

## NOTICE OF MEETING

### PLANNING AND REGULATORY COMMITTEE

Date: WEDNESDAY 9 JULY 2008 Time: 10.30 am

Place: ASHCOMBE ROOM, COUNTY HALL, KINGSTON,  
KT1 2DN



Contact: Michelle Grieve, Room 122, Telephone – 020 8541 9126

[For queries on the content of the agenda and requests for copies of related documents]

Fax: 020 8541 9009

DX: 31509 KINGSTON

Minicom: 020 8541 8914

email: [michelle.grieve@surreycc.gov.uk](mailto:michelle.grieve@surreycc.gov.uk)

#### APPOINTED MEMBERS [19]

**Mrs Pat Frost (Farnham Central) – Chairman**

**Mr Laurie Burrell (Laleham & Shepperton) - Vice-Chairman**

Ian Beardsmore (Sunbury Common & Ashford Common)

Fred Chipperfield (Camberley West)

Carol Coleman (Ashford)

Elizabeth Compton (St Johns & Brookwood)

David Davis (Shere)

Marisa Heath (Englefield Green)

Ernest Mallett (West Molesey)

Mike Nevins (Worplesdon)

Nigel Petrie Esq MBE (Epsom & Ewell NE)

Chris Pitt (Frimley Green & Mytchett)

Ken Rimington (Lingfield)

Colin Taylor (Epsom & Ewell South West)

Roy Taylor (Walton South & Oatlands)

Denise Turner-Stewart (Staines South & Ashford West)

Fiona White (Guildford West)

2 Vacancies

#### EX OFFICIO MEMBERS (NON-VOTING) [3]

**Mrs Angela Fraser (Banstead East) - Chairman of the Council**

**Mr Geoff Marlow (The Byfleets) – Vice-Chairman of the Council**

**Mr Nick Skellett (Oxted) – Leader of the Council**

#### NOMINATED SUBSTITUTES [6]

Mr Stephen Cooksey (Dorking & The Holmwoods)

Mr John Doran (Horsell)

Mrs Margaret Hicks (Hersham)

David Hodge (Warlingham)

Mrs Jan Mason (Epsom and Ewell West)

Mr Eddie Owen (Guildford East)

Lavinia Sealy (Bisley, Chobham & West End)

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This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Michelle Grieve on 020 8541 9126.

## **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 Democratic Services Officer 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 Democratic Services Officer by the absent Member or group representative at least half an hour in advance of the meeting.
4. The Chairman will not normally ask officers to introduce reports. Officers can 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 Democratic Services Officer in advance of 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 Democratic Services Officer 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 Democratic Services Officer for further advice.

## **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.

### **MOBILE TECHNOLOGY – ACCEPTABLE USE**

Use of mobile technology (mobiles, BlackBerries, etc.) in meetings can:

- Interfere with the PA and Induction Loop systems
- Distract other people
- Interrupt presentations and debates
- Mean that you miss a key part of the decision

**PLEASE:**

**Either switch off your mobile phone/BlackBerry OR turn off its wireless/transmitter connection for the duration of the meeting.**

Thank you for your co-operation

**PART ONE**  
**IN PUBLIC**

**REPORT COLOUR**

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|---|-------------------------------------|
| <p><b>1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS</b></p> <p>To receive any apologies for absence and notices of substitutions under Standing Order 39.1.</p>                                | <p><b>Agenda Item only</b></p>      |
| <p><b>2. MINUTES OF THE LAST MEETING: 18 JUNE 2008</b></p> <p>To confirm the Minutes of the meeting held on 18 June 2008.</p>   | <p><b>Green<br/>(To Follow)</b></p> |
| <p><b>3. PETITIONS</b></p> <p>To receive any petitions from members of the public in accordance with Standing Order 64 (please see note 7 above).</p>                                       | <p><b>Agenda Item only</b></p>      |
| <p><b>4. PUBLIC QUESTION TIME</b></p> <p>To answer any questions received from local government electors within Surrey in accordance with Standing Order 65 (please see note 8 above).</p>  | <p><b>Agenda Item only</b></p>      |
| <p><b>5. MEMBERS' QUESTION TIME</b></p> <p>To answer any questions received from Members of the Council in accordance with Standing Order 46.</p>   | <p><b>Agenda Item only</b></p>      |
| <p><b>6. DECLARATIONS OF INTERESTS</b></p> <p>To receive any declarations of personal and/or prejudicial interests from Members in respect of any item to be considered at the meeting.</p> | <p><b>Agenda Item only</b></p>      |

(Notes:

1. Declarations of interest should be made on a form available from the Committee Manager before the meeting.
2. Members are reminded that in accordance with the Constitution any Member declaring a prejudicial interest is required to withdraw from the meeting unless he/she has obtained a dispensation from the Standards Committee.)

