

**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 20 June 2018 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, 8 August 2018.

(\* present)

**Elected Members:**

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

**Substitute Members:**

- \* Mr Richard Wilson
- \* Mr Jonathan Essex

**11/18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies for absence were received from Mrs Penny Rivers and Mr Matt Furniss. Mr Jonathan Essex substituted for Mrs Penny Rivers and Mr Richard Wilson substituted for Mr Matt Furniss.

**12/18 MINUTES OF THE LAST MEETING [Item 2]**

Subject to a few grammatical corrections on page 2, the Minutes were agreed as an accurate record of the previous meeting.

**13/18 PETITIONS [Item 3]**

There were none.

**14/18 PUBLIC QUESTION TIME [Item 4]**

There were none.

**15/18 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**16/18 DECLARATIONS OF INTERESTS [Item 6]**

There were none.

*Mr Richard Wilson arrived to the meeting at 10:35am  
Dr Andrew Povey arrived to the meeting at 10:37am.*

**17/18 SP18/00282/SCC OAKLEAF FARM, HORTON ROAD, STANWELL MOOR, SURREY TW19 6AP [Item 7]**

**An update sheet was tabled at the meeting. This is attached to the minutes as annex 1.**

**Officers:**

Caroline Smith, Planning Development Manager  
Jeffrey Ng, Planning Officer  
Stephen Jenkins, Deputy Planning Development Manager  
Nancy El-Shatoury, Principal Solicitor

**Speakers:**

No members of the public registered to speak on the item.

Robert Evans, Local Member, made the following points:

1. Stanwell Moor is a small village next to Heathrow airport. Its close proximity to the airport means that roads are continually blocked with minicabs waiting to pick up passengers.
2. The village is already affected by aircraft noise, night flights and pollution due to its location.
3. Oakleaf Farm is designated Green Belt land. Since 2008, the area has been designated as suitable for waste management.
4. In 2017, permission was granted at the site for cardboard and coffee cup recycling. This has led to an increase of litter in the area, particularly at the roadside and gutters as waste falls off the lorries as they go into the recycling centre. Residents have complained and Spelthorne Borough Council have been requested on several occasions to conduct additional clearances as a result.
5. The application seeks to more than double the amount of night time HGV movements, which in turn will double the level of disturbance to residents.
6. Urge Members to consider the facts and reject the application.

**Key points raised during the discussion:**

1. The Planning Officer introduced the report. It was explained that this application is to seek an amendment to Condition 3 of the existing planning permission.
2. Members commented that the HGVs should be sheeted, as stated in the report, to prevent litter falling off the lorries. A Member of the Committee stated that she had witnessed concrete and waste falling off a sheeted lorry in her local area.
3. Members voiced concerns about the noise impact of the operation at night and stated that the Committee should be able to review the Noise Management Plan before a decision is taken.
4. The Planning Officer clarified that the applicant had already submitted a Noise Management Plan as part of the existing planning permission and that the County Noise Consultant requested this be reviewed

within three months to take into account the increased number of night time HGV movements

5. A Member sought clarity on movement numbers. The Planning Officer explained that the applicant had a Goods Vehicle Operators Licence for 55 HGVs. The Planning Development Manager added that whilst there were currently restrictions regarding the number of vehicle movements overnight, there was no limit for total movements.
6. Members were concerned that the number of movements during the day may not decrease when the overnight movements increase and therefore an Air Quality Assessment should be submitted.
7. The Deputy Planning Development Manager explained that Condition 16 prevents HGVs travelling through Stanwell Moor Village outside of the daytime working hours set out in Condition 2.
8. The Deputy Planning Development Manager informed the Committee that the Noise Consultant was satisfied that subject to the submission of an amended night-time noise management plan. Members stated that it was not unreasonable for the Committee to want to see this prior to taking a decision.
9. The Deputy Planning Development Manager suggested that the Condition could be re-worded to state that the plan be approved by the Country Planning Authority prior to the commencement of the development.
10. The Chairman suggested that the informative regarding litter ought to be strengthened or made into a Condition. Officers suggested that the Enforcement team can be asked to monitor Condition 11.
11. The Deputy Planning Development Manager explained that the planning application is to enable the operator to move some daytime collections to the evening at the request of their customer base. Members stated however, there was no guarantee that there would be a decrease in daytime movements, and therefore no guarantee there would be the same number of total HGV movements.
12. The Planning Development Manager confirmed that the existing planning permission did not have any limitations on daytime vehicle movements.
13. Members questioned why Condition 3 was previously imposed. The Planning Development Manager explained that this was imposed because the applicant originally applied for daytime operation and subsequently later applied for an amendment to the condition to allow 24 HGV movements overnight.
14. Members raised concern that the report mentioned the usage of trailers and that if the applicant were to purchase additional trailers, the movements could be further increased without restriction.
15. A Member suggested the introduction of a mechanism to ensure that there would be a commensurate reduction of movements during the day in order to allow for the increased number of movements at night.
16. The Chairman suggested that officers liaise with Spelthorne Borough Council regarding the litter issues. A Member also suggested that the Committee should see evidence of the type of sheeting used on the HGVs to prevent windblown litter.
17. The Chairman moved the vote to defer the application. There were 9 votes for deferral with 2 abstentions. The application was therefore deferred.

