

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 9 November 2016 at Ashcombe Suite, County Hall, Kingston upon Thames, Surrey KT1 2DN.

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

**Members Present:**

Mr Tim Hall (Chairman)  
Mr Keith Taylor (Vice-Chairman)  
Mr Steve Cosser  
Mrs Carol Coleman  
Mr Jonathan Essex  
Mrs Margaret Hicks  
Mr Ernest Mallett MBE  
Mr Michael Sydney  
Miss Marisa Heath  
Mrs Mary Angell

**Apologies:**

Mr Richard Wilson

**Officers**

**139/16 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies for absence were received from Richard Wilson.

**140/16 MINUTES OF THE LAST MEETING [Item 2]**

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

**141/16 PETITIONS [Item 3]**

There were none.

**142/16 PUBLIC QUESTION TIME [Item 4]**

There were none.

**143/16 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**144/16 DECLARATIONS OF INTERESTS [Item 6]**

There were none.

**145/16 MINERALS/WASTE MO/2016/0981 - LAND AT BURY HILL WOOD, OFF COLDHARBOUR LANE, HOLMWOOD, SURREY RH5 6HN [Item 7]**

The Chairman informed the Committee that the Application had been deferred to a future meeting so the item would not be considered.

**Resolved:**

To note that this Application had been deferred by the Applicant and would return at a later date.

**146/16 MINERALS/WASTE SP12/01132/SCD3 - MANOR FARM, ASHFORD ROAD AND LAND WEST OF QUEEN MARY RESERVOIR, LALEHAM, SURREY [Item 8]**

**Officers:**

Alan Stones, Planning Development Control Team Manager  
Nancy El-Shatoury, Principal Solicitor  
Caroline Smith, Transport Control Team Manager  
Susan Waters, Principal Planning Officer

**Speakers:**

Denise Turner-Stewart, the Local Member, made the following points:

1. The Local Member raised concerns over the location of dust monitoring both on and off site as receptors would need to be in the areas of most potential harm. The Local Member went on to request monitoring reports be issued every three months as a replacement for of every six months which was originally outlined in the report. As well as this, Confirmation was sought over if the data in the monitoring reports would be freely available on the Surrey County Council website.

**Key points raised during the discussion:**

1. The Principal Planning Officer introduced the item and the update sheet tabled in the meeting. It was explained that an Air Quality Consultant suggested to introduce a Dust Monitoring Plan to monitor the dust created and set out what the risk and control measures would be. The Air Quality Consultant also confirmed that the potential impact of dust onsite was considered low risk and that the main issue would be nuisance dust. In response to the Local Members comments the Principal Planning Officer confirmed that three monthly monitoring would be possible and that the data would be made available on the Surrey County Council website.
2. A Member of the Committee asked for confirmation over changing the monitoring updates from six months to three months in which the Principal Planning Officer agreed that this would be changed.
3. The Committee sought clarification over the health concerns of the dust created onsite in which the Planning Development Control Team Manager explained that due to the significant dilution of the dust there was no real impact to health onsite and that usually the main problems created by dust would only be in confined spaces.

The resolution of the Committee was unanimous.

**Resolved:**

That application MINERALS/WASTE SP12/01132/SCD3 - Manor Farm, Ashford Road and land west of Queen Mary Reservoir, Laleham, Surrey was permitted subject to conditions and reasons set out in the report.

**Actions/ further information to be provided:**

To provide monitoring reports every three months in replacement of the original six months outlined in the report.

**147/16 APPLICATION FOR VILLAGE GREEN STATUS - LAND AT THE GREEN, SEVERN DRIVE AND RYDENS ROAD, WALTON ON THAMES [Item 9]****Officers:**

Helen Gilbert, Commons Registration Officer  
Joanna Mortimer, Principal Registration Officer

**Key points raised during the discussion:**

1. The Commons Registration Officer introduced the item and provided further clarification on legal aspects of the application. Counsel's Opinion was sought from Mr William Webster, a Barrister who was a recognised expert in this field of law. Mr Webster found that the use of the land was 'by right' ie with specific permission from the landowner, rather than 'as of right'. He found that Elmbridge Borough Council was exercising its statutory powers. Following receipt of Counsel's opinion, the applicant submitted that the landowner was the Walton Charity (the objector) rather than EBC and as the Walton Charity is not a statutory body, this principle did not apply. The Council's Principal Property Solicitor, Joanna Mortimer, has advised that, under the Law of Property, a leasehold interest, which Elmbridge Borough Council had, is ownership. The status of the charity was therefore irrelevant as it was not the direct landowner. Elmbridge Borough Council held the land for the specific use as a recreation ground. Thus the use of the land is 'by right' and not 'as of right'.
2. Members discussed the application and sought clarification over the wording 'as of right' and 'by right' used in the report. A Member of the Committee expressed that they believed this was a very straight forward application and that they are happy to trust the Officers opinion provided.

**Resolved:**

That Application for Village Green Status - Land at The Green, Severn Drive and Rydens Road, Walton on Thames be rejected.

**Actions/Further information to be provided:**

None.

**148/16 DATE OF NEXT MEETING [Item 10]**

The date of the next meeting was noted.

Meeting closed at 11.11 am

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**Chairman**