

Public Agenda



Please reply to:

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Date: 11 October 2016

Notice of meeting

Planning Committee

Date: Wednesday, 19 October 2016

Time: **Call Over Meeting** - 6.45 pm

The Call Over meeting will deal with administrative matters for the Planning Committee meeting. Please see guidance note on reverse

Committee meeting – Immediately upon the conclusion of the Call Over Meeting

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames

To the members of the Planning Committee

Councillors:

R.A. Smith-Ainsley (Chairman)	R. Chandler	N.J. Gething
H.A. Thomson (Vice-Chairman)	S.M. Doran	A.C. Harman
R.O. Barratt	P.C. Forbes-Forsyth	A.T. Jones
I.J. Beardsmore	M.P.C. Francis	D. Patel
J.R. Boughtflower	C.M. Frazer	R.W. Sider BEM

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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Call Over Meeting

Guidance Note

The Council will organise a meeting immediately prior to the Planning Committee meeting (a "Call Over") which will deal with the following administrative matters for the Committee:

- Ward councillor speaking
- Public speakers
- Declarations of interests
- Late information
- Withdrawals
- Changes of condition
- any other procedural issues which in the opinion of the Chairman ought to be dealt with in advance of the meeting.

The Call-Over will be organised by Officers who will be present. Unless there are exceptional circumstances, the meeting will be held in the same room planned for the Committee. The Chairman of the Planning Committee will preside at the Call-Over. The Call-Over will take place in public and Officers will advise the public of the proceedings at the meeting. Public speaking at the Call-Over either in answer to the Chairman's questions or otherwise will be at the sole discretion of the Chairman and his ruling on all administrative matters for the Committee will be final.

Councillors should not seek to discuss the merits of a planning application or any other material aspect of an application during the Call-Over.

Planning Committee meeting

Start times of agenda items

It is impossible to predict the start and finish time of any particular item on the agenda. It may happen on occasion that the Chairman will use his discretion to re-arrange the running order of the agenda, depending on the level of public interest on an item or the amount of public speaking that may need to take place. This may mean that someone arranging to arrive later in order to only hear an item towards the middle or the end of the agenda, may miss that item altogether because it has been "brought forward" by the Chairman, or because the preceding items have been dealt with more speedily than anticipated. Therefore, if you are anxious to make certain that you hear any particular item being debated by the Planning Committee, it is recommended that you arrange to attend from the start of the meeting.

Background Papers

For the purposes of the Local Government (Access to Information) Act 1985, the following documents are to be regarded as standard background papers in relation to all items:

- Letters of representation from third parties
- Consultation replies from outside bodies
- Letters or statements from or on behalf of the applicant

AGENDA

Page nos.

- 1. Apologies**
To receive any apologies for non-attendance.
- 2. Minutes** **5 - 16**
To confirm the minutes of the meeting held on 21 September 2016 (copy attached).
- 3. Disclosures of Interest**
To receive any disclosures of interest from councillors under the Councillors' Code of Conduct, or contact with applicants/objectors under the Planning Code.
- 4. Planning Applications and other Development Control matters**
To consider and determine the planning applications and other development control matters detailed in the reports listed below.

 - a) 16/01120/CLD - Harper Home, 29-31 Fordbridge Road, Ashford, TW15 2TB **17 - 24**
 - b) 16/01164/SCRVC, 16/01195/SCRVC, 16/01196/SCRVC - Land at Queen Mary Reservoir, Ashford Road, Ashford, TW15 1UA **25 - 40**
- 5. Planning Appeals Report** **41 - 42**
To note details of the Planning appeals submitted and decisions received between 8 September 2016 and 7 October 2016.
- 6. Urgent Items**
To consider any items which the Chairman considers as urgent.

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**Minutes of the Planning Committee
21 September 2016**

Present:

Councillor R.A. Smith-Ainsley (Chairman)
Councillor H.A. Thomson (Vice-Chairman)

Councillors:

R.O. Barratt	N.J. Gething	R.W. Sider BEM
J.R. Boughtflower	A.T. Jones	
M.P.C. Francis	O. Rybinski	

Apologies: Apologies were received from Councillor R. Chandler, Councillor S.M. Doran and Councillor A.C. Harman

In Attendance:

Councillors who are not members of the Committee, but attended the meeting and spoke on an application in or affecting their ward, are set out below in relation to the relevant application.

211/16 Minutes

The minutes of the meeting held on 24 August 2016 were approved as a correct record.

212/16 Disclosures of Interest

a) Disclosures of interest under the Members' Code of Conduct

There were none.

b) Declarations of interest under the Council's Planning Code

All Councillors present reported that they had received correspondence in relation to application 16/01349/FUL Land to the west of 26 and 28 Peregrine

Road and 181 Nursery Road (formerly 187 Nursery Road) Sunbury, but had maintained an impartial role, had not expressed any views and had kept an open mind.

213/16 16/00785/FUL - Greeno Centre, Glebeland Gardens, Shepperton, TW17 9DH

Description:

Alterations and extensions to existing car parking areas to provide 18 additional car parking spaces together with associated works including the provision of 10 Cycle Parking Bays.

Additional Information:

The Assistant Head of Planning (Development Management) informed the Committee of the following:

The consultation response from the Council's Tree Officer raised no objection subject to additional tree planting being provided (covered in condition 4).

The consultation response from Surrey County Highways raised no objection.

Public Speaking:

There were no public speakers.

Debate:

During the debate the following key issues were raised:

- This would alleviate parking problems.
- Good use of space.
- Visibility and openness of site not obstructed.
- Parking requirements have increased recently.
- Planting was put there to deter vandalism.
- Greeno Centre has blossomed.
- Query relating to crown land.

Decision:

The application was **approved** as per agenda.

214/16 16/01349/FUL - Land To The West Of 26 And 28 Peregrine Road, And 181 Nursery Road (Formerly 187 Nursery Road) Sunbury

Description:

Erection of a detached two-storey building for the purposes of special needs housing (Use Class C2) together with associated entrance gates, access, parking and landscaping.

Additional Information:

The Assistant Head of Planning (Development Management) reported that the consultation response from the Surrey Wildlife Trust raised no objection subject to the recommendations in the submitted Ecological Report being implemented.

The Assistant Head of Planning (Development Management) reported that an email had been received from the applicant's agent making comments on the Committee report. A summary of the comments not already addressed in the Committee report was provided (a copy of this email was placed in the Councillors' Room):

- The applicant has recently completed a development for a care home in School Walk, Sunbury, which is in the urban area.
- The applicant company has retained commercial agents who are continually sourcing care home opportunities for them. There have been some instances where sites are not suitable because they are an industrial area or because residential developers are prepared to pay higher sums, which would not be viable for a care home operator
- Urban sites are sometimes not conducive to a care home.
- The site is 'previously developed land' because of the extant planning permission.
- The approved scheme is two storey. The proposed first floor accommodation is contained within the roof space.
- The approved garage should be included in the assessment.
- Queried the definition of the original and existing building in the context of Green Belt policy.
- There was no neighbour objection on three rounds of applications to the proposal. The current objection misunderstood the proposal as being larger.

The Assistant Head of Planning (Development Management) reported that amended plans had been received showing:

- Correct footprint of the new building and the location of the tree protection.
- Amended elevation as there was an inconsistency in the height of the building. Consequently paragraph 3.2, line 4, of the Committee report should be amended to "up to 7.4m in height".

It was recommended that the description of the 'Proposal' as provided on the front page of the committee report should be amended to refer to these amended plans as follows:

Erection of a detached two-storey building for the purposes of special needs housing (Use Class C2) together with associated entrance gates, access, parking and landscaping.

As shown on plan nos.' L2321/03; / 04 Rev. B;; /13 Rev. A; /27 Rev. B; /28 Rev. A; /30, L1774/LP Rev. A received 26 July 2016, DPA-69400-01 Rev. C and L2321/29 Rev. B received on 13 September 2016.

Public Speaking:

In accordance with the Council's procedure for speaking at committee meetings, Sati Panesar spoke for the proposed development and raised the following key points:

- Overwhelming need.
- Proposal had been reduced since last scheme which was refused.
- Significant benefits.
- Only marginal harm.
- Size of increase compared with approved house is marginal.
- Sites not available in the urban area.
- Is an exceptional case.
- Local employment opportunities.