**RESOLVED:**

That application SP18/00282/SCC Oakleaf Farm, Horton Road, Stanwell Moor, Surrey, TW19 6AP be **DEFERRED** for the following reasons:

- in order to receive additional information on the overall level of movements generated by the site during the day in order to devise a mechanism to control movements during the day to take into account the increased movements at night
- the need to update the noise management plan prior to commencement
- to review waste on the highway as a result of the site and,
- to review the sheeting used by vehicles to and from the site
- to check the need for an Air Quality Assessment if there was to be a net increase in total vehicle movements.

**18/18 APPLICATION FOR VILLAGE GREEN STATUS UPDATE: LAND AT LEACH GROVE WOOD, LEATHERHEAD, SURREY [Item 8]**

**Officers:**

Helen Gilbert, Commons Registration Officer

Judith Shephard, Lawyer

**Key points raised during the discussion:**

1. Members were updated on the outcome of a Judicial Review of a decision taken by the Committee on 23 September 2015 to register land at Leach Grove Wood as a Village Green.
2. Members were informed that the owners of the land at Leach Grove Wood, NHS Property Services, applied to Judicially Review the decision. This was heard at the High Court in June 2016.
3. The Commons Registration Officer explained that the judge upheld the application by the NHS and overturned the decision due to the lack of consideration of the legal concept of statutory incompatibility.
4. Members noted the decision of the High Court was appealed to the Court of Appeal. The Court of Appeal overturned the decision of the High Court judge on the grounds of statutory incompatibility, therefore the land is a Village Green, and the NHS has been ordered to pay the costs of Surrey County Council in defending itself at the High Court.
5. Officers have been informed the NHS is applying to the Supreme Court for permission to appeal further, and Members were informed that if the appeal is allowed, an outcome is not likely for around two years.
6. Members noted that the definition of neighbourhood was key. The issue of statutory incompatibility may be a consideration where the landowner is a public authority of statutory undertake; and the breadth of this concept is one of the grounds of appeal to the Supreme Court.
7. The Lawyer explained that the Committee's decision has been upheld and it is now for the Supreme Court to decide whether they agree with the Court of Appeal. The Lawyer added that permission to appeal or not would depend on whether the Supreme Court considered the matter to be of public interest.

**RESOLVED:**

The Committee noted the report and thanked officers for their work on this case.

**19/18 DATE OF NEXT MEETING [Item 9]**

The date of the next meeting was noted.

Meeting ended at: 11:40

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**Chairman**

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**UPDATE SHEET**

**MINERALS/WASTE SP18/00282/SCC**

**DISTRICT(S)** SPELTHORNE BOROUGH COUNCIL

**Land at Oakleaf Farm, Horton Road, Stanwell Moor, Surrey TW19 6AP**

**The construction and use of a recycling, recovery and processing facility for construction and demolition waste on a site of approximately 9.4 hectares without compliance with Condition 3 of planning permission ref: SP17/00438/SCC dated 7 September 2017 to allow 55 heavy goods vehicles to be based at the site and to be located within the designated lorry parking area, and for 55 heavy goods vehicles (110 movements) to access and egress the site between the hours 18:00 to 07:00 Monday to Saturday, and 13.00 on a Saturday to 07.00 on a Monday .**

