

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 7 December 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
Mrs Mary Angell

Apologies:

Mr Richard Wilson
Miss Marisa Heath

149/16 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

Apologies for absence were received from Marissa Heath and Richard Wilson.

150/16 MINUTES OF THE LAST MEETING [Item 2]

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

151/16 PETITIONS [Item 3]

There were none.

152/16 PUBLIC QUESTION TIME [Item 4]

There were none.

153/16 MEMBERS' QUESTION TIME [Item 5]

There were none.

154/16 DECLARATIONS OF INTERESTS [Item 6]

There were none.

155/16 MINERALS/WASTE MO/2016/0981 - LAND AT BURY HILL WOOD, OFF COLDHARBOUR LANE, HOLMWOOD, SURREY RH5 6HN [Item 7]

Officers:

Alan Stones, Planning Development Control Team Manager

Nancy El-Shatoury, Principal Solicitor

Caroline Smith, Transport Control Team Manager

Samantha Murphy, Principal Planning Officer

Key points raised during the discussion;

1. The Principal Planning Officer introduced the report and the update sheets tabled at the meeting. It was explained that the Light Management Plan was a requirement set out by Condition 11 of the appeal decision APP/B3600/A/11/2166561 dated 7 August 2015. Officers highlighted that the Light Management Plan would include the lighting type and location and that once installed the lighting would be checked by a suitably qualified engineer, to ensure the lighting had been installed with the requirements of the Light Management Plan. It was also highlighted that the Leigh Hill Action Group had raised concerns over the lighting having a negative impact on the roosting of bats within a tree in close proximity of the application site.
2. A Member of the Committee queried that the lighting plan was not in accordance with the Area of Natural Beauty requirements and whether Officers saw this as reasonable. The Officer confirmed that it was exceeding the lighting requirements as it was above zero but highlighted that the Lighting Consultant had not raised any concerns as they believed it had no significant impact.
3. A discussion was had around the type of lighting used and if the lighting would be LED lighting. It was explained by a Member of the Committee that LED lighting had a significant negative impact on bat species in comparison to other lighting types and asked if it was possible to ensure no LED lighting would be used on the site. Officers explained that they could not comment as it may have an affect on the Health and Safety of the site but agreed that it would be possible to include an additional informative to ask the applicant to explore other lighting types.
4. A Member of the Committee suggested including an additional informative to address the concerns raised by the Surrey Wildlife Trust over the mitigation measures proposed to ensure lighting would not affect roosting bats during summer months.

Resolved:

That application MO/2016/0981 - Land at Bury Hill Wood, off Coldharbour Lane, Holmwood, Surrey RH5 6HN was approved subject to informatives and reasons set out in the report.

Actions/further information to be provided:

1. To add an additional informative to ask the applicant to explore other lighting types.
2. To add an additional informative to ensure lighting would not affect roosting bats during summer months.

156/16 GU14/P/01718 - THE DRIFT GOLF CLUB, THE DRIFT, EAST HORSLEY, SURREY, KT24 5HD. [Item 8]

Margaret Hicks left at 12:09pm

Officers:

Alan Stones, Planning Development Control Team Manager
Nancy El-Shatoury, Principal Solicitor
Caroline Smith, Transport Control Team Manager
Dustin Lees, Senior Planning Officer

Speakers:

Ms. Iles, a local resident, made representations in objection to the application. The following points were made:

1. The local resident expressed concern over the Heavy Good Vehicles (HGVs) damaging The Drift road as the HGV's weight exceeded the road weight limit which was 7.5 tonnes. It was also highlighted that the local cottages situated along the HGV route may be damaged by the vibrations caused by passing HGVs.
2. Concern over the safety of residents and school children was expressed as many cross the roads in which the HGVs were routed. The local resident urged the Committee to reject the application.

Mr. Bellchamber, a local resident, made representations in objection to the application. The following points were made:

1. The local resident highlighted that there would be 33 HGV movements per day during the course of nine months if the application was successful. It was mentioned that this would be very dangerous as the lanes were highly populated by residents and very narrow.
2. The air pollution and physical damaged caused by the HGVs was a concern to the resident in which they expressed that there was no real explanation as to why the waste movement was absolutely necessary. The local resident asked the Committee to reject the application.

Mr. Taylor, a local resident, made representations in objection to the application. The following points were made:

1. The local resident stressed that the benefits of the golf club were outweighed by the suffering to the local residents and that special circumstances were not shown for the construction in the green belt. The resident informed the committee that due to parked cars most local roads were realistically single carriageways so HGVs would make the situation much worse.
2. The resident informed the Committee that The Drift road ran alongside a wildlife reserve and explained that this development would only cause harm to the protected species. The resident urged the Committee to reject the application.