As Councillor Evans (Ward Councillor for the proposed development) had given his apologies for the meeting the Chairman read out a statement on his behalf raising the following points in support of the proposal:

- The benefits of the facility to residents and the community constituted very special circumstances.
- Expansion on to Green Belt was justified in this case
- Development on the Green Belt has taken place on school grounds within the ward.
- No precedent would be made which would weaken the greenbelt policy.

Debate:

During the debate the following key issues were raised:

- Great deal of interest shown by members and officers.
- Provision by applicant of facility in School Walk is rated outstanding / applicant has an outstanding record.
- There is a need for this type of facility.
- Young adults with Autism Spectrum Disorder cannot always live at home, would restrict absorption into local community.
- Scheme is as small as possible.
- Figures set out on page 28 of the report referred to.
- It is inappropriate development on Green Belt therefore very special circumstances need to be identified.

Decision:

The application was **overturned** and **approved** for the following reason:

The harm to the green belt associated with the inappropriate development and other harm is outweighed by the very special circumstances associated with the development. These are:

- Provision of a facility of special needs housing for youngsters who have autistic spectrum disorder / special needs.
- The increase in the size of the development compared with the approved application, 12/01176/REN, is needed for this specialist facility.
- There is a lack of alternative sites for this facility within the urban area.

The Planning Committee agreed to delegate the conditions and informatives to be imposed on the planning permission to the Assistant Head of Planning (Development Management) in consultation with the Planning Committee Chairman. These are:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: This condition is required by Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

As shown on plan nos.' L2321/03; / 04 Rev. B;; /13 Rev. A; /27 Rev. B; /28 Rev. A; /30, L1774/LP Rev. A received 26 July 2016, DPA-69400-01 Rev. C and L2321/29 Rev. B received on 13 September 2016.

Reason: For the avoidance of doubt and in the interest of proper planning.

3. Before any work on the development hereby permitted is first commenced details of the materials and detailing to be used for the external surfaces of the buildings and surface material for parking areas be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice the appearance of the development and the visual amenities and character of the locality, in accordance with policies SP6 and EN1 of

the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

4. No development shall take place until:

(a) A comprehensive desk-top study, carried out to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site, has been submitted to and approved in writing by the Local Planning Authority.

(b) Where any such potential sources and impacts have been identified, a site investigation has been carried out to fully characterise the nature and extent of any land and/or groundwater contamination and its implications. The site investigation shall not be commenced until the extent and methodology of the site investigation have been agreed in writing with the Local Planning Authority.

(c) A written method statement for the remediation of land and/or groundwater contamination affecting the site shall be agreed in writing with the Local Planning Authority prior to the commencement of remediation. The method statement shall include an implementation timetable and monitoring proposals, and a remediation verification methodology.

The site shall be remediated in accordance with the approved method statement, with no deviation from the statement without the express written agreement of the Local Planning Authority.

Reason: To protect the amenities of future residents and the environment from the effects of potentially harmful substances.

NOTE

The requirements of the above Condition must be carried out in accordance with current best practice. The applicant is therefore advised to contact Spelthorne's Pollution Control team on 01784 446251 for further advice and information before any work commences. An information sheet entitled "Land Affected By Contamination: Guidance to Help Developers Meet Planning Requirements" proving guidance can also be downloaded from Spelthorne's website at www.spelthorne.gov.uk.

In accordance with policies SP6 and EN15 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

5. No development shall commence until a report has been submitted to and agreed by the Local Planning Authority which includes details and drawings demonstrating how 10% of the energy requirements

generated by the development as a whole will be achieved utilising renewable energy methods and showing in detail the estimated sizing of each of the contributing technologies to the overall percentage. The detailed report shall identify how renewable energy, passive energy and efficiency measures will be generated and utilised for each of the proposed buildings to meet collectively the requirement for the scheme. The agreed measures shall be implemented with the construction of each building and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason: To ensure that the development is sustainable and complies with Policy SP7 and CC1 of the Spelthorne Development Plan Core Strategy and Policies DPD.

6. No site clearance or building operations shall commence until tree protective fencing as shown on plan number DA-69400-01 Rev C is installed on the site. Such fencing shall be maintained during the course of the development and no storage of materials or erection of buildings shall take place within the fenced area.

Reason: To prevent damage to the trees in the interest of the visual amenities of the area, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

7. The destruction by burning of materials shall not take place within 6 m (19 ft. 8 ins) of the canopy of any tree or tree group to be retained on the site or on land adjoining.

Reason: To prevent damage to the trees in the interest of the visual amenities of the area, in accordance with policies SP6 and EN1 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

8. Before any development commences, details including a technical specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting on the site shall at all times accord with the approved details.

Reason: To safeguard the amenity of neighbouring residential properties and in the interest of visual amenity.

9. That the parking spaces shown on the submitted plan be constructed and the spaces shall be completed prior to the completion of the special needs accommodation to which they relate, and thereafter the approved facilities together with the means of access thereto shall be

maintained as approved, and be reserved for the benefit of the development hereby permitted.

Reason: The above condition is required in order that the development should not prejudice highway safety nor cause inconvenience to other highway users in accordance with policy CC2 of the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

10. No development shall take place until full details of both soft and hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The planting scheme shall include the provision of a designated habitat area to encourage wildlife on the site. The trees, shrubs and other associated proposals shall be planted on the site within a period of 12 months from the date on which development hereby permitted is first commenced, or such longer period as may be approved by the Local Planning Authority, and that the planting so provided shall be maintained as approved for a period of 5 years, such maintenance to include the replacement in the current or next planting season whichever is the sooner, of any trees or shrubs that may die, are removed or become seriously damaged or diseased, with others of similar size and species, unless the Local Planning Authority gives written permission to any variation.

Reason: To minimise the loss of visual amenity occasioned by the development and to enhance the proposed development.

11. Prior to the occupation of the development hereby approved, a woodland management plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be implemented and thereafter retained and maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.

Reason: In the interest of amenity, to protect the existing trees and to enhance the development.

12. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details and maintained as approved.

Reason: To ensure that the proposed development does not prejudice the enjoyment by neighbouring occupiers of their properties and the appearance of the locality, in accordance with policies SP6 and EN1 of

the Spelthorne Borough Core Strategy and Policies Development Plan Document 2009.

13. The development shall be carried out in accordance with the submitted mitigation and enhancement actions detailed in section 6 of the Ecological Report dated 09/02/2016 and received on 26/07/2016.

Reason: In the interest of preventing harm to wildlife and to encourage wildlife on the site.

14. Prior to the commencement of the development hereby approved, a precautionary method statement as recommended in Section 6.5 of the Ecological Report dated 09/02/2016 and received on 26/07/2016 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to any works taking place on the site to allow any reptiles which may be present to move into adjacent habitats.

Reason: In the interest of preventing harm to wildlife.

15. Prior to the commencement of development, a scheme to provide bird and bat boxes on the proposed buildings and/or existing trees shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained.

Reason: To encourage wildlife on the site.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), the development hereby approved shall only be used for accommodation for young people who are on the autistic spectrum disorder / have special needs and for no other purpose including any other purpose within Use Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.

Reason: In view of the very special circumstances pertaining to this development which outweighs the harm to the green belt associated with the inappropriate development and other harm as set out in the National Planning Policy Framework 2012.

17. The special needs accommodation building hereby approved shall house no more than 5 residents unless otherwise agreed in writing by the Local Planning Authority.

Reason: In view of the very special circumstances pertaining to this development which outweighs the harm to the green belt associated with the inappropriate development and other harm as set out in the National Planning Policy Framework 2012.

18. Prior to the commencement of the development, details of a surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the provision of soakaways on the site, and shall demonstrate that the new hardstanding around the building will be surfaced using permeable paving. The agreed scheme shall be implemented prior to the occupation of the buildings and thereafter maintained.

Reason: In the interest of minimising flood risk.

The Town and Country Planning (Development Management Procedure) (England) Order 2015 Working in a positive/proactive manner

a: Provided or made available pre application advice to seek to resolve problems before the application was submitted and to foster the delivery of sustainable development.

b: Provided feedback through the validation process including information on the website, to correct identified problems to ensure that the application was correct and could be registered.

