. **Land at Prestige House, High Street, Egham** – A re-development of a site to 49 flats, near Egham Library was occupied, with the Police issuing a S61 Notice, but not before they had deposited a considerable volume of controlled waste on the site which cost in the region of £20K to remove.

57. **National Grid land, Byfleet Road, Addlestone** – Travellers occupied the site from a Monday afternoon to a Wednesday morning, and still managed to dispose of £30K of waste in one full day of ‘business’.
58. **Walton Leigh Park School, Queen’s Road, Walton on Thames** – Arrived on the Thursday of half-term, following the departure of the National Grid land, same group. In occupation of their top car park as of 16 February which was vacated by 18 February 2018 with controlled waste again left.
59. **Birdseye building, Walton Court, Station Avenue, Walton** - Occupied as of Sunday 18 February with security man assaulted. Controlled waste imported and tipped and a listed bronze statue was stolen.
60. **Ian Allen Garage, 63-65 High Street, Old Woking** - Occupied as of Sunday 18 February.
61. **Lakewood car park, A307, Cobham** - Travellers occupied the public car park for several days but did not import any controlled waste onto the site.
62. The above sites are those that we are currently aware as of the end of February 2018 and there will almost certainly be many more in the future. The removal of the waste deposited by these travellers (believed to be part of a large group of Irish travellers that have split into three and are operating around the M25 orbital west-south west of London, north of London and southeast of London. The affected sites involve both private and public landowners and the cost to Local Authorities, based on the sites listed above that have arisen since August 2017, is estimated at well over £280K.

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PLANNING AND REGULATORY COMMITTEE



21 March 2018

Appointment to Outside Bodies: Royal Surrey County Hospital NHS Foundation Trust Council of Governors

Purpose of report:

To agree the appointment of a Surrey County Council Member to the Royal Surrey County Hospital NHS Foundation Trust Council of Governors.

Introduction

1. Following the County Council Elections of May 2017, the post of Surrey County Council Member representative on the Royal Surrey County Hospital NHS Foundation Trust Council of Governors is currently vacant.
2. Representatives on outside bodies are agreed informally between political groups. Where there is more than one candidate for a vacancy and informal agreement cannot be reached, the final decision on the appointment to outside bodies that do not carry out or relate to executive functions is delegated to the Planning and Regulatory Committee.

Appointment of Member Representation

3. The Royal Surrey County Hospital NHS Foundation Trust Council of Governors notes that it has one vacancy for a Member of Surrey County Council as part of its terms of reference. Matt Furniss (Shalford) and Fiona White (Guildford West) have submitted interest through their respective Group Leaders to be appointed to this vacancy.
4. Following a submission of interest to an Outside Body appointment, an informal negotiation process of appointment is undertaken by agreement of the Group Leaders. Upon lack of informal resolution, a notification was sent to Matt Furniss and Fiona White on 12 January 2018 that, following no informal resolution, this issue would be formally resolved by the Planning and Regulatory Committee.
5. Details of the role and membership of the Council of Governors are set out in Annex 1.

Role of the Planning and Regulatory Committee

6. The role of the Planning and Regulatory Committee, as detailed in Part Three of the Constitution, is to consider the representations from the two applicants and to appoint one of these to the Royal Surrey County Hospital NHS Foundation Trust Council of Governors.

7. It has been agreed by the Chairman of the Planning and Regulatory Committee that Cllr Matt Furniss and Cllr Fiona White will be given the opportunity to make a three minute representation to the Committee.
8. The Committee will consider both representations and vote for **ONE** candidate by secret ballot.
9. Cllr Matt Furniss is an appointed member of the Planning and Regulatory Committee and Cllr Fiona White is an appointed substitute of the Planning and Regulatory Committee. To ensure fairness, both members will abstain from voting on this item.

Recommendations:

That the Committee agree the appointment of a Surrey County Council Member representative to the Royal Surrey County Hospital NHS Foundation Trust Council of Governors.

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Council of Governors

The Council of Governors plays a key role in taking the Trust forward and ensuring it is meeting the needs of its communities. The governors gather the views of the hospital's members to give them a voice at the highest level of the organisation. Governors also work closely with the Trust's Board to influence decision making and ensuring all services are continually improving.

There are 26 governors serving on the Council of Governors:

- 14 elected public governors
- Two elected rest of England governors
- Five elected staff governors
- Five appointed governors representing various stakeholders

The Register of Interests for the Council of Governors may be inspected by contacting the Company Secretary

The main role of the council is to:

- Advise the Board of Directors of the views of the membership
- Comment on the development of strategic plans for the Trust

In addition some of the statutory responsibilities of the Council include:

- Appoint and, if appropriate, remove the Chair and Non – Executive Directors (NEDS)
- Decide the remuneration, allowances and terms and conditions of the Chair and NEDS
- Approving the appointment of the Chief Executive of the Trust
- Appoint and, if appropriate, remove the trust's external auditor
- Hold the NEDS individually and collectively to account for the performance of the Board of Directors
- May require one or more Directors to attend Council of Governors meeting to obtain information about the Trust's performance of its functions or directors' performance of their duties.
- Represent the interests of the public and members

- Receive the annual accounts, auditor's report and annual report
- Approve 'significant transactions'
- Approve an application by the trust to enter into a merger, acquisition, separation or dissolution.
- Decide whether the Trust's non NHS work would significantly interfere with the trust's principal purpose (i.e. the provision of goods and services for the health service in England or the performance of its other functions).
- Approve any amendments to the Trust's constitution.

How long is a governor's term of office?

Governors serve for three years and may stand for further terms up to a maximum four terms. Governors do not receive remuneration; however, travelling expenses are reimbursed.