Mr. Lyzba, the applicant's Planning Consultant, made the following points in response:

1. The Planning Consultant highlighted that part of the proposal was to enable self sufficiency by the regulation of water on the new driving range and that the new development would encourage sport as it would be accessible to local schools in the area.
2. It was confirmed that there would be no movement of HGVs between 8:00am and 9:00am and that there would be no movement at all after 2:30pm. It was explained that the reasons for this were to mitigate the issues caused by HGVs at peak traffic times in the area and this that would be enforced by both the golf club and the County's Planning Enforcement Team.
3. It was explained that there were no severe impact to highways which was shown in the Officers report and that there were no technical objections. In response to the local residents in was confirm that any loss to bio-diversity would be replaced and that the local cottages referenced were already located on HGV routes.
4. The applicant's Planning Consultant concluded by confirming to the Committee that the Officers report stated there would be no adverse impact to the Green Belt and that there would be a number of benefits including re-using waste, sustainable harvesting of water, benefits to the local community and job opportunities.

The Local Member, Mary Lewis, made the following points:

1. The Local Member stated that the objectors made clear how residents in the area felt negatively about the application and the proposed HGV movements. The surrounding roads already had problems with traffic and that the HGVs would only make the situation worse. The air quality in the area was also confirmed to be low quality and that there was concern that the increased HGV movements would amplify this and so consequently the wellbeing and health of the local residents was at risk.
2. Concern was raised over Condition 6 on the report not clarifying the start time of the HGV movements. The Local Member urged the Committee to reject the application.

The Local Member, Bill Barker, made the following points:

1. The Local Member stated that they had no issue with the management of the Drift Golf Club but the problems were with the HGV movements proposed. It was stressed that the HGV drivers could possibly change the planned route if they encountered traffic and this would only put residents at risk. The highways in the area were already not up to standard and the HGVs would only damage this further. The Local Member urged the Committee to reject the application.

Key points raised during the discussion:

1. The Planning Development Control Team Manager introduced the report and the update sheet tabled at the meeting. It was explained that Officers saw no significant adverse impacts from the application therefore no reason for rejection. The development was deemed appropriate in the area and had passed the green belt test which was

explained in the report. It was confirmed that special circumstances were shown and that there were no lasting negative impacts from the development.

2. A Member of the Committee made clear that they saw the number of HGV movements as a modest number and that the environmental impacts were only temporary so could be mitigated. It was stated that they saw no grounds to reject the application and that the Planning Committee needed to stay consistent with previous applications.
3. Members questioned where the waste would be transported from to which Officers responded that they could not yet confirm the location but it would be within 30 miles of the site.
4. A discussion was had around The Drift road and the problems it would encounter supporting the weight of passing HGVs as they were over the road's weight limit. Officers confirmed that the 7.5 tonne weight limit of the road was mainly for environmental reasons due to the nature of the road and that it would be able to support passing HGVs.
5. A Member explained that The Drift road should be maintained and that HGV access would need to be developed. It was mentioned that they saw the long term impact on the Green Belt due to the development as reason for refusal.
6. The Planning Development Control Team Manager confirmed that the site had passed the test to be considered a statutory waste management facility and that it was unreasonable to say otherwise. It was also confirmed that the start time for HGV movements would be between 7:00am and 8:00am. Members were reminded to consider the application that was before them on its merits.
7. Mr Keith Taylor moved the motion, which was:
I propose the application should be refused for the following 3 reasons;
 - i. The proposal is by its nature and character inappropriate development in the Green Belt and the applicant has failed to demonstrate that factors exist in the form of the needs for improved irrigation and drainage, improved golf facilities and increased waste management capacity which amount to very special circumstances to clearly outweigh the harm to the Green Belt and any other harm, contrary to Policy CW6 of the SWLP 2008.
 - ii. The applicant has failed to demonstrate that there is a sufficiently robust need to provide waste management capacity in the locality to manage Surrey's wastes contrary to Policy CW4 of the SWLP 2008.
 - iii. The applicant has failed to demonstrate that the proposed development is essential to achieve a substantial improvement in the quality of the land and that the irrigation and drainage provision involves the minimum quantity of waste necessary to secure the proposed improvement, contrary to Policy WD7 of the SWLP 2008.
8. Two Members spoke on the motion and made following points:
 - There was concern that motion did not include enough background information to be supported if it were to go to appeal.
 - It was asked that the motion be voted on each individual point which was considered and rejected.
9. The motion put to a vote in which the majority voted against, and motion was lost, Therefore it was resolved.