INFORMATIVES TO APPLICANT

Access by the Fire Brigade

Notice of the provisions of Section 20 of the Surrey County Council Act 1985 is hereby endorsed on this planning permission. Copies of the Section may be obtained from the Council Offices or from County Hall. Section 20 of this Act requires that when a building is erected or extended, proper provision must be made for the Fire Brigade to have means of access to the building or to any neighbouring buildings. There are also requirements relating to access and facilities for the fire service contained in Part B of the Building Regulations 2000 (as amended).

Building Operations

You are advised that the Council will expect the following measures to be taken during any building operations to control noise, pollution and parking.

- (a) Work which is audible beyond the site boundary shall only be carried out between 8 am to 6 pm Monday to Friday, 8 am to 1 pm Saturday and not at all on Sundays and Bank Holidays.
- (b) The quietest available items of plant and machinery shall be used on site. Where permanently sited equipment such as generators are necessary, they should be enclosed to reduce noise levels.
- (c) Deliveries shall only be received within the hours detailed above.
- (d) Adequate steps shall be taken to prevent dust causing nuisance beyond the site boundary. These could include the use of hoses to damp down stockpiles of materials which are likely to generate airborne dust, to damp down during stone/slab cutting, and the use of bowsers and wheel washes.
- (e) There shall be no burning on site.
- (f) Only minimal security lighting shall be used outside the hours stated above.
- (g) Building materials and machinery shall not be stored on the highway and contractors' vehicles shall be parked with care so as not to cause an obstruction or block visibility on the highway.

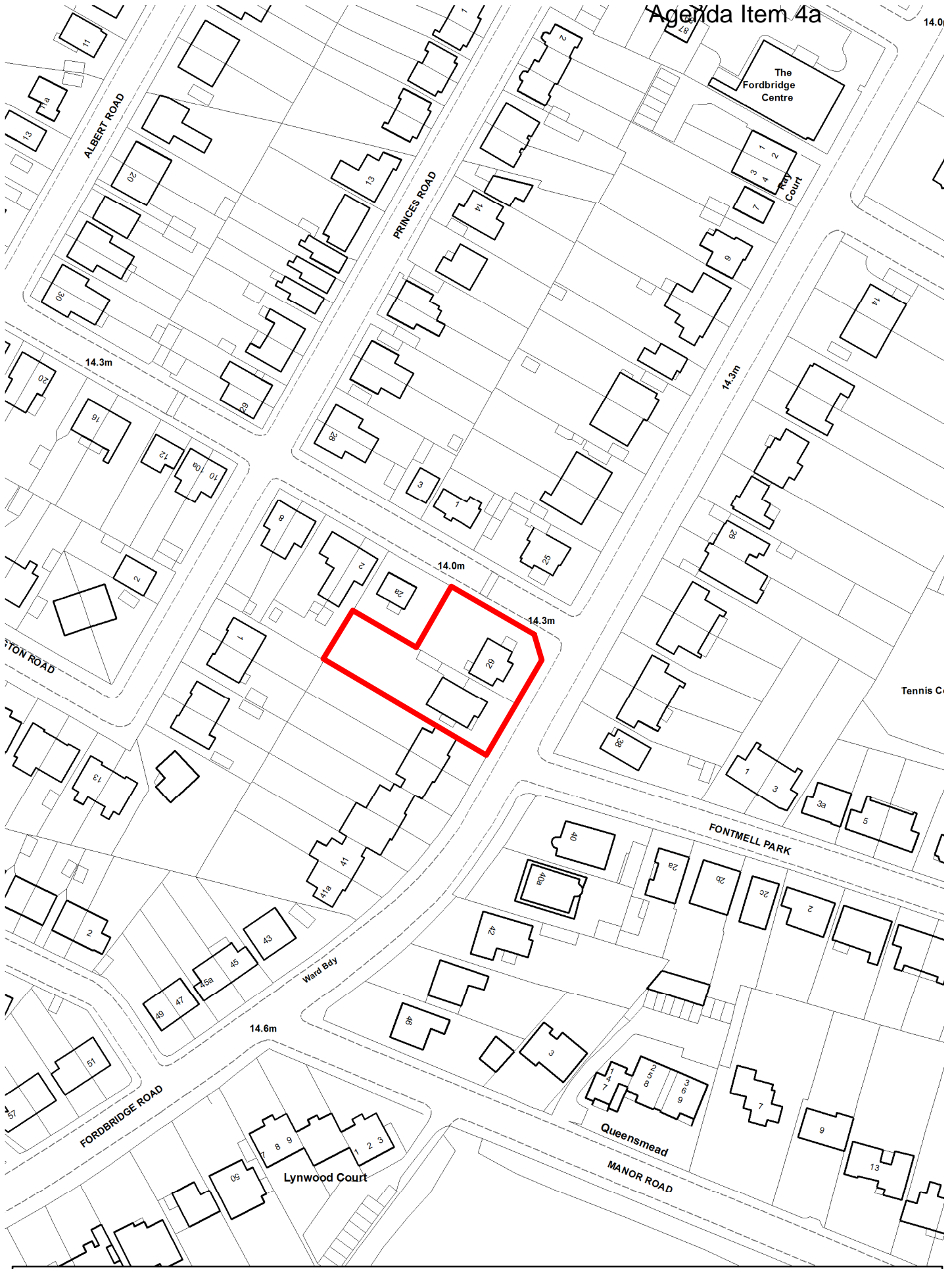
215/16 Planning Appeals Report

The Chairman informed the Committee that if any Member had any detailed queries regarding the report on Appeals lodged and decisions received since the last meeting, they should contact the Assistant Head of Planning and Housing Strategy.

Resolved that the report of the Assistant Head of Planning and Housing Strategy be received and noted.

216/16 Urgent Items

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1:1,250

16/01120/CLD
Harper Home, 29-31 Fordbridge Road, Ashford, TW15 2TB

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Planning Committee

19 October 2016



Application Nos.	16/01120/CLD		
Site Address	Harper Home, 29 – 31 Fordbridge Road, Ashford		
Proposal	Application for a Certificate of Lawfulness for the existing use as 20 no. self-contained residential flats, including 2 units within a single storey building located to the rear of site. As shown on plan nos.' EB/1608031; EB/1608031/E; EB/1608031/1-2; EB/1608031/2-8; EB/1608031/9-18; EB/1608031/20-21 received 30 September 2016, site location plan and block plan received 15 July 2016,		
Applicant	Knowle Green Estates Ltd		
Ward	Ashford Town		
Call in details	N/A		
Case Officer	Paul Tomson		
Application Dates	Valid: 11.07.2016	Expiry: 05.09.2016	Target: Over 8 weeks
Executive Summary	<p>This application is for a Certificate of Lawfulness for an existing use of the site for 20 no. self-contained residential flats including the 2 units located within the existing single storey building to the rear of the site. The applicant claims that the site has been used for this particular purpose (without planning permission) for more than 4 years and is therefore lawful and immune from any enforcement action being taken.</p> <p>This application has to be assessed on the basis of “balance of probability”. It is important to note that this is not a planning application and the Council cannot therefore consider the planning merits of the submission. The applicant has submitted evidence with the application and this, together with the Council’s evidence, indicates that, on the “balance of probability”, the use has occurred for more than 4 years and is lawful. Accordingly, it is recommended that a Certificate of Lawfulness is granted.</p>		
Recommended Decision	That a Certificate of Lawfulness is granted		

MAIN REPORT

1. Relevant Planning History

99/00680/FUL	Change of use from residential care home to 10 no. self-contained flats for homeless persons comprising 2 no. 1-bedroom, 6 no. 2-bedroom and 2 no. 3-bedroom flats. Provision of 17 parking spaces	Refused 02/02/2000
00/00127/FUL	Change of use from residential care home to 10 no. self-contained flats for homeless persons comprising 2 no. 1-bedroom, 6 no. 2-bedroom and 2 no. 3-bedroom flats. Provision of 10 parking spaces. (Officer Note: this scheme was not implemented)	Appeal Against Non-deter- mination Allowed 02/11/2000
00/00840/FUL	Change of use of premises from elderly persons care home to a hostel for the homeless together with ancillary parking spaces at the front and rear for 11 cars.	Refused 31/01/2001 Appeal Allowed 07/08/2001

