

NOTICE OF MEETING

PLANNING AND REGULATORY COMMITTEE

Date: WEDNESDAY 18 APRIL 2007 Time: 10.00 am

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



Contact: Sarah Albert, Room 122, Telephone – 020 8541 7273

[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: sarah.albert@surreycc.gov.uk

APPOINTED MEMBERS [16]

Mr Terry Dicks (Addlestone) – Chairman
Mrs Pat Frost (Farnham Central) – Vice-Chairman

Mrs Mary Angell (Woodham & New Haw)
Ian Beardsmore (Sunbury Common &
Ashford Common)

Mr Laurie Burrell (Laleham & Shepperton)

Mr Fred Chipperfield (Camberley West)

Mrs Elizabeth Compton (St Johns &
Brookwood)

Dr Lynne Hack (Redhill)

Mr Ernest Mallett (West Molesey)

Mike Nevins (Worplesdon)

Nigel Petrie Esq MBE (Epsom & Ewell NE)

Mr Chris Pitt (Frimley Green & Mytchett)

Mr Ken Rimington (Lingfield)

Mrs Denise Saliagopoulos (Staines)

Ms Denise Turner (Staines South & Ashford
West)

Mrs Fiona White (Guildford West)

EX OFFICIO MEMBERS (NON-VOTING) [3]

Mr David Davis (Shere) - Chairman of the Council

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

Nick Skellett (Oxted) - Leader of the Council

NOMINATED SUBSTITUTES [8]

Mrs Carol Coleman (Ashford)

Mr John Doran (Horsell)

Mrs Margaret Hicks (Hersham)

Mr Peter Martin (Godalming South,
Milford and Witley)

Mrs Jan Mason (Epsom and Ewell West)

Mr Eddie Owen (Guildford East)

Colin Taylor (Epsom and Ewell SW)

Mr Roy Taylor (Walton South & Oatlands)

If you would like a copy of this agenda or the attached papers in another format, e.g. large print or Braille, or another language please either call our Contact Centre on 08456 009 009, write to Surrey County Council at County Hall, Penrhyn Road, Kingston upon Thames, Surrey KT1 2DN, Minicom 020 8541 8914, fax 020 8541 9004, or email contact.centre@surreycc.gov.uk.

This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Sarah Albert on 020 8541 7273.

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

- | | |
|---|--------------------------------|
| <p>1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS</p> <p>To receive any apologies for absence and notices of substitutions under Standing Order 39.1.</p> | <p>Agenda Item only</p> |
| <p>2. MINUTES OF THE LAST MEETING: 21 FEBRUARY 2007</p> <p>To confirm the Minutes of the meeting held on 21 February 2007.</p> | <p>White</p> |
| <p>3. PETITIONS</p> <p>To receive any petitions from members of the public in accordance with Standing Order 64 (please see note 7 above).</p> | <p>Agenda Item only</p> |
| <p>4. PUBLIC QUESTION TIME</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>Agenda Item only</p> |
| <p>5. MEMBERS' QUESTION TIME</p> <p>To answer any questions received from Members of the Council in accordance with Standing Order 46.</p> | <p>Agenda Item only</p> |
| <p>6. DECLARATIONS OF INTERESTS</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>(Notes:</p> <ol style="list-style-type: none">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.) | <p>Agenda Item only</p> |

7. STRAWBERRY FARM – REASONS FOR REFUSAL

Green

At the meeting on 21 February 2007, the Planning and Regulatory Committee resolved to refuse planning permission for the two proposals relating to Strawberry Farm, but agreed to consider the detailed reasons for refusal at the subsequent Committee meeting. The reasons for refusal are provided in the report attached.

8. MINERALS AND WASTE APPLICATION: LAND AT ALBURY PARK, EAST OF NEW ROAD, ALBURY: APPLICATION GU06/02087 [For Decision]

White

Retention of an existing appraisal wellsite compound, and associated access and roadway of some 1.97 ha; the erection of new security fencing; the use of the appraisal site for the drilling of, and flow testing for, hydrocarbons from 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 ½ years, with restoration to forestry.