**RECOMMENDATION**

1. Conditions 3, 4, 6, 10, 13 and 18 are amended as follows: (changes in bold and underlined)

Conditions:

**Condition 3                      Hours of Working**

<b>Current Wording:</b>	<b>Revised Wording:</b>
<p>The development hereby permitted shall allow the limited site access and egress of 55 heavy goods vehicles (HGV) (defined as any vehicle in excess of 3.5 tonnes gross vehicle weight) based at the site and to be located within the lorry parking area shown on Drawing No.2056/13 (Location of Dedicated Lorry Parking Area) outside of the hours of working specified in Condition 2 of this permission. There shall be no more than a total number of 110 HGV vehicle movements between the following times:</p> <p>1800 Monday to 0700 Tuesday 1800 Tuesday to 0700 Wednesday 1800 Wednesday to 0700 Thursday 1800 Thursday to 0700 Friday 1800 Friday to 0700 Saturday, and 1300 on a Saturday to 0700 Monday morning</p> <p>The operator of the site shall maintain accurate records of the number of HGV movements accessing and egressing the site daily between these times (including vehicle prefix) and these records shall be made available to the County Planning Authority within 5 working days upon written request.</p>	<p>The development hereby permitted shall allow the limited site access and egress of 55 heavy goods vehicles (HGV) (defined as any vehicle in excess of 3.5 tonnes gross vehicle weight) based at the site and to be located within the lorry parking area shown on Drawing No.2056/13 (Location of Dedicated Lorry Parking Area) <b><u>dated 7 June 2018</u></b> outside of the hours of working specified in Condition 2 of this permission. There shall be no more than a total number of 110 HGV vehicle movements between <b><u>each of</u></b> the following times:</p> <p>1800 Monday to 0700 Tuesday 1800 Tuesday to 0700 Wednesday 1800 Wednesday to 0700 Thursday 1800 Thursday to 0700 Friday 1800 Friday to 0700 Saturday, and 1300 on a Saturday to 0700 Monday morning</p> <p>The operator of the site shall maintain accurate records of the number of HGV movements accessing and egressing the site daily between these times (including vehicle prefix) and these records shall be made available to the County Planning Authority within 5 working days upon written request.</p>

**Condition 4 Hours of Working**

<b>Current Wording:</b>	<b>Revised Wording:</b>
<p>There shall be no loading and unloading by any vehicles except between the following times:</p> <p>0700-1800 Mondays to Fridays 0700-1300 Saturdays</p> <p>There shall be no loading &amp; unloading on a Sunday or any public holiday.</p>	<p>There shall be no loading and unloading <b>of</b> any vehicles except between the following times:</p> <p>0700-1800 Mondays to Fridays 0700-1300 Saturdays</p> <p>There shall be no loading <b>and</b> unloading on a Sunday or any public holiday.</p>

**Condition 6 Operation**

<b>Current Wording:</b>	<b>Revised Wording:</b>
<p>Only commercial and industrial and construction and demolition waste shall be imported onto the application site as outlined within the application documents for handling and processing at the site and within the Materials Recycling Facility (MRF) building. All other waste shall be removed from the site and disposed of at a suitably licensed landfill.</p>	<p>Only commercial and industrial and construction and demolition waste shall be imported onto the application site as outlined within the application documents for handling and processing at the site and within the Materials Recycling Facility (MRF) building. All other waste shall be removed from the site and disposed of at a suitably licensed <b>facility</b>.</p>

**Condition 10 Operation**

<b>Current Wording:</b>	<b>Revised Wording:</b>
<p>The two profile height posts erected within the stockpiling area as delineated on Plan 1163/6N to display the profile heights and maintained for the duration of the use hereby authorised.</p>	<p>The two profile height posts erected within the stockpiling area as delineated on <b><u>Drawing No.1163/6N Site Layout Plan dated January 2008 (Revision N dated March 2009)</u></b> to display the profile heights and maintained for the duration of the use hereby authorised.</p>

**Condition 13 Traffic and Highways**

<b>Current Wording:</b>	<b>Revised Wording:</b>
<p>The parking/turning area as shown on Drawing No.2056/13 (Location of Dedicated Lorry Parking Area) shall be used and retained exclusively for its designated purpose.</p>	<p>The parking/turning area as shown on Drawing No.2056/13 (Location of Dedicated Lorry Parking Area) <b>dated 7 June 2018</b> shall be used and retained exclusively for its designated purpose.</p>