2. Description of Current Proposal

- 2.1 The application relates to Harper Home, 29 – 31 Fordbridge Road in Ashford, which is a site located on the corner of Fordbridge Road and Chesterfield Road. It comprises a part 2-storey/part 2 ½ storey building fronting Fordbridge Road. It also includes a single storey building at the western end of the site, to the rear of 2A and 2 Chesterfield Road. There is a parking area at the front of the site. There is also a vehicular access off Chesterfield Road. The surrounding area is residential in character.
- 2.2 In 2001 planning permission was granted on appeal for the change of use from an elderly care home to a hostel for the homeless (00/00840/FUL). A condition was imposed on that planning permission restricting the number of residents to a maximum of 51. Whilst the site continues to be occupied by homeless persons, the internal layout has been altered over the last 15 years to make the individual accommodation units more self-contained and the facilities associated with a hostel use have been reduced. Furthermore, 2 self-contained residential units now exist in the single storey building located at the rear of the site. Consequently, the site now comprises 20 self-contained residential units and none of the hostel facilities (e.g. shared rooms) exist.
- 2.3 This application is seeking a Certificate of Lawfulness for the existing use as 20 no. self-contained residential flats, including 2 units within the single storey building at the rear of the site. The applicant is stating that the site has been used for this particular purpose for more than 4 years, and is therefore

immune from planning enforcement action (i.e. that it is effectively lawful). This is different to a planning application where the planning merits of a scheme are assessed. In considering an application for Certificate of Lawfulness, the Local Planning Authority has to have regard to the evidence submitted by the applicant, and any other evidence, and make a decision based on “the balance of probabilities” whether they consider the use has been in existence for more than 4 years or not.

2.4 It is relevant to note that the applicant is Knowle Green Estates Ltd, which is the commercial company of Spelthorne Borough Council. Due to the Council’s interest in the site it is necessary to report this application to the Planning Committee for a decision.

2.5 Since the application was first submitted, the applicant has provided more accurate floor plans which are drawn to scale and show each of the 20 units on the site. In addition, elevation drawings and a site survey drawing have been submitted. Neighbouring properties have been notified of these new drawings and any further letters of representation will be reported orally at the meeting.

3. Consultations

3.1 The following table shows those bodies consulted and their response.

Consultee	Comment
Head of Legal Services	Considers that a Certificate of Lawfulness should be issued.

4. Public Consultation

4.1 The Council has written to a total of 15 neighbouring properties notifying them of the application and inviting them to write in if they have any evidence which supports or contradicts the submission. 5 letters have been received (2 from 2a Chesterfield Road, 2 from 37 Fordbridge Road, and 1 from 2 Chesterfield Road). Issues raised include:

- The unauthorised use of the site was previously reported to Spelthorne Council but no action has been taken.
- The sheds at the rear of the site have only been used in the last 2 -3 years. A TV aerial that was unsightly from a neighbour’s garden was put up approximately 2 ½ years ago.
- Concern about the impact on parking in the area.
- Concern about the poor and unsightly condition of the site.

5. Planning Considerations and Recommendation

Evidence submitted up Front with the Application

5.1 As mentioned above, the applicant has submitted a number of plans and documents as part of their evidence in support of the application. This is summarised as follows:

1. A full set of scaled floor plans showing the location of each of the 20 units. The plans indicate that all of the units are separate means of accommodation and that there are not communal living facilities within the buildings. These plans supersede earlier hand drawn floor plans that were originally submitted with the application.
2. Elevation survey drawings of the main building and the single storey building at the rear of the site.
3. A site survey drawing.
4. A number of water tank diagrams. The applicant has confirmed that these are to demonstrate that each unit has its own hot water system.
5. A British Gas letter dated 07 March 2012 addressed to Suite 18 at the site. It indicates that this particular unit has been in existence for more than 4 years.
6. A Spelthorne Council Tax list of names and addresses at the site. The list indicates that Council Tax payments are billed to the individual units and the people residing in them. The liable dates go back as far as 2009.
7. 2 no. letters from Spelthorne Council's Environmental Health section to Mr Khan, the previous owner of the site. The first letter dated 18 October 2011 states that new drawings should be provided to show the new layout of the premises including identifying each letting (i.e. each unit). The second letter dated 13 December 2011 refers to some outstanding works required in relation to 3 of the units and other areas of the building.
8. A Counsel Opinion dated 12 June 2006. It states that it should be read in conjunction with earlier Advice given in May 2016 and gives the view that a Grant of Certificate should be granted.
9. Other associated documentation, including a copy of a training course certificate for Mr Khan (previous owner) dated 16 January 2007.

Other Evidence

- 5.2 The comments from the third party representations are noted. Whilst one of the letters states that the units in the single storey building at the rear of the site were only used in the last 2 – 3 years, no evidence has been submitted to demonstrate this. A planning enforcement investigation carried out in February 2014 revealed that these particular units were already in existence at that time. A subsequent email from the owner's planning agent to the planning enforcement officer states that these units were present in 2009 when the owner starting paying Council Tax for them. Indeed, the submitted Council Tax records show that both of these units were liable for payments since at least from 2011. A separate Environmental Health record from August 2011 shows that a complaint was made from a member of the public about the outbuildings at the rear being lived-in at that time, which is more than 4 years ago.

- 5.3 When planning permission was originally granted in 2001 for the hostel, a number of conditions were imposed restricting how the hostel was used and maintained. For example, there was a condition preventing any changes to the internal layout and use of rooms, plus a condition requiring car parking to be provided at the front and rear of the site. Whilst it is now clear that some of these conditions were breached by the previous owner, they are no longer enforceable. The previous hostel use has long since ceased, the conditions have therefore lapsed and are not applicable to the new use of the site as 20 self-contained flats.

Site Visit

- 5.4 The case officer's site visit was carried out on the 04 October 2016 and confirmed that the property comprises 20 flats. Each unit is accessed via its own lockable entrance door. They are fully self-contained and have their own kitchenettes and bathrooms. They also have their own electric meter. Even the 2 no. units in the single storey building at the rear of the site are fully self-contained. The 2 units on the second floor were in the process of being renovated. There are no dormitories or other communal or shared facilities that would normally be associated with a hostel.

Comments from Legal Services

- 5.5 The Council's Legal Services were consulted on the application. They have concluded that the Council should grant the Certificate of Lawfulness, as there is sufficient evidence submitted by the applicant to show, on the balance of probabilities, that the change of use has existed for more than 4 years and is therefore lawful. They have made the following comments:

"The previous use of the hotel was as a hostel (this is Sui Generis). It is now in C3 usage [dwellings]. It is likely that the change came about circa 2010. By that time, each of the self-contained flats therein was separately rated. There is evidence to show this. I have not been shown any evidence to the contrary. The burden of proof is on the applicant and it is on a balance of probabilities. Accordingly the evidential burden has been discharged. If the four year time limit applies, a certificate must be issued."

Conclusion

- 5.6 From the evidence submitted by the applicant, it is considered that the change of use to 20 self-contained residential units took place more than 4 years before the receipt of the current application. The submitted Council Tax records clearly demonstrate that each of the 20 units have been individually billed and that the payment records go back more than 4 years. Whilst the comments from third party representations are noted, the evidence from the Council's Planning Enforcement and Environmental Health records show that the single storey building at the rear of the site was used for residential purposes more than 4 years ago (indeed the Council Tax records confirm this). The Council's Legal Services consider that the Certificate of Lawfulness should be issued.

5.7 It is therefore considered, on the balance of probability, that the use of the site for 20 no. self-contained residential units has been in existence for more than 4 years and is therefore lawful.