**7. MINERALS AND WASTE APPLICATION: GU08/0483: LAND AT ALBURY WELLSITE, ALBURY. [For Decision]**

White

Retention of an existing wellsite compound with associated surrounding bunds, access and roadway of some 1.51 ha; the erection of new security fencing; the use of the appraisal site for drilling and flow testing for hydrocarbons from up to two appraisal boreholes; the retention of a transformer and switchroom and the retention of an existing appraisal well involving flow testing for hydrocarbons, the installation of appraisal facilities and provision of a container unit for use as offices and messroom, all for a temporary period of up to 3 1/2 years, with restoration to commercial forestry.

A Members' site visit took place on Monday 16 June 2008.

This application is concerned with the second stage of on-shore gas development – gas appraisal. Appraisal involves a testing process to determine the scale of the resource and in this case would involve the drilling of two new boreholes at the existing Albury wellsite and the subsequent appraisal of the 'Albury 2' gas reservoir.

The wellsite site lies within the Metropolitan Green Belt in a heavily wooded area, which forms part of Albury Park Estate on land within an Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV). As the wellsite is located within an AONB where mineral working is only allowed where the mineral is essential and of national interest, the application falls to be considered as a Departure from the provisions of the Development Plan. The proposed temporary gas appraisal is not considered to be Environmental Impact Assessment development under the Environmental Impact Assessment Regulations 1999.

It is necessary to consider the proposal against European, National and Development Plan policies, and assess the potential environmental and amenity impacts against those policies and the advice provided by statutory and non-statutory consultees and views expressed by other bodies, groups and individuals. Key issues in determining this application are the need for the development, including whether it is of national interest, whether there are any alternatives and the impact on the AONB. The Authority must also be satisfied that the potential impacts arising from the development are acceptable in terms of the closest residential properties and the local environment and amenities. The report covers such environmental and amenity issues as noise, ecology, highways and traffic, rights of way, historic parkland and restoration.

There has been considerable objection to the proposal from members of the public, resident groups and environmental and amenity groups. The concern generated by the proposal has focussed on the site's location within the AONB, ecological, noise and traffic issues. However, another important factor for the public has been the consideration of future proposals for the site. The applicant has been open about the potential options were the appraisal to be successful. In addition, the potential 'Albury 1' gas storage project is being progressed with the Department for Business, Enterprise and Regulatory Reform (BERR). 'Albury 1' is a distinct project, which is not reliant on this current appraisal application for 'Albury 2'. Although many of the public and group objections have focussed on future gas storage, it is important to remember that minerals

planning policy provides for the consideration of oil and gas development to be staged. The current application is for the second stage, appraisal only. Any potential future development of 'Albury 2' would have to be the subject of a further development consent. Minerals Policy Statement 1 'Planning and Minerals' states that *'there should be no presumption in favour of consent for subsequent stages if an earlier stage be permitted, nor do possible effects of a later stage not yet applied for, constitute grounds for refusal of an earlier stage.'*

In terms of need, indigenous supplies of gas have declined to the point where the United Kingdom (UK) is now a net importer and national energy policy seeks to secure reliability in gas supplies. In May 2006 the Secretary of State for Trade and Industry made a statement to the House of Commons setting out why additional gas supply infrastructure is important to the future security of the UK's gas supply. The difficulty of the limited locations for the exploitation of gas was recognised within the statement. Whilst the statement appeared to be aimed primarily at large projects, BERR has confirmed that the Ministerial statement of need covered all gas supply infrastructure.