10. A Member of the Committee asked that Condition 6 be reworded so that it is clear that HGV access and egress to and from the site is only permissible between 07:00 - 08:00 and 09:00 – 14:30 which was agreed.
11. A Member of the Committee asked that Condition 7 be amended to include that written approval would need to be obtained by the County Highway Authority.
12. A Member of the Committee asked that Condition 8 be amended to include 'evidence from a suitable qualified professional that the culvert and toad tunnel on The Drift are capable or are made capable of withstanding the weight of the HGVs'.
13. A Member of the Committee asked that Condition 9 be amended to remove the words 'to be' before 'submitted'.
14. A Member of the Committee asked that Condition 15 be amended to include 'has been submitted' rather than 'has be submitted'.
15. A Member of the Committee highlighted that paragraph 173 stated that Officers consider that the installation of the proposed solar panels should be secured by way of condition and that this condition had not been included in the report.
16. A Member of the Committee highlighted paragraph 210 and asked that the removal of the temporary building be conditioned after the temporary period was over.

Resolved:

That application GU14/P/01718 - The Drift Golf Club, The Drift, East Horsley, Surrey, KT24 5HD was permitted subject to conditions and reasons set out in the report.

Actions/further information to be provided:

1. That Condition 6 be reworded to so that it is clear that HGV access and egress to and from the site is only permissible between 07:00 - 08:00 and 09:00 – 14:30.
2. That Condition 7 be amended to include that written approval would need to be obtained by the County Highway Authority.
3. That Condition 8 be amended to include 'evidence from a suitable qualified professional that the culvert and toad tunnel on The Drift are capable or are made capable of withstanding the weight of the HGVs'.
4. That Condition 9 be amended to remove the words 'to be' before 'submitted'.
5. That Condition 15 be amended to include 'has been submitted' rather than 'has be submitted'.
6. That the installation of the proposed solar panels be secured by way of condition.
7. That the removal of the temporary building on site be conditioned after the temporary period is over.

157/16 DATE OF NEXT MEETING [Item 9]

The date of the next meeting was noted.

Meeting closed at 1.42 pm

Chairman

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Application ref: MO/2016/0981

Planning and Regulatory Committee 7 December 2016

Item 7

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UPDATE SHEET**MINERALS AND WASTE APPLICATION MO/2016/0981****DISTRICT(S)** MOLE VALLEY DISTRICT COUNCIL**Land at Bury Hill Wood, Coldharbour Lane, Holmwood, Dorking****Details of a Light Management Plan submitted pursuant to Condition 11 of appeal decision APP/B3600/A/11/2166561 dated 7 August 2015.**Officer report

Paragraph 50, bullet point 3 should read "*the specific lighting at various heights on the rig itself as listed above in paragraph 17*"

Representations

A further letter of representation has been received raising concerns that the proposal is to go ahead in an Area of Outstanding Natural Beauty (AONB); questioning whether the Light Management Plan (LMP) covers the original application site of 0.79 hectares as opposed to the site area as shown in application MO/2016/1563 (for the proposed new security fencing); and that if it does relate to the site area as shown in MO/2016/1563 that a new LMP would need to be submitted and this current application not be determined.

Officer comment

The issue of the application site being within the AONB was dealt with as part of the Appeal decision making process therefore on the matter of an exploratory wellsite being granted planning permission this matter has already been dealt with as part of APP/B3600/A/11/2166561.

On the matter of the application area, this LMP relates to the application area for APP/B3600/A/11/216661 only.

Surrey Wildlife Trust and Leith Hill Action Group (LHAG)

Further comments have been received from the Surrey Wildlife Trust and LHAG.

Surrey Wildlife Trust (SWT)

SWT having reviewed the latest version of the Light Management Plan (LMP) have commented that they wish to have more information from the applicant on the mitigation measures proposed for how the lighting would not affect roosting bats during the summer months.

Leith Hill Action Group (LHAG)

LHAG have commented that that latest version of the LMP has gone some considerable way to addressing the concerns previously raised by them. However they remain concerned, and object to, two matters: a) the definition of an emergency and b) that the current LMP should only be for the winter months and should the applicant wish to operate the development

proposal during the summer months, because of the concerns regarding bats, another LMP should be submitted for approval.

Officer comment

Definition of an emergency

Officers recognise the concerns raised by LHAG on this matter and to alleviate these concerns Officers propose to impose an informative on any decision made on this approval. The currently submitted LMP does not contain a definition of an emergency to which the applicant would wish to abide by. Within the Officers report a definition of an emergency is provided. However Officers would like to now amended this definition to the following:

"For the purposes of this approval, an emergency is defined as an event that would not maintain site safety and would be likely to result in a significant risk to human wellbeing or a significant risk of harm to the environment or local amenity."