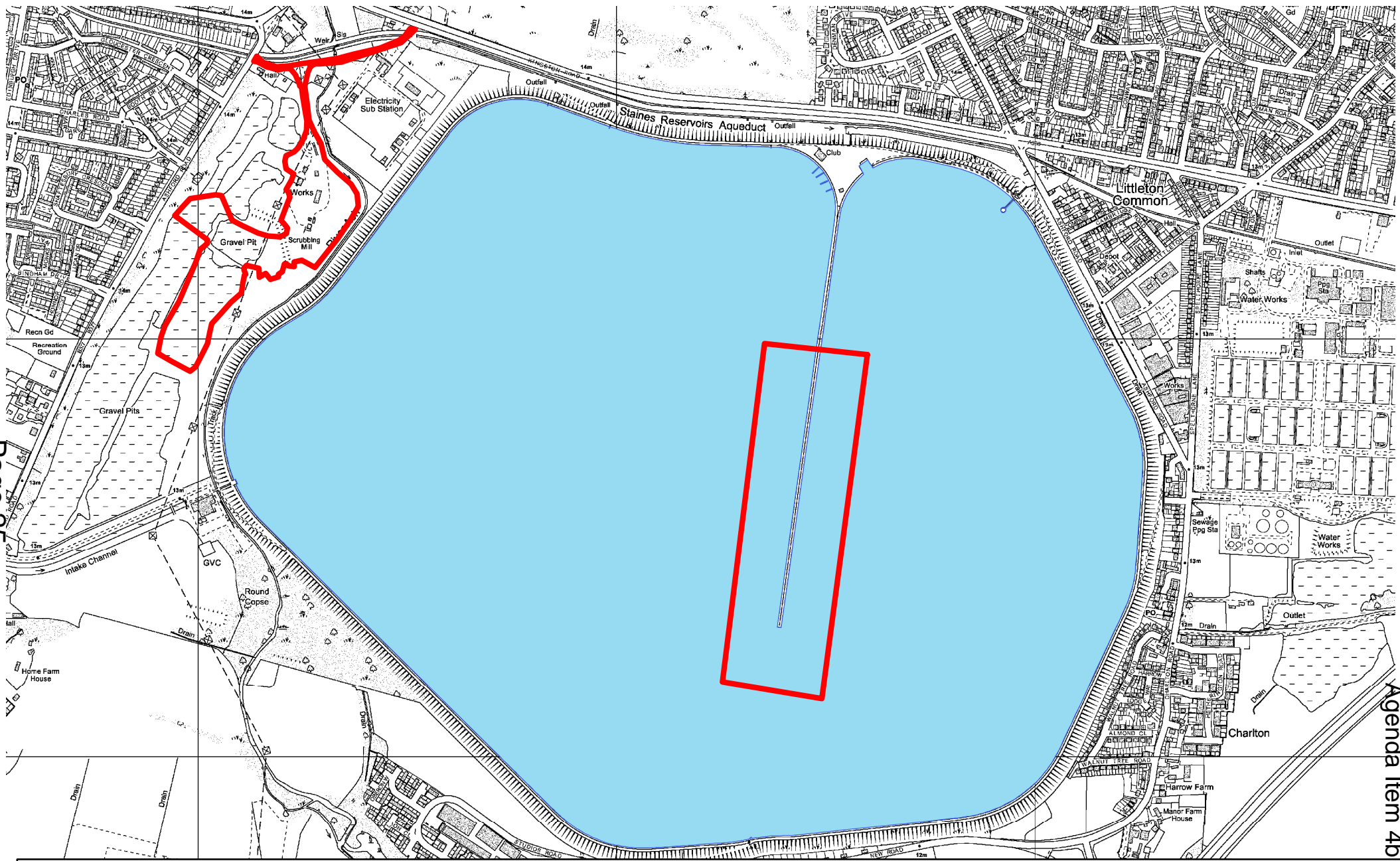
6. Recommendation

6.1 That the Certificate of Lawfulness is granted

Reason

6.2 The Council is satisfied that the use as 20 no. self contained flats including the 2 units in the building at the rear of the site has been in existence for more than 4 years preceding the date of the application. Accordingly the development described in the Schedule above is lawful under Section 171B of the Town and Country Planning Act 1990.

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16/01164/SCRVC

Land at Queen Mary Reservoir, Ashford Road, Ashford, TW15 1UA

1:12,000

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Planning Committee

19 October 2016



Application Nos.	16/01164/SCRVC		
Site Address	Queen Mary Reservoir, Ashford Road, Ashford		
Proposal	SCC consultation to continue the removal of part of the breakwater baffle in Queen Mary Reservoir, the dredging of the underlying sand and gravel, landing of mineral and processing involving the retention of the existing access, haul route and processing plant located on land west of the reservoir without compliance with Conditions 3 and 24 of pp ref SP13/01236/SCC dated Jan 2015 until 22 Oct 2018.		
Applicant	Brett Aggregates Ltd (Surrey County Council Application)		
Ward	Laleham and Shepperton Green		
Application Dates	Valid: 05.07.2016	Expiry: N/A	Target: N/A
Case Officer	Kelly Walker		
Executive Summary	This application seeks to vary conditions on the previous permission to allow the removal of the breakwater baffle and processing of the material at the existing processing plant for a further 22 months until 22 October 2018. This will have no impact on the completion of the overall restoration of the site or the number of lorry movements to and from the site.		
Recommended Decision	No objection.		

Application Nos.	16/01195/SCRVC		
Site Address	Land to the west of Queen Mary Reservoir, Ashford Road, Ashford		
Proposal	SCC consultation to continue the use of land for the importation of construction and demolition waste and siting of recycling facility, involving placement of mobile plant to enable the recovery of alternative aggregates for sale and the production of materials for restoration on land west of QMR without compliance with Condition 22 of pp SP13/01238/SCC dated 6 Jan 2015 and to extend the time period for siting the facility on land west of the QMR unit completion of operations on Manor Farm permitted by pp SP12/01132 dated 23 October 2015 and thereafter to site the facility until 31 Dec 2033 within the existing plant site, details of which to be provided prior to relocation.		
Applicant	Brett Aggregates Ltd (Surrey County Council Application)		
Ward	Laleham and Shepperton Green		

Application Dates	Valid: 05.07.2016	Expiry: N/A	Target: N/A
Case Officer	Kelly Walker		
Executive Summary	<p>Permission exists for the use of the land for the importation of construction and demolition waste and the siting of recycling facility until 2033. The existing processing plant was to be removed after the extraction of the break water baffle was completed and replaced with a mobile plant. The delay in the removal of the baffle by some 22 months, along with the permission being granted for the extraction of gravel at Manor Farm and its processing at QMQ, results in the siting of the new mobile recycling facility also being delayed. This application seeks permission for the new mobile recycling plant and details of it to be provided at a later date.</p> <p>The proposal has no impact on the end date of the recycling facility, the restoration date of the site and the lorry movements will remain the same.</p>		
Recommended Decision	No objection.		

Application Nos.	16/01196/SCRVC		
Site Address	Land to the west of Queen Mary Reservoir, Ashford Road, Ashford		
Proposal	<p>SCC Consultation to continue importation of raised sand and gravel on to land west of QMR and processing without compliance with Conditions 21 and 22 of pp13/01239/SCC date 6 Jan 2015 to enable use of the existing processing plant until the completion of operations at Manor Farm permitted by pp SP12/01132 dated 23 October 2015 and thereafter siting and utilising of a mobile plant until 31 Dec 2033 within the existing plant site, details of which to be provided prior to relocation.</p>		
Applicant	Brett Aggregates Ltd (Surrey County Council Application)		
Ward	Laleham and Shepperton Green		
Application Dates	Valid: 05.07.2016	Expiry: N/A	Target: N/A
Case Officer	Kelly Walker		
Executive Summary	<p>Permission exists for the importation of 'as raised' sand and gravel to be processed at the site until 31 December 2033. The existing processing plant was to be removed after the extraction of the break water baffle was completed and replaced with a mobile plant. The delay in the removal of the baffle by some 22 months, along with permission being granted for the extraction of gravel at Manor Farm and it's processing at QMQ will result in the siting of the new mobile equipment also being delayed. This application seeks permission for the new mobile processing plant and details of it to be provided at a later date.</p> <p>The current proposal does not affect the end date, restoration date of the site or impact on the no. of lorry movements.</p>		

Recommended Decision	No objection.
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MAIN REPORT

1. Development Plan

1.1 The following policies are considered relevant to this proposal:

Surrey Minerals Plan Core Strategy DPD 2011

- MC1 (Spatial Strategy – Location of Mineral Development in Surrey)
- MC3 (Spatial Strategy – Mineral Development in the Green Belt)
- MC4 (Efficient use of Mineral Resources)
- MC6 (Safeguarding Mineral Resources and Development)
- MC7 (Aggregate Minerals Supply)
- MC11 (Green Belt)
- MC14 (Reducing the Adverse Impacts of Mineral Development)
- MC15 (Transport for Minerals)
- MC17 (Restoring Mineral Workings)

Surrey Minerals Plan Primary Aggregates DPD 2011

- MA1 (Aggregates Supply)
- MA2(Preferred Areas for Concreting Aggregate)

Minerals site Restoration SPD 2011

Core Strategy and Policies DPD 2009

- SP1 (Location of Development)
- LO1 (Flooding)
- EN3 (Air Quality)
- EN8 (Protecting and Improving the Landscape and Biodiversity)
- EN11 (Development and Noise)

Saved Local Plan 2009

- GB1 (Green Belt)
- RU11 & RU14 – (Sites of Nature Conservation Importance)

National Planning Policy Framework, March 2012

National Planning Practice Guidance – Minerals updated 2014

2. Relevant Planning History

Applications ref 13/01236/SCA1, 13/01238/SCA1 and 13/01239/SCDA1 were submitted by the applicant to SCC for non-material amendments to previous planning permission seeking an extension of time. However, these applications were withdrawn, following the County considering that they could not be dealt with as a non-material amendment and this has led to the current applications being submitted.