Whilst encouraging energy efficiency and renewable energy, it is also Government policy to maximise the economic recovery of the UK's oil and gas reserves. Therefore it is Government policy that drives the need and justification for appraisal as in order to maximise the potential of a reserve, it is important to fully investigate a prospective resource. The previous and current exploration activities have shown there to be gas-bearing strata at Albury and indications from the seismic survey results and data from cores and cuttings from the Bramley –1z well are that a deeper structure exists. Unless the applicant drills boreholes to appraise the likely resource, its potential cannot be fully investigated and understood.

The proposed development would take place within the confines of a currently active site, which has an existing access onto New Road and which will be operational until 2010 whether or not this proposal is permitted. Whilst it is fully recognised that the wellsite is within the AONB, the construction of a second new site, would give rise to greater impacts than the continued use at Albury Park, particularly in terms of traffic.

A significant issue is the acceptability of the development within an AONB. The site is within a particularly attractive area but is well screened and the existing compound is not obvious or intrusive in the landscape even during the winter period. It would be possible to see the very top of the rig when it was fully extended during the 18 week period of drilling and this would have some effect on the landscape and would not enhance the natural beauty of the AONB during this period. Nevertheless given the temporary nature and degree of impact Officers do not consider that the rig, or the development as whole, would have a significant adverse impact or that the harm was so great as to justify refusing the proposal on visual impact grounds. Taking into account the advice of BERR, the need to confirm the extent of the gas field and the considerations regarding the lack of alternative sites, Officers are satisfied that there is a proven need for the development at this site in the context of national policy.

Officers consider that the proposal as it is now submitted, should enable high environmental standards to be maintained and the site to be well restored. Accordingly, the proposal meets the policy requirements for mineral development in the Green Belt. Taking account of the need for the development, and other relevant policy tests, Officers recommend that the

application be permitted subject to appropriate conditions to protect the environment and amenity.

***The recommendation is to PERMIT subject to conditions.***

**8. MINERALS AND WASTE APPLICATION WO08/0541: MARTYR'S LANE COMMUNITY RECYCLING CENTRE, WOKING. [For Decision]**

**Green**

Redevelopment of Martyr's Lane Community Recycling Centre to create a split level facility for the receipt of civic amenity waste.

The proposed development is inappropriate development in the Green Belt and therefore the application falls to be considered as a Departure from the provisions of the Development Plan. The existing site (the central area of the application area) currently operates as a Community Recycling Centre (CRC) whereas land to the north, northeast and southeast is currently woodland.

The applicant is seeking to redevelop the site to allow for greater segregation of recyclable materials and increased efficiency within the site. This would include expanding the site in a northwards, north eastwards and south eastwards direction and the redesign of the internal layout. The redesigned internal layout would include an internal perimeter road along all of boundaries of the site with parking bays positioned immediately adjacent, and the allocation of recycling containers and bins within the centre of the site so that Heavy Goods Vehicles (HGVs) can bulk up and load materials in isolation from members of the public. The north eastern and south eastern part of the perimeter road would be raised by 1.5m in height with both a ramp up and down, to provide a split level facility so that the top of the containers are level with the parking area. Space would be provided between the recycling containers and bins and the parking bays to allow members of the public to walk to recycling containers to dispose of waste in a safe manner. The small recyclables area would be located adjacent to the split-level facility at ground level along the northern boundary and would have an access from the perimeter road. Access into the site by both members of the public and operational vehicles would remain from Martyrs Lane however a new public entrance to the site would be provided in addition to the existing access point. The proposal does not anticipate any increase to the types of waste received at the site and the Applicant states it is not proposed to increase volumes of waste handled. The Applicant anticipates that the site would remain operational during the construction and redevelopment phase.

Issues to be considered in determining this application are whether the proposal accords with national, regional and development plan policy; in particular whether very special circumstances exist to justify inappropriate development, which clearly outweigh harm to the Green Belt. The proposal should also seek to comply with prevailing standards and development plan policies to ensure protection of the local environment and amenities of local residents from any potential adverse effects. On balance Officers consider that the applicant has demonstrated very special circumstances that outweigh the harm to the Green Belt and any other harm. Officers consider that the very special circumstances consist of the need for the facility, the lack of alternative locations and the enhancement of the site to facilitate an increase in recycling rates which could assist Surrey in meeting regional recovery requirements. The development would otherwise provide a significant qualitative improvement to the facilities at

the site. Any other adverse environmental or amenity impacts can be suitably mitigated by the imposition of planning conditions. Accordingly Officers consider that planning permission should be granted as a Departure from provisions of the Development Plan.

