



Caring for Claygate Village

DRAFT MINUTES

PLANNING COMMITTEE MEETING held at 7.30pm on Thursday 2nd December 2021 in Claygate Village Hall.

Chairman of the Committee: Gil Bray
Councillors: Janet Swift, Geoff Herbert
Co-opted Members: Michael Collon, John Bamford
In attendance: Sally Harman (Parish Clerk & RFO), 2 members of the public

At the start of the meeting the Chairman of the Committee noted that the Clerk had been in contact with the Surrey Association of Local Councils (SALC) regarding the latest Covid-19 guidance for Parish Council meetings and that the existing Claygate Parish Council Covid-19 protocol, which was re-approved on the 18th November, still stood. The Chairman of the Committee then asked Cllr Swift whether the member of the public accompanying her was recording the proceedings. He noted that recording was of course allowed under the Council's Standing Orders 3 (l). Cllr Swift confirmed the member of the public was not recording the meeting.

1. **Apologies for absence**

Cllr Wang, Cllr Woodward and Cllr Lessor sent their apologies in advance.

2. **Declarations of Interest in items on the agenda.**

2.1 To receive Declarations of Interest from Councillors in items on the agenda.

M. Collon declared an interest in Item 7 2021/3507 16 Gordon Road as he knew the owner and as such would not participate in the discussion. He also declared an interest in Item 14 as he was shareholder in a number of Telecom companies.

2.2 To note written requests for dispensations received 7 days prior to the meeting:

None

2.3 To note decisions made on any dispensation requests noted in agenda item 2.2:

None

3. **Minutes of the last meeting (4th November 2021).**

It was **unanimously agreed** that the minutes could be approved with no amends and that the Chairman could sign the minutes, witnessed by the Clerk.

Under Standing Orders 10 a vi the Chairman motioned to move Item 7 Planning Application 2021/3507 up the agenda and then for the agenda to return to its original order. This motion was unanimously agreed.

7. **2021/3507 16 Gordon Road - Part single/part two-storey side/rear extension, first floor extension and raised patio following partial demolition of existing house.**

A resident spoke on the subject of 2021/3507 16 Gordon Road. He noted his concern that the existing planning application didn't include an important drawing which in his opinion showed 3 key concerns relating to the development. He handed around a drawing to Committee Members and then took them through the 3 points:-

- The plan showed that No 16 would project 9ft forward of the front of his property at first floor level and that the boundary was only 4ft away from his property. This would result in overshadowing and loss of light into his property.
- The proposal was a grossly overbearing bulk with extension on both sides.
- At first floor level the gaps between 14,16 and 18 were so close the design would not be compatible with the rest of the street scene.

Cllr Swift noted that the information presented by the resident was new information and she had not had time to review in advance of the meeting. The Clerk noted this was a public meeting where members of the public were entitled to speak and that Cllr Swift had also had sight of the Weekly Planning list since Monday so she could still participate and it was up to her how she came to her decision on the information available. Cllr Swift said she would not participate in the discussion on this application but would remain in the meeting.

It was **agreed in a majority** decision to submit the following to EBC:-

No objection with the following comment. Claygate Parish Council would ask that planning officers check the 45 degree rule from No 14.

1 Cllr abstained.

4 To report on actioning of items from previous meetings.

AP5 Clerk to request EBC to formally notify CPC if a Licencing Application affects Claygate in the future. Clerk now on Licencing notification alert list from EBC. **DONE**

AP6 Clerk to get further clarity from EBC on a Claygate Conservation Committee for Claygate and clarify John Bamford as a possible Claygate Conservation Area Liaison. John has confirmed he is happy to act as liaison. Jon Kilner team now only him. Historically 3. They initially said we can set up CACC but we have to seek public nominations for who will sit on it. EBC checking that requirement with Legal. Clerk noted historically it was apparently set up and run by EBC with CPC representation only. Clerk asked EBC to look into the best route going forward to get a sense check of Conservation Area in a more streamlined fashion. Clerk to investigate possibility of Claygate joining an existing committee. Clerk spoken to EBC contact and waiting for reply. **REMOVE**
Discussed under Item 16.