- | | | |
|--------------|---|-----------------------------|
| 13/01236/SCC | Surrey County Council consultation on a planning application submitted to them by Brett Aggregates Ltd: Removal of part of the breakwater baffle at Queen Mary Reservoir, the dredging of the underlying sand and gravel, landing of mineral and processing involving the retention of the existing access, haul route and processing plant located on land west of the reservoir without compliance with Conditions 4 and 24 of planning permission SP 07/01269 dated 16 January 2009 to extend the time period for completion of extraction by three years and retention and use of the existing access, haul route and processing plant until 31 December 2016. | No objection
20.11. 2013 |
| 13/01238/SCC | Surrey County Council consultation on a planning application submitted to them by Brett Aggregates Ltd: Continuation of the use of the land for the importation of construction and demolition waste and siting of a recycling facility, involving placement of mobile plant to enable the recovery of alternative aggregates for sale and the production of materials for restoration on land west of Queen Mary Reservoir without compliance with Condition 2 and Condition 22 of planning permission SP 07/01273/SCC dated 16 January 2009 to extend the time period for siting of the facility on land west of the Queen Mary Reservoir until 31 December 2016 and thereafter to be sited until 31 December 2033 within the existing plant site, details of which are to be provided prior to relocation. | No objection
20.11. 2013 |
| 13/01239/SCC | Surrey County Council consultation on a planning application submitted to them by Brett Aggregates Ltd: Continued importation of "as raised" sand and gravel on to land west of Queen Mary Reservoir and processing without compliance with Conditions 2 and 22 of planning | No objection
20.11. 2013 |

permission ref SP07/1275 to enable use of the existing processing plant until 31 December 2016 and siting and utilising of a mobile plant until 31 December 2033 within the existing plant site, details of which are to be provided prior to relocation.

11/0491/SCC	Non-material amendment to planning permission ref: SP97/0643 and subsequently approved details (ref: SP07/1276 dated 15 January 2009) submitted pursuant to Condition 23 to revise the scheme of working, restoration and landscaping for the area west of Queen Mary reservoir and Condition 24 details of an aftercare scheme of planning permission ref: SP97/0643 dated 20 October 2003 in order to amend the phasing timetable.	No objections 21.09.2011
07/01276/SCC.	Details of a scheme giving details of a revised scheme of working, restoration and landscaping for the area west of Queen Mary Reservoir pursuant to Condition 23; and details of an aftercare scheme pursuant to Condition 24 of planning permission ref: SP97/0643 dated 20 October 2003	Objections 03.06.2008 SCC Grant
07/1275/SCC	Importation of 'as raised' sand and gravel on to land West of Queen Mary Reservoir and processing involving continued use of the existing processing plant until 31/12/2013 and siting and utilising of a mobile plant until 31/12/2033 within the existing plant site details of which are to be provided prior to relocation.	Strongly objects 03.06.2008 SCC Grant
07/1273/SCC	Change of use to enable the importation of construction and demolition waste and siting of recycling facility, involving placement of mobile plant to enable the recovery of alternative aggregates for sale and the production of materials for restoration on land west of the Queen Mary Reservoir until 31/12/2013 and thereafter to be sited until 31/12/2033 within existing plant site details of which are to be provided prior to relocation..	Strongly objects 28.05.2008 SCC Grant
07/1269/SCC	Removal of part of the breakwater baffle	No objections

	at Queen Mary Reservoir, the dredging of the underlying sand and gravel, landing of mineral and processing involving the retention of the existing access, haul route and processing plant located on land west of the reservoir, to be retained until 31st December 2013..	03.06.2008 SCC Grant
06/00473/SCC	Continued mineral working until 31/12/08 without complying with condition 4 of PP SP/97/0643 dated 29/10/03. To defer in respect of PP SP/97/0643 dated 29/10/03: (i) submission of a scheme detailing measures necessary to keep the public highway clean until 31/10/06 without compliance with condition 8; (ii) Submission of a scheme giving details of a buffer zone 8m wide alongside the River Ash until 31/10/06 without compliance with condition 18; (iii) Submission of a revised scheme of working, restoration & landscaping for the area west of Queen Mary reservoir until 31/12/06 without compliance with condition 23; & (iv) Submission of an after care scheme until 30/12/07 without compliance with condition 24.	No objection 11.08.2006 SCC Grant
Manor Farm 12/01132/SCC	Surrey County Council Consultation on Behalf of Brett Aggregates Ltd : Extraction of sand and gravel and restoration to landscaped lakes for nature conservation after use at Manor Farm, Laleham and provision of a dedicated area on land at Manor Farm adjacent to Buckland School for nature conservation study; processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) processing plant and retention of the processing plant for the duration of operations; erection of a concrete batching plant and an aggregate bagging plant within the existing QMQ aggregate processing and stockpiling areas; installation of a field conveyor for the transportation of mineral and use for the transportation of mineral from Manor Farm to the QMQ processing plant; and construction of a tunnel beneath the Ashford Road to	SCC Grant 23 Sep 2015

accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral.

Surrey County Council are the determining authority and are due to consider these applications at their November Committee.

3. Description of Current Proposal

Background

- 3.1 Gravel has been progressively extracted from the Queen Mary Reservoir (QMR) since 1960s and processed through plant on land to the west and adjacent to Ashford Road. This land, and a large area to the south has also been previously worked and subject to restoration and use of lagoons for the washing of silts from dug gravel from the reservoir. More recently permission has been granted to extract gravel from the baffle running southward from the north bank of the reservoir and process this through the plant to the west. Permission has also been granted to work Manor Farm to the west of Ashford Road and transport the gravel to the plant by conveyor. Permission also exists to process gravel from small sites elsewhere (including construction sites).
- 3.2 The proposal of working the QMR and Manor Farm all from part of the County Council's Surrey Mineral Plan which this Council supported. The digging of material from reservoirs has advantages over land won gravels because no filling and associated lorry movements are required and instead available fill material can be used to process the restoration of sites.
- 3.3 QMR processing site has a direct exit to the A308 and access via Ashford Road only from the north and this has advantages over site requiring lorries passing through residential areas.
- 3.4 Some difficulties have been expressed with the removal of the concrete capping to the baffle and weather problems in 2014 caused further delays. As a consequence the resequencing of the various activities currently approved are required so traffic movements remain within the existing loads imposed on the site. .
- 3.5 The following report explains the details associated with each existing permission for this approval of revised timings is required.

Current permissions

- 3.6 Permission ref 07/01269/SCC was granted for the removal of the break water baffle and material extracted to be processed at the site by 31 December 2013. The impact of the recession on the construction industry and concrete reduced demand for construction materials led to a further application and permission ref 13/01236/SCC was allowed an extension until 31 December

2016. Following on from the completion of this, the existing mobile processing plant was to be decommissioned and replaced with mobile recycling and processing plant for use until 2033 (by the approved recycling facility and importation material activities, referred to below)..The mobile plant allows flexibility to enable the phased restoration of the processing plan and large storage areas.