***The recommendation is, that subject to the application being referred to the Secretary of State as a Departure, to PERMIT subject to conditions.***

**9. SURREY COUNTY COUNCIL PROPOSAL EL08/ 1372: LAND AT GROVELANDS SCHOOL, WALTON-ON-THAMES [For Decision]**

**White**

Construction of a single freestanding classroom.

Grovelands School is a 270 pupil school with a nursery which has a capacity for 52 children situated in a residential area within Walton on Thames. The school lies approximately 1.25km north east of Walton on Thames town centre. Residential uses lie to the northeast, east, south and south west of the school site with open fields to the northwest and west. Access to the school site is gained from Sandy Lane to the west of the school site.

It has been projected there are to be a further 30 children within the Walton/ Weybridge area that will be starting school in September 2008 and following an options appraisal Grovelands School was identified as best placed to accommodate the 30 extra places within the local area. Whilst the school currently has a maximum capacity for 270 pupils (not including nursery) the current pupil roll stands at 227. However, the surplus places are mainly in the upper (junior) years of the school and the additional 30 pupils would be of reception (infant) age. Consequently, as it is not acceptable or practical to place the reception age children within the upper years, a further classroom is required within the school site for the increase in reception children commencing school this coming September.

The school is seeking to construct a single storey freestanding classroom on an area of hardstanding towards the north eastern end of the infant block to accommodate these pupils. The proposed classroom would be designed in a similar manner to the recently permitted single storey buildings to be located within the central courtyard area. The classroom would include a ramp for wheelchair access and a canopy on the south western elevation to provide a covered play area.

The main planning considerations are those relating to the impact on residential amenity with regards to visual impact of the proposed classroom, appropriateness of design and impact upon the highway network. No letters of representation have been received. Officers conclude that any harm, which may arise as a result of the proposal on residential amenity, can be mitigated by the imposition of conditions.

***The recommendation is PERMIT subject to conditions.***

**10. MINERALS AND WASTE APPLICATION GU08/P/00935: 14 WESTFIELD ROAD, GUILDFORD [For Decision]**

**Green**

Change of use of building from B8 storage to B2 general industrial use to allow recovery and sorting of non-ferrous metals for recycling, together with the provision of a weighbridge and erection of new palisade fencing.

The application site of some 0.133 ha is situated on Westfield Road within Slyfield Industrial Estate at Guildford. The site contains a single-storey building of some 753m<sup>2</sup> which is currently vacant having previously been used for the storage and distribution of furniture. Access to the industrial estate is from the A320 Woking Road that runs between Guildford and Woking.

A weighbridge will be located on the front forecourt and apart from this and 10 parking spaces all activities will take place within the building. These comprise the unloading, sorting and baling of the imported metals. Once in full operation it is anticipated that between 200 and 300 tonnes of non-ferrous metal will be sorted and recovered each week. The majority of vehicles, generally small trade vehicles, visiting the site are expected to come from other operators within the industrial estate.

Officers consider that the use proposed is in conformity with waste policy and well located for the operations that are to be carried out. There are no environmental or amenity concerns with the change of use, subject to the conditions proposed. No objections have been received to the use from the occupiers of nearby industrial premises on the estate.

***The recommendation is to PERMIT subject to conditions.***

**11. MINERALS AND WASTE APPLICATION SP03/01212: PROPOSED DEVELOPMENT AT HITHERMOOR QUARRY, STANWELL. [For Decision]**

**White**

Mineral extraction together with mineral processing, including material from windfall operations, recycling of construction and demolition wastes together with concrete production, provision and operation of aggregate bagging plant and restoration to nature conservation, public access and agricultural uses.

***That conditions A and B above be added to the list of conditions, agreed by Members at their meeting on 28 May 2008, as conditions 54 and 55 and that BAA's letter be added as Informative 13.***

**Richard Shaw**  
Chief Executive

| <b>Supporting Surrey County Council Values:</b> |                  |                         |                 |
|---|------------------|-------------------------|-----------------|
| Working with Others                             | Forward Thinking | Responsive and Reliable | Value for Money |