

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 23 March 2022 at Surrey County Council, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF.

These minutes are subject to confirmation by the Committee at its next meeting.

Members:

- *Tim Hall (Chairman)
- *Ernest Mallett MBE
- *Penny Rivers
- *Jeffrey Gray
- *Jonathan Hulley
- *Victor Lewanski
- *David Lewis
- *Catherine Powell
- *Richard Tear
- *Jeremy Webster (Vice-Chairman)
- Scott Lewis

*= in attendance

21/22 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Scott Lewis. David Harmer substituted for Scott Lewis.

22/22 MINUTES OF THE LAST MEETING [Item 2]

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

23/22 PETITIONS [Item 3]

There were none.

24/22 PUBLIC QUESTION TIME [Item 4]

There were none.

25/22 MEMBERS' QUESTION TIME [Item 5]

There were none.

26/22 DECLARATIONS OF INTERESTS [Item 6]

There were none.

27/22 MINERALS/WASTE WA/2017/1466 MO/2017/1432 - LAND AT EWHURST BRICKWORKS, HORSHAM ROAD, WALLISWOOD, SURREY RH5 5QH [Item 7]

Officers:

Caroline Smith (Planning Group Manager)
Stephen Jenkins (Planning Development Manager)
Nancy El-Shatoury (Principal Highways and Planning Solicitor)
Joss Butler (Committee Manager)
Samantha Murphy (Development Management Team Leader)

Speakers:

The Local Member, Liz Townsend, made the following comments:

1. That the development would have a permanent change to the environment and biodiversity.
2. Urged Members to ensure that there was a response from the Surrey Wildlife Trust before determination.
3. That there was a lack of detail on the impact to the environment within the report.
4. Urged Members to seek further information on the impact on water quality, diversion of the water course and impact on the wider Wey catchment and Thames river basin management plan.
5. Surrey had declared a climate emergency however there were no detail on how the substantial energy demands of the site would be managed.
6. That a minimum requirement of an energy statement and a firm commitment from the applicant for the use of renewable energy should be requested.
7. That the surrounding rural road network would be impacted.
8. The surrounding roads were not suitable for Heavy Goods Vehicles (HGVs) and that the report lacked defined detail on vehicle movements.
9. Urged Members to defer the application until further details were provided.

Key points raised during the discussion:

1. A Member of the Committee stated that the update sheet was published at 2:15pm the day before the meeting and that it was not enough time in advance of the meeting to properly consider the new information. The Chairman asked officers to provide an overview of the update sheet and agreed to review the update sheet process.
2. Officers informed Members that the main content of the update sheet included changes to pre-existing condition wording, a missing condition, references to relevant legislation, consultee comments and comments from the County Historical Officer.
3. Officers introduced the report and provided Members with an overview of the application while referencing photographs and plans which were presented to the Committee. The application was for the extraction of clay from an area of 43.2 hectares (ha) with restoration to agricultural grassland, lakes, woodland and grassland; together with the construction of a tile factory with a chimney, and the permanent diversion of footpath 89; and on a site of 113ha. Members further

noted details on the conditions included in the report and that there had been 84 letters of representation.

4. The Chairman highlighted that the committee had undertaken a visit to the site.
5. In regard to Condition 27, a Member asked whether issues related to the traffic routes would need to be resolved prior to any work being undertaken on the new tile factory, or at any time. Officers explained that the condition stated 'within three months' as it would capture any existing HGVs traveling on the road network. Members further noted that this application was an opportunity to agree a formal route for HGVs, communication around the route, and further improvements.
6. A Member asked whether the Section 106 agreement included any detail on improvements on the road itself and maintenance. Officers explained that there were adequate powers under Section 59 to undertake enforcement action if the road was damaged beyond normal wear and tear. Officer further noted that there was no evidence of any accidents relating to HGV usage on the route and therefore there was no area on the route that required any mitigation.
7. A Member asked whether a decision on the application was premature without further detail on the Section 106 agreement. Officers highlighted that the transport statement had provided detail on the route which was considered in the report. Members further noted that there had been no personal injury accidents involving any lorries with other road users over the last 10 years.
8. Officers highlighted that the applicant must establish a local liaison group.
9. Officers stated that the applicant was already following the measures outlined in the Section 106 agreement that that signage was already present on the route.
10. The legal representative at meeting advised Members that a breach of a Section 106 agreement would mean that the council could take action for compensation.
11. Members highlighted concerns around the threat to the ancient woodland.
12. A Members stated that the felt the application would be better considered as two applications.
13. Officers stated that detail on the removal of the tile factory after 50 years and extraction under it was covered within the application.
14. A Member highlighted various errors within conditions where references to other conditions were incomplete. Officers apologised for the errors and stated:
 - a. The aftercare conditions had been superseded by conditions within the update sheet
 - b. That Condition 34 should refer to Condition 33
 - c. Condition 59 should refer to Condition 57
 - d. Condition 66 should refer to Condition 65
15. The Committee noted concerns about whether the council had sufficient resource to ensure compliance.
16. Members requested further information around the water levels on the site. Officers stated that water levels would be controlled by outfall. Members further noted that a water management plan was conditioned to be put in place. Following further discussion, officers stated that they could add to Condition 36 (g) a note stating that the applicant should provide mechanisms for correction and how they would managed any unforeseen matters, which Members agreed.