AP18 Clerk to get an update on 1 Caerleon Close from EBC Planning Department. Emailed 7/9. Compliance Officer Aaron Dawkins no longer works for EBC. Jane McCool taken over and will be reviewing case over next few weeks. She had reviewed and said no such file existed. The Clerk had sent her email copies of correspondence with Aaron Dawkins and was awaiting a response **IN PROGRESS**

AP31 Clerk to ask Tree Wardens if they would be interested in looking at Tree Reports on Planning Applications that include them. **DONE** Discuss under Item 15

AP32 Clerk to send out link to EBC Planning Alert system on Facebook and add link to website. **DONE**

AP34 Clerk to add notice of Deposit (Declaration) under the Highways Act 1980 and the Commons Act 2006 that no public rights of way or village green/common land rights exist over the land off Raleigh Drive by Claygate House to 18th November CPC meeting agenda **DONE**

AP35 Clerk to request an extension to the 11th November for a response to Section 38 Application for works on Common land Claygate House so that it could be discussed at the next Highways, Transport and Environment committee. **DONE**

AP36 Clerk to notify Cratus of no longer needing a place on the Hook Park workshop **DONE**

AP37 Cllr Bray to pick up with John Bamford about future report style for Applications and Appeals decided since last meeting. **DONE**

AP38 Clerk to submit Heritage Nomination list to SCC. **DONE** SCC confirmed they have been plotted on their map with exception of a few which were already listed and therefore don't qualify for consideration under this project (because they are already protected by that designation):-

- Semaphore House (Grade II)

- Ruxley Towers (Grade II)
- Fee Farm House (Grade II)
- Holy Trinity Church (Grade II) and war memorial (Grade II)
- Coal and Wine Tax Post, New Road (Grade II)

AP39 Clerk to organise response collator, either Michael Collon or Cllr Bray, for the Local Validation Requirements Consultation and add to 2nd December Planning Committee agenda for discussion. **DONE**

AP40 Clerk to submit letter to Cornerstone's Telecommunications site consultation at Elm Garden Nurseries. **DONE**

5. Planning Correspondence, Notification of Applications and Outstanding Results.

In addition to correspondence shared within Action Points (APs) and further down the agenda the Clerk had been notified of the following. She had secured extensions from EBC on Planning Applications until the 3rd December:-

2021/3179 - 7 Claremont Road Claygate Esher Surrey KT10 0PL - Re-consultation

2021/3520 - 24 Vale Road Claygate Esher Surrey KT10 0NJ.

She had asked for an extension on 2021/3419 - Consultation - 29 Hare Lane. She had not received a reply however the date for feedback now said 28/12/21 on EBC site. Cllr Swift declared an interest in 2021/3179 as she knew the neighbours.

The Chairman noted that 2021/3179 - 7 Claremont Road Claygate Esher Surrey KT10 0PL - Re-consultation would be covered under Item 7.

6 Applications and Appeals Decided since last meeting.

A report from John Bamford was circulated prior to the meeting (Appendix A). The report was noted and accepted.

7 Applications from Elmbridge Borough Council weekly lists, including confirmation of comments sent to EBC: -

<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Claygate Parish Council response</u>
2021/3419	29 Hare Lane Claygate Esher Surrey KT10 9BT	Part two/part single-storey rear extension and alterations to fenestration following demolition of existing rear projection.	No Objection with Comment:- - CPC request that case officers check how close the 1 st floor is to the boundary of No. 31. Majority agreed, 1 Cllr abstained.
2021/3520	24 Vale Road Claygate Esher Surrey KT10 0NJ	Enlargement of existing rear dormer window and alterations to fenestration.	No Objection, No Comment Unanimously agreed
2021/3441	Treetops 4 Common Lane Claygate Esher Surrey KT10 0HY	Front Porch.	No Objection, No Comment Unanimously agreed