- 3.7 Permission ref 07/01273/SCC was granted for a recycling facility until 2033. The permitted recycling facility has been established to the south west and west of the mineral processing plant. It involves the use of mobile processing plant (crushing and screening equipment) which is brought to the site periodically when sufficient waste has been imported. The application permits the siting of a new mobile recycling facility to be placed on the site of the existing processing plant. Details of this were to be submitted when the use of the existing plant ceased following completion of extraction of materials from the break water baffle on 31 December 2013. More recently permission ref 13/01238/SCC was approved allowing this time to be extended until 31 December 2016.
- 3.8 Planning application ref 07/1275/SCC gave consent for the importation of 'as raised' sand and gravel to be processed, along with mineral extracted from the baffle, on site until December 2033. The consent permitted the use of the existing plant until December 2013 and on its removal, (following removal of the baffle), within new mobile plant to be located in the same position, details of which were to be agreed by condition by 31 December 2013. Again, more recently permission ref 13/01239/SCC was approved allowing this time to be extended until 31 December 2016.
- 3.9 Work on the breakwater baffle and gravel beneath has commenced and the County have also granted consent for the extraction of gravel at Manor Farm, to be processed at QMQ. As such the current applications are seeking to further extend the time frames imposed by condition of previous consents and therefore enable a sensible sequence of operations within the extraction units required to ensure lorry movements remain within existing levels. This is discussed further below.

The site

- 3.10 The site is located within the Queen Mary Quarry (QMQ) site which includes land to the west of QMR which was formally worked for sand and gravel with an existing QMQ processing plant. The site comprises of the mineral processing plant site and stockpiles area and accesses to the QMQ off the A308 Kingston Road and B377 Ashford Road. To the west is Ashford Road and residential housing with land at Manor Farm beyond.
- 3.11 The current mineral extraction activity at QMQ relates to the removal of sand and gravel from within the reservoir, involving removal of part of the break water baffle (ref SP07/1276) approved in 2009. The approved scheme covers the former mineral workings, existing fresh water and silt lagoons and land areas including processing plant and provides for the restoration of the land in 6 phases.

- 3.12 This report concerns 3 related applications at the same site. Permission for gravel extraction of the break water baffle at QMR and QMQ, along with the siting of the recycling facility and the importation of 'as raised' sand and gravel has previously been granted subject to various conditions. These conditions currently include timescales of 31 December 2016. in which to complete the extraction works, removal of the existing processing plant, and details of the mobile plant to be used from 31 December 2016 to 31 December 2033 to be submitted. These three applications seek to vary these conditions to extend the time scales.
- 3.13 When permission was granted in 2009 it was anticipated that the extraction of the baffle would commence in 2009 and be completed by 2013, following on from this the existing mineral processing plant would be replaced, by 31st Dec 2013. With the on-going recycling operation and processing of imported 'as raised' mineral permitted under 07/1273/SCC and 07/1275/SCC respectively, using mobile processing plant sited on the former mineral processing plant area for the remaining period of operations (until 2033).
- 3.14 The baffle extraction was not implemented in 2009 and the original operator of the site, Reservoir Aggregates Ltd, ceased operating. A new lease was granted to Brett Aggregates Ltd, from Thames Water, in Jan 2011 to operate the QMQ site. They implemented the 3 permissions in 2011. This then led to the submission of applications in 2013 (13/01236/SCC, 13/1238/SCC and 13/1239/SCC) to vary conditions to extend time frames until 31 December 2016.
- 3.15 However further delays have occurred to the mineral extraction operation, including storm damage to waterborne plant on the reservoir, in 2014 and greater difficulties than had been anticipated in removing the concrete cap on the breakwater baffle. The applicant has therefore stated that it will not be possible to extract all the remaining material from the baffle, process it and deliver it to customers before 31 December 2016. As a consequence a further extension of time until 22 October 2018 is being sought to extract minerals from the baffle. (16/01164/SCC)
- 3.16 Furthermore, planning permission ref 12/01132/SCC was granted on 23 October 2015 for the extraction of sand and gravel at Manor Farm, Laleham. This included the retention of the existing processing plant at QMQ and the installation of a field conveyor to enable the transportation of the sand and gravel extracted from Manor Farm to QMQ for processing.
- 3.17 The Manor Farm permission is required to be implemented within 3 years of the date of this permission, by 23 October 2018. Mineral extraction at Manor Farm cannot commence before the completion of the mineral extraction from the baffle at QMQ. Mineral workings at Manor Farm would take place over a period of 5 years from the date of commencement of mineral extraction. The Manor Farm permission also includes the erection of a concrete batching plant and an aggregate bagging plant within the existing aggregate processing and stockpile areas at QMQ.

- 3.18 The existing mineral processing plant at QMQ will therefore remain in place after the completion of extraction from the reservoir in order to process sand and gravel imported from Manor Farm. The retention of the processing plant beyond 31 December 2016 requires further modification to the planning permission relating to both the importation and processing of 'as raised' sand and gravel (13/01239/SCC) and the recycling facility (13/01238/SCC). This is necessary to allow the recycling facility operation to continue in its current location for a longer period of time and to amend the timing for replacing the mineral processing plant with mobile processing plant.

Application 16/01164/SCC (extending time limit to remove baffle)

- 3.19 This application seeks to relax Condition 3 of planning permission 13/01236/SCC which requires that all working and processing of minerals extracted from QMR to be ceased by 31 December 2016 and Condition 24 which requires the processing plant and any buildings, plant and machinery both fixed and otherwise associated with the processing plant to be removed from the land on completion of extraction or 31st December 2016 whichever is sooner. The applicants require the time frame to be extended to 22 October 2018 to allow the baffle to be removed and materials processed within the existing processing plant. All other conditions and measures to control hours of working, noise, dust, access, traffic etc. remain unchanged.

Application 16/01195/SCC (extending time to relocate processing plant for recycling operation).

- 3.20 This application seeks to relax Condition 22 of pp 13/01238/SCC which requires details of the mobile processing plant to be used from the period 2013 to 2033 to be submitted and approved prior to the decommissioning of the existing plant, by 31st December 2013.
- 3.21 This consent requires the existing processing plant to be removed by December 2016 and replaced with mobile processing plant, of which details are to be submitted. The applicants are seeking to extend the period of time in which the recycling of imported construction and demolition waste using mobile plant on land at QMQ can take place at its existing location from 31 Dec 2016 until the completion of mineral operations at Manor Farm, after which recycling operations using mobile plant will be relocated to the main plant processing site until December 2033.

Application 16/01196/SCC (extending time to use existing plant for processing imported gravel).

- 3.22 This application seeks to relax Condition 21 of pp 13/01239/SCC, which requires the stockpiles within the permitted area to not exceed a certain height for the period up to 31 December 2016 or the removal of the existing mineral processing plant, whichever is sooner and Condition 22 which requires details of the mobile processing plant to be used from the period 2016 to 2033 to be submitted and approved prior to the decommissioning of the existing plant, and should have been submitted by 31 December 2016.

- 3.23 This consent requires the existing processing plant to be removed by December 2016 and replaced with mobile processing plant, of which details are to be submitted. The applicants are seeking to extend the period of time in which the processing of imported as raised sand and gravel using the existing processing plant at QMQ can take place until the completion of mineral operations at Manor Farm, after which the imported material will be processed in the same location using mobile plant until December 2033.
- 3.24 As noted above approval has been given by Surrey County Council ref 12/01132/SCC for the extraction of sand and gravel and restoration at Manor Farm, with processing of the sand and gravel in the existing Queen Mary Quarry (QMQ) plant, installation of a field conveyor for the transportation of mineral and construction of a tunnel beneath the Ashford Road to accommodate a conveyor link between Manor Farm and QMQ for the transportation of mineral. This permission will not begin until after the break water baffle at QMR has been worked, so that there is no overlap. This permission must be implemented within 3 years of the consent and will last for 5 years.
- 3.25 An Environmental Statement has been submitted that addresses the 3 applications in terms of their impact on the ecology, surface water and ground water regimes, noise, dust and traffic. The assessment includes the cumulative impacts of the extension of time for completion of the extraction of mineral from the break water baffle along with the grant of consent at Manor Farm and the consequent alterations to the timing of the removal of the mineral processing plant.
- 3.26 No other changes are proposed and the other conditions will remain unchanged. The existing measures to control and mitigate against noise, dust, traffic, groundwater and ecology will continue to be imposed.