A Members' site visit took place on 24 January 2007.

The site lies in an Area of Outstanding Natural Beauty (AONB) where mineral workings are only allowed where there is no detrimental impact and there is a proven need for the mineral, taking into account national and local considerations. Therefore, the application falls to be considered as a Departure from the provisions of the Development Plan.

The development involves the drilling of two new boreholes on an existing wellsite and the continued appraisal of the Albury Gasfield. The site lies within the Metropolitan Green Belt within a heavily wooded area, which forms part of Albury Park Estate on land within the AONB, and an Area of Great Landscape Value (AGLV). The proposed temporary gas appraisal is not considered to require Environmental Impact Assessment (EIA) development under the Environmental Impact Assessment Regulations 1999.

It is necessary to assess the proposal against European, National, Regional and Development Plan policy, 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, whether it is of national interest and whether there are any alternatives, and the conservation and enhancement of 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 assessment in the report covers such environmental and amenity issues as noise, ecology, highways and traffic and rights of way, historic parkland and restoration.

The proposal has generated considerable local concern, which has focussed on the site's location within the AONB, 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, but

this application is for appraisal only and any further development 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 or an earlier stage.'*

Whilst there are no policy objections from consultees in relation to potential impacts on local amenity in relation to highways, visual impact, ecology and rights of way, currently the applicant has failed to adequately demonstrate that the proposed development will not exceed the noise levels set out in the Surrey Guidelines for Noise Control. Further information to demonstrate that mitigation could achieve an acceptable noise level was requested by Officers in November 2006 and since December 2006 the applicant has indicated an intention to carry out noise measurements on the new rig that would be used at Albury. Some further investigations and noise modelling was undertaken in December 2006 and a noise test on the actual rig conducted in March 2007. However, the test was inconclusive as the rig was unable to work at more than 10% capacity.

Noise is the only issue where Officers consider the proposal fails to meet policy requirements. The applicant has advised that the rig should be ready for noise measurements to take place in the week beginning 16 April. Although it seems unlikely, it is possible that the applicant could have the results of the testing prior to the April Committee meeting. The applicant has written to ask if the application could be deferred to give more time for the noise testing. In particular the applicant is pointing out that if the noise data is ready in time for the May Committee meeting (9 May 2007) this would only delay the decision by three weeks. Nevertheless, it is now four months since the tests were originally planned and the continued delay is unreasonably prolonging uncertainty for local residents who are already anxious about the development.

By the date the Committee meets the applicant could have carried out the noise tests, although this is unlikely. If the results are known prior to the Committee meeting, Members will be informed by an up-date. If the applicant can clearly show that noise control measures can reduce noise to meet the appropriate noise limit, this would alter the Officers recommendation.

The proposal involves 24 hour drilling over a period of up to 18 weeks and therefore it is essential that the applicant provide information to the Authority to demonstrate that the drilling and associated operations can achieve appropriate noise levels, particularly in terms of night-time noise. If the Committee decides that a further delay is unacceptable and does not agree to the applicant's request to defer the application, Officers recommend that in the absence of a clear demonstration that the prevailing noise standards can be met, that the planning application should be refused. Nevertheless, Officers recognise, that should the Committee refuse the planning application because insufficient information is available, this may not be the end of the process as the applicant could lodge an appeal. In reaching a decision the Committee has to consider which course of action would best serve the public interest and be satisfied that it is reasonable in all the circumstances.

The recommendation is to REFUSE.

9. MINERALS AND WASTE APPLICATION: LAND AT FLINT HALL FARM, FLOWER LANE, GODSTONE: APPLICATION TA07/0237 [For Decision]

Green

The deposit of waste in order to fill a depression with restoration to agriculture.

In June 2006 Tandridge District Council granted planning permission for the demolition and removal of a chicken shed located to the south west of the main farm buildings, to enable the reconstruction of a new chicken shed in the northern part of the farm. The removal of the existing chicken shed has subsequently left a void space of approximately 900m³ at a lower level to the surrounding land. The application proposes the infilling of this void with inert waste and topsoil restoring and regrading the area in accordance with surrounding contours to allow it to be integrated back into the surrounding landscape to enable it to be used for agricultural purposes. The applicant is also seeking to deposit top soil on the land immediately to the north of the area previously occupied by the chicken shed to allow for grading of the land in this area.