17. In regard to water quality, officers highlighted that, as noted in Condition 38 (g), the water management plan would include detail on water monitoring which included the chemistry of the water. A Member requested that Condition 38 be amended to include reference to discharge to surface watercourse which was agreed.
18. Members noted details of the Bird Management Plan as noted within the report. Officers agreed to seek advice from the Wildlife Trust on the plan.
19. Members noted that Thames Water had confirmed that they believed there was sufficient water in the area for the tile factory.
20. Officers informed Members that the applicant had its own sustainability targets as a company.
21. Following discussion, officers highlighted the council's Section 59 powers which could be used to enforce the applicant to repair damage cause by them to the public highway during construction. Further to this, officers stated that reporting damage to the council could be included as part of the local liaison group's Terms of Reference. Officers went on the propose that Condition 29 was amended to include a clause which stated that an up to date survey was available prior to the start of construction.
22. The Committee agreed that the applicant should review the 'earliest start time' on site and have the review considered by the local liaison group.
23. Officers highlighted that the Wildlife Trust had been contacted several times on the application but no response was received.
24. The Committee unanimously agreed to the recommendation subject to the changes and additions within these minutes.

Resolved:

The Committee agreed that, subject to the prior completion of a section 106 legal agreement to secure a routing agreement for HGVs accessing and egressing the site and the relinquishing of mineral rights for which draft Heads of Terms are set out in the Annex, to PERMIT subject to conditions and informatives within the update sheet and changes and additions noted within the meeting's minutes.

28/22 MINERALS AND WASTE APPLICATION WA/2021/0286 - LAND AT CHIDDINGFOLD STORAGE DEPOT, CHIDDINGFOLD ROAD, DUNSFOLD, SURREY GU8 4PB [Item 8]

David Harmer left the meeting at 11:52am

The Committee adjourned between 11:52am – 12:00pm for a comfort break

Officers:

Caroline Smith (Planning Group Manager)
Stephen Jenkins (Planning Development Manager)
Nancy El-Shatoury (Principal Highways and Planning Solicitor)
Joss Butler (Committee Manager)
David Maxwell (Senior Planning Officer)

Speakers:

None.

Key points raised during the discussion:

1. Officers introduced the report and informed Members that the application was for the change of use of north-western end of Building A from document storage (Class B8) to storage of automotive parts, processing of catalytic converters and clutches and the creation of extended hardstanding area and erection of retaining wall (part retrospective). Members noted details provided during a presentation of the photos and plans of the site, as noted within the report. Officers corrected an error within paragraph 3 which stated that the site was 207 square meters but it should state 835 square meters. Further to this, paragraph 36 should reference building A rather than building B.
2. A Member raised a concern that the applicant was part-retrospective.
3. In regard to drainage under the hardstanding, Members noted that there were two conditions proposed by officers which stated that a drainage system should be properly implemented and maintained throughout its lifetime. Furthermore, officers stated that the waste operations on site could not commence until the drainage system was approved in writing.
4. In regard to the interceptor tank held under the hard standing, a Member asked how it would be accessed for maintenance. Following discussion, another Member highlighted that the interceptor had been inspected in 2020 and so the site did have access for maintenance.
5. A Member raised a concern around the lack of reference to the actual site operation within the water environment conditions. Officers proposed to include wording such as 'the plan or scheme shall be implemented and maintained in accordance with the approved details' which was agreed by Members.
6. Members noted that there was a condition included which restricted where metallic waste could be transferred into skips.

Resolved:

The Committee agreed to **PERMIT** planning application WA/2021/0286 subject to the conditions from page 116 of the agenda and amendments / additions agreed during discussion at the meeting.

29/22 DATE OF NEXT MEETING [Item 9]

The date of the next meeting was noted.

Meeting closed at 12.38 pm

Chairman