**Condition 18 Rights of Way**

<b>Current Wording:</b>	<b>Revised Wording:</b>
<p>The Public Rights of Way 3 (bridleway and footpath) along the southern boundary of the site shall be maintained free of vegetation to provide a minimum width of 4m.</p>	<p>The Public Rights of Way 3 (<b><u>Staines</u></b>) (bridleway and footpath) along the southern boundary of the site shall be maintained free of vegetation to provide a minimum width of 4m.</p>



2. Reasons for Conditions 24, 27 and 28 are amended as follows:

#### Reason for Condition 24

<b>Current Wording:</b>	<b>Revised Wording:</b>
To minimise the attractiveness of flat roofs and soil stockpiles to birds which could engaged the safe movement of aircraft.	To minimise the attractiveness of flat roofs and soil stockpiles to birds <b><u>which</u></b> could endanger the safe movement of aircraft <b><u>in accordance with Surrey Waste Plan Policy 2008 DC3.</u></b>

#### Reason for Condition 27

<b>Current Wording:</b>	<b>Revised Wording:</b>
To prevent the encroachment of the development on watercourses which has a potentially severe impact on their ecological value.	To prevent the encroachment of the development on watercourses which has a potentially severe impact on their ecological value <b><u>in accordance with Surrey Waste Plan Policy 2008 DC3.</u></b>

#### Reason for Condition 28

<b>Current Wording:</b>	<b>Revised Wording:</b>
To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.	To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site <b><u>in accordance with Surrey Waste Plan 2008 Policy DC3.</u></b>

3. Informatives 5, 6, 10, 11, 13 and 18 are amended as follows:

#### Informative 5

<b>Current Wording:</b>	<b>Revised Wording:</b>
It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.	It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through <sub>1</sub> on or site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of ground water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.

## Informative 6

<b>Current Wording:</b>	<b>Revised Wording:</b>
The London Water Ring Main or a large diameter stored water tunnel is in the area and special precautions will be required to avoid any damage that may occur as a result of the proposed development. The applicant is advised to contact Developer Services, Contact Centre on 0845 850 2777 for further information.	The London Water Ring Main or a large diameter stored water tunnel is in the area and special precautions will be required to avoid any damage that may occur as a result of the proposed development. The applicant is advised to contact <b>Thames Water</b> Developer Services, Contact Centre on 0845 850 2777 for further information.

## Informative 10

<b>Current Wording:</b>	<b>Revised Wording:</b>
Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the Transportation Development Management Division of Surrey County Council.	Details of the highway requirements necessary for inclusion in any application seeking approval of reserved matters may be obtained from the <b><u>County Highway Authority (Transportation Development Planning)</u></b> .

## Informative 11

<b>Current Wording:</b>	<b>Revised Wording:</b>
The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the Highway Authority.	The permission hereby granted shall not be construed as authority to obstruct the public highway by the erection of scaffolding, hoarding or any other device or apparatus for which a licence must be sought from the <b><u>County</u></b> Highway Authority.

## Informative 13

<b>Current Wording:</b>	<b>Revised Wording:</b>
When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform to the existing adjoining surfaces at the developers' expense. (Note: It is preferable where possible to arrange for the adjacent highway to be included in the area edged red on the application when Circular 11/95 provides that conditions may be suitable to control this).	When a temporary access is approved or an access is to be closed as a condition of planning permission an agreement with, or licence issued by, the Highway Authority will require that the redundant dropped kerb be raised and any verge or footway crossing be reinstated to conform to the existing adjoining surfaces at the developers' expense. (Note: It is preferable where possible to arrange for the adjacent highway to be included in the area edged red on the application when <b><u>Appendix A of</u></b> Circular 11/95 provides that conditions may be suitable to control this).

## Informative 18

<b>Current Wording:</b>	<b>Revised Wording:</b>
The applicant is reminded that they may wish to contact with Cadent if they have any	The applicant is reminded that they may wish to contact <b><u>Cadent Gas Ltd. on 0800 688 588</u></b>

enquires regarding the National Grid apparatus.	<u>for</u> enquires regarding the National Grid apparatus.
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