The applicant has confirmed they have no objection to this definition. This definition was sent to LHAG on 29 November 2016 and LHAG comment that this definition is different to that in the Officer report but that LHAG are content for this definition of emergency to be applied in all circumstances to Europa's various planning applications.

Bats

Officers do not agree with LHAGs request that a clause be added into the LMP that the LMP is only effective for the winter months. Officers also consider that sufficient information is provided with regards to foraging and roosting bats with regards to the summer months.

LHAG have responded saying:

We maintain that statements to the effect that there are no bat roosting trees and no concerns about bats are factually incorrect and in contradiction to Europa's own Ecology Plan. We would like it set on record (including the records made available to the Planning Committee) that such statements are factually incorrect. We would also like to place on record that acceptance of the LMP should not prejudice any other decision regarding ecology.

On the grounds, however, that such incorrect statements do not directly impinge on the LMP (and taking your response regarding mitigation measures fully into account), we are content for the LMP (including our record about its inaccuracy) not to be held up further on this account.

Officers are aware that the Ecological Monitoring and Management Plan (EMMP) identifies two trees with potential for bat roost potential. A bat survey was carried out of these two trees in August 2016. One tree was assessed as having low bat roost potential. One tree was assessed as having moderate bat roost potential for summer roosting but no potential for hibernation as the heartwood gone thus offering no thermal stability. Both of these trees are within the 1 lux contour level.

The LMP identifies one tree (para 3.1.4) having moderate bat roost potential and states that in the setting up of the compound lighting care will be taken not to illuminate this tree. Para 6.10 states that bat surveys undertaken identified a low level of bat activity, that the proposal would not affect the ability of bats to forage and the proposed timing of the development avoids the main bat activity period.

Officers are aware that during the winter months when lighting could be required to be on during the hours of darkness because the days are shorter, the tree with moderate bat roosting potential has no winter hibernation potential. During the summer months, the days are longer and there is less likelihood of lighting (aside from the rig which is required to be lit 24/7).

Both trees identified within the EMPMP are located in an area that would be subject to a very low increase in light levels as the lighting proposed is directional towards the centre of the application site. There would also be measures to reduce light spillage including use of hoods.

Regarding potential impacts on bats, the Bat Mitigation Guidelines, (2004) English Nature, Section 8.2, p.42 covers Avoidance of disturbance, killing and injury and provides a table of bat usage and optimum timing for works. For summer use, i.e. roosting, the optimum time for carrying out works/ development is given as 1st September to 1st May. By May the day length will have extended and there will be less time when lighting will be needed.

Officers have identified that lighting levels of 1 lux are considered acceptable for bats and the level of 1 lux is the equivalent of moonlight. The level of 3 lux (the level above 1 lux) is the equivalent of civil twilight. Both of these lux levels are low levels of lighting.

Officers are satisfied that the LMP provides adequate information on mitigation for roosting bats during the summer months and that the proposed lighting levels would not cause a significant adverse impact on roosting bats during the summer months.

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UPDATE SHEET**MINERALS AND WASTE APPLICATION GU14/P/01718****DISTRICT(S)** GUILDFORD BOROUGH COUNCIL**The Drift Golf Club, The Drift, East Horsley, Surrey, KT24 5HD.**

The importation, deposit and engineering of 54,878m³ (some 87,805 tonnes) of inert waste materials on 3.45ha of land within the existing golf course facility so as to remodel the existing practice ground outfield and to construct a new 11,000m³ irrigation storage lake as part of a strategy to provide sustainable rainwater harvesting scheme; create a new outdoor short game practice and teaching facility including a putting and chipping green; provide a new 769m² building with 30 covered practice bays and associated storage, ablution, lavatory, teaching and administrative facilities for the benefit of the general public, schools, the junior academy and club members; with associated ecological improvements over a period of 9 months and involving some 6,097 HGV trips or 12,194 HGV movements (based on a conversion rate of 13m³ (9m³ compacted) per 20 tonne HGV) on a one way circular route at a maximum of 33 HGV trips (66 HGV movements) per day, with temporary passing bays and traffic management measures along The Drift.

Representations

A further three letters of representation has been received raising concerns:

- Vehicles on the road network for 9 months place an incredible strain on the existing network
- Vibrations from vehicles for 9 months will result in pounding of residential properties
- There is a primary school in Downside beside the road so this proposal will add danger to pupils/ parents/ staff going to the school
- The proposed route is not suitable for the number of lorries proposed
- It would be better not to bring in the waste and create a lake instead
- The increased vehicle numbers will exacerbate an already dangerous situation
- There is a footpath on the opposite side of the road to the houses and in order to walk to the footpath users have to cross the busy road.

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