4. **Consultations**

- 4.1 The following table shows those bodies consulted by Spelthorne and their response.

Consultee	Comment
Wildlife and Commons Officer	No objection
Environmental Health - Noise	No objection, subject to previous conditions which would adequately mitigate nuisance.
Environmental Health - Pollution	No objection, subject to previous conditions which would adequately mitigate nuisance.

- 4.2 Surrey County Council is the determining authority and has carried out consultation on the application. The County sent letters to local residents and also posted notices of the proposals on site. The following bodies/organisations were notified of the application:-

Consultee

- Spelthorne Borough Council
- Spelthorne Environmental Health Officer
- Heathrow Airport Ltd (Safeguarding Manager)
- Natural England
- County Highway Authority
- Environment Agency (South East)
- Peter Brett Associates LLP (County Council consultants advising on geology, hydrogeology and hydrology)
- County Ecology and Biodiversity Officer
- County Environmental Assessment Officer
- County Environmental Enhancement Officer
- Surrey Wildlife Trust
- Thames Water
- Affinity Water Ltd
- SCC Sustainable Drainage and Consenting Team (Lead Local Flood Authority)
- National Grid (Plant Protection Team)
- Fisher German LLP (on behalf of Esso Petroleum Company Ltd)
- National Planning Casework Unit / DCLG

Parish Council/Resident Association/Amenity Groups Notification

- Laleham Residents Association
- Shepperton Residents Association
- Manor Farm Residents Association
- Manor Farm Eastern Boundary Residents Association
- Charlton Village Residents Association
- Campaign Laleham Against Gravel (CLAG2)
- Surbiton and District Bird Watching Society
- Queen Mary Sailing Club and Sail Sports
- Spelthorne Natural History Society

5. **Public Consultation**

Consultation has been carried out by Surrey County Council, as the determining planning authority. To date, the County have not received any letters of objection.

6. **Planning Considerations**

It is important to recognise that the applications are for changes to the timings of when works should be completed not for any additional extension to what has already has been already permitted.

- 6.1 Application ref 16/01164/SCC seeks to amend the dates for completion of the extraction of material from the break water baffle, from 31 December 2016 to 22 October 2018. It is noted that this deadline extension is significant; however the is due to delays in actually commencing works on the site, change in ownership, damage to equipment and difficulties in removing the

concrete cap. This, along with the grant of permission at Manor Farm which will use the existing plant, results in a delay in the details of the replacement processing and recycling plant will also be delayed, and hence the requirement for variation to conditions 2 other applications ref 16/01195/SCC and 16/01196/SCC. The planning issues are considered below:-

Green Belt

- 6.2 The site is located within the Green Belt. NPPG on Minerals notes that “*Minerals can only be worked (i.e. extracted) where they naturally occur*. The NPPF confirms that mineral extraction is “*not inappropriate development provided they preserve the openness of the Green Belt*. The principle of the proposals have already been agreed and was previously considered to conform to Green Belt Policy. These applications therefore do not change this

Noise and Dust

- 6.3 Appropriate conditions are already imposed covering days and hours of operation, noise levels, dust suppression etc., so as to suitably mitigate impacts on the nearest residences. While it is noted that this proposal will extend the time period for working the baffle, the other operations are already on-going at the site and existing conditions will continue to mitigate effects of noise and dust. The Environmental Health Officers have made no objection to any of the 3 applications in terms of noise and dust, provided current conditions are continued to be imposed.

Traffic Generation

- 6.5 Operations at QMQ are permitted to continue until 31 December 2033 and has a daily maximum of 300 lorry movements is permitted. There will be no change to this and no additional highway issues associated with these applications.

Other matters – Flooding, ecology and restoration

- 6.6 The applicant submitted an overarching Environmental Statement which concludes that the extended timeframe of the activity at QMQ will not have any significant effects on flooding, flora or fauna. These issues have previously been considered with the original application, as such the current applications do not have any further significant effects on these issues. All previous conditions will remain the same and the restoration plans for the site, are unaltered by the proposal in terms of the scheme and the timescales, which is to remain as 2038.

Specific comments on each application

Application 13/01236/SCC (extending time limit to remove baffle)

- 6.10 The removal of the baffle is not considered to have an impact on the Green Belt, and has already been approved. Whilst it is recognised that retaining the existing processing plant for a further temporary period will have some impact on the openness of the Green Belt, once it is removed, it is to be replaced by new mobile plant for recycling and processing imported material until 2033 and this end date is unchanged. The plant is also located within the site and is not visible from outside the site, given its location and screening by vegetation. The application is considered acceptable in terms of the impact on the Green Belt.
- 6.11 The proposal will not delay the restoration of the site which will remain as approved (i.e. 2038). It will not increase the maximum number of lorry movements allowed daily at the site and the existing conditions concerning noise, dust, hydrology and ecology are all to remain in place to ensure these issues are controlled. Therefore this application is considered to be acceptable.

Application 13/01238/SCC (extending time to relocate processing plant for recycling operation).

- 6.12 The proposal does not change the nature of the operations at the site, but impacts on the plant used for these operations. The recycling operations have been allowed until 2033, this consent has no bearing on this end date. This process will continue to be carried out periodically until the existing processing plant is removed and the new mobile recycling plant put in its place. Whilst it is recognised that retaining the existing processing plant will have an impact on the openness of the Green Belt, once it is removed, it is to be replaced by new mobile plant for recycling and processing imported material until 2033. The plant is also located within the site and is not visible from outside the site, given its location and screening by vegetation. The application is considered acceptable in terms of the impact on the Green Belt.
- 6.13 The proposal will not delay the restoration of the site which will remain as approved (ie2038). It will not increase the maximum number of lorry movements allowed daily at the site and the existing conditions concerning noise, dust and hydrology are all to remain in place to ensure these issues are controlled. Therefore this application is considered to be acceptable.

Application 13/01239/SCC (extending time to use existing plant for processing imported gravel).

- 6.14 The proposal does not change the nature of the operations at the site, but impacts on the plant used for these operations. The imported gravel will continue to be processed in the existing plant until the mobile plant replaces it, following the removal of the baffle. The importation of 'as raised' gravel has been allowed until 2033, and this consent has no bearing on this end date. As referred to above, whilst it is recognised that retaining the existing processing plant will have some impact on the openness of the Green Belt, once it is removed, it is to be replaced by new mobile plant for recycling and processing imported material until 2033. The plant is also located within the site and is not visible from outside the site, given its location and screening by

vegetation. The application is considered acceptable in terms of the impact on the Green Belt.

- 6.15 The proposal will not delay the restoration of the site which will remain as approved (i.e. 2038). It will not increase the maximum number of lorry movements allowed daily at the site and the existing conditions concerning noise, dust and hydrology are all to remain in place to ensure these issues are controlled. Therefore this application is considered to be acceptable

Conclusion

- 6.16 It is considered that the proposed extension to the timing of some activities within the unchanged end date of 2033 for processing, is acceptable.

7. Recommendation

- 7.1 That the County Council be informed that this Council has NO OBJECTION to any of these three applications.

PLANNING APPEALS**LIST OF APPEALS SUBMITTED BETWEEN 8 SEPTEMBER 2016 AND 7
OCTOBER 2016**

<u>Planning Application / Enforcement Notice</u>	<u>Inspectorate Ref.</u>	<u>Address</u>	<u>Description</u>	<u>Appeal Start Date</u>
16/00470/HOU	APP/Z3635/D/ 16/3156010	294 London Road Staines-upon-Thames TW18 4JQ	Erection of a single storey rear extension following demolition of existing single storey rear element.	29.9.16
15/01144/FUL	APP/Z3635/W /16/3153335	Land Rear Of 273-275 Laleham Road Shepperton TW17 0DF	Erection of detached bungalow with ancillary parking following demolition of existing garage	29.9.16
15/01528/FUL	APP/Z3635/W /16/3155163	Existing Access To South Of, 171 Upper Halliford Road, Shepperton, TW17 8SN	Alterations to existing access	6.10.16
16/00618/FUL	APP/Z3635/W /16/3157227	218 Stanwell Road Ashford TW15 3QU	Subdivision of existing dwelling to one 1 x bed dwelling and one 3 x bed dwelling.	6.10.16

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