The site lies in the Green Belt and the infilling proposed is inappropriate development, such that planning permission can only be granted where there are very special circumstances because other considerations exist that clearly outweigh the harm to the Green Belt and any other harm. The site is also located within the Surrey Hills Area of Outstanding Natural Beauty (AONB) where proposed development should only take place in exceptional circumstances and should not have any effect on the quality of this protected landscape. The amount of material proposed is seen as the minimum required to assist in reintegrating the area back into the landscape, being 600m³ (1,200 tonnes) of inert waste and 300m³ of topsoil

utilising perennial rye grass to enable restoration. Officers consider that the applicant has demonstrated very special circumstances exist for the proposal with regard to the removal of a health and safety risk posed by the void space and the facilitation of integrating the area back into the surrounding landscape.

The main planning considerations are those relating to noise, traffic impact and visual amenities and landscape. One letter of representation has been received. Officers conclude that any harm, which may arise as a result of the proposal on visual, noise or traffic impact, can be mitigated by the imposition of conditions.

The recommendation is to PERMIT subject to conditions.

10. SURREY COUNTY COUNCIL APPLICATION: REGULATION 3: LAND AT ASH MANOR SCHOOL, MANOR ROAD, ASH: APPLICATION GU07/00131 [For Decision]

White

Construction of two storey extension comprising conference room and ancillary office accommodation.

The application involves extending, in similar style to the existing two storey building, a two storey wing of the main school building at the north end of the site. Given its location within a part of the site which is designated as urban, but relatively close to the site's boundaries, the principal issue is the extension's potential impact on the residential

amenities of houses immediately beyond the school's northern boundary. The design of the extension is considered acceptable. The scale and form of the extension does not in itself have adverse impacts, but there are potential light spillage and noise impacts from external lighting proposals and air conditioning units which have given rise to objections to the proposal. These have been satisfactorily addressed by additional details and a revised external lighting proposal and consequently the application proposals are considered to be consistent with all relevant development plan policies.

The recommendation is to PERMIT subject to conditions.

**11. SURREY COUNTY COUNCIL APPLICATION: REGULATION 3:
LEATHERHEAD FIRE STATION, COBHAM ROAD, FETCHAM:
APPLICATION MO06/0939 [For Decision]**

Green

Use of site for joint Fire Station and Ambulance Station; conversion of vehicle wash down bay to provide office, training and mess facilities.

Surrey Ambulance Service is seeking a replacement for its existing station in north Leatherhead to a site better suited to its catchment south of Leatherhead, from where its vehicles could operate from dispersed locations but with central stores, office and mess facilities. It is proposed that it shares the existing fire station with the Fire and Rescue Service, converting a redundant bay of the fire station to provide its own facilities. The fire station is situated to the south west of Leatherhead town centre and close to the river Mole. It is a site identified as being at high risk of flooding. There is support in development plans for development providing services which meet the local community's needs

Recent national policy guidance requires that development should not be permitted in flood risk areas if it can be accommodated in lower risk areas. It also classifies ambulance stations as a 'highly vulnerable' use which should not be located in high flood risk areas. The applicants consider that the proposed use is not an ambulance station in the conventional sense and not as vulnerable to flooding as the national policy guidance suggests. Nevertheless, it is considered that such a use should only be entertained where it is established that no sites at lower risk of flooding are reasonably available. An appraisal of the area has failed to identify achievable alternatives. Provision of an infrastructure of community facilities suitably located to meet the needs of the local population is encouraged by development plan policies. On balance, the interests of providing more responsive ambulance services are considered to just outweigh the risk to those services posed by flooding on occasions. The proposal is not considered to give rise to unacceptable impacts on traffic or parking provision, or residential amenities.

The recommendation is to PERMIT subject to conditions.

Despatch Date: 5 April 2007



Richard Shaw
Chief Executive