2021/3552	5 Merrilyn Close Claygate Esher Surrey KT10 0EQ	Two-storey front extension, front, rear and side rooflights, alterations to fenestration and associated hardstanding.	No Objection, No Comment Unanimously agreed
2021/3613	36 The Roundway Claygate Esher Surrey KT10 0DW	Rear dormer window and front rooflights following removal of chimney stack.	LDC No Comment
2021/3921	Site of former Claygate House Littleworth Road Esher Surrey KT10 9PN	Non-Material Amendments to planning permission 2020/2095 to amend internal layout and associated external alterations to South block, window replaced with door at ground floor on west elevation of Pavilion block and associated alterations to balustrade to provide ramped access and 'turning head' annotation removed from the eastern edge of the car park and minor adjustments to the kerb line on part of the internal access road.	No Comment. Unanimously agreed.
2021/3800	9 Lower Wood Road Claygate Esher Surrey KT10 0EU	Non-Material Amendments to planning permission 2021/2015 for addition of a rooflight to side elevation.	No comment as already been refused.
2021/3475	11 Trystings Close Claygate Esher Surrey KT10 0TF	Detached two-storey house, integral garage and bin store following the demolition of existing house.	The Tree Wardens had feedback to the Clerk ahead of the meeting the following comment:- The precautions described in The Arboricultural Report to protect the vulnerable trees should be sufficient, so there is no need for us to comment further. No Objection, No Comment. Unanimously agreed.

2021/3964	22 Ruxley Ridge Claygate Esher Surrey KT10 0HZ	Non-Material Amendments to planning permission 2019/0507 to reduce size of first-floor rear extension.	No Comment Unanimously agreed.
2021/3593	8 Elm Road Claygate Esher Surrey KT10 0EH	Single-storey rear extension, front bay window and alterations to fenestration.	No Objection, No Comment. Unanimously agreed.
2021/3179	7 Claremont Road, Claygate, Esher, Surrey KT10 0PL	Re-consultation – Swimming Pool	Cllr Swift noted her interest again & didn't participate in the discussion. No Objection, no further Comment. CPC has nothing further to add to the original comment and are pleased that EBC have seen fit to require that a noise assessment be carried out.

8. East Area Sub Committee Meeting report.

Nothing for Claygate.

9. EBC Planning Committee Meeting Report.

Nothing for Claygate. It was noted that the 14th December is the next meeting of the EBC Planning Committee.

10. Licensing Applications in Claygate.

Nothing for Claygate.

11. Compliance issues.

Clerk continues to chase an update on 1 Caerlon Close. The Chairman of the Committee noted that the tiles on the pitch roof were not matching the original house roof at 10 Cavendish Drive.

AP41 Clerk to request EBC Compliance Team review.

12 Elmbridge Local Plan Status and any action arising.

The Chairman informed the Committee that on Wednesday 1st December EBC Cllrs were briefed on the Local Plan.

AP42 Clerk to contact Kim and see if CPC can get an update on the publication date of the Local Plan.

13. Torrington Lodge Car Park - EBC Potential Residential Housing Project

No updates.

14 To receive Chairman's papers on 5G coverage of Claygate and consider a proposed draft letter to Elmbridge Borough Council on the provision of 5G masts.

The Clerk had circulated a paper and proposed draft letter to EBC on 5G Masts prepared by the Chairman ahead of the meeting (Appendix B)

It was **agreed in a majority** decision to send the proposed draft letter to the Head of Planning at EBC. 1 Cllr abstained.

AP43 Chairman, coping in the Clerk, to send letter to Head of Planning.

15. To review and consider the process for Planning Applications that involve trees.

The Clerk had sent John Bamford's report on the process for trees in Planning applications to Cllrs ahead of the meeting (Appendix C).

It was **unanimously agreed** to ask the Tree Wardens to attend the next Planning Committee on the 4th January to discuss the issues raised in John Bamford's report.

AP44 Clerk to email tree wardens and copy John Bamford in so he can take them through his report ahead of the meeting on the 4th January.

16. To review and consider our current position as regards to the Conservation Area Committee

The Chairman noted that CPC are still waiting for EBC to come back to us but was concerned about whether giving the Esher Conservation Committee domain over Claygate's two Conservation areas was the right thing to do. The Clerk reminded the Committee of the work and expense involved in setting up an independent Claygate Conservation Committee from scratch which was the other alternative suggested by EBC. The Chairman suggested that the Planning Committee continue to review Conservation Area Planning Applications as it does now and call in expert support as and when required.

It was **unanimously agreed** to not pursue joining the Esher Conservation Committee.

It was **agreed in a majority** decision to continue covering Conservation Area Planning Applications within the existing Planning Committee. 1 Cllr abstained.

Cllr Swift noted that CPC could contact the Head of Conservation at EBC if we need additional support on a particular Conservation Area Planning Application.

17. To receive and discuss a paper (Fradley & Streethay Parish Council – Protocol & Guidance on Meetings with developers) and consider the need for a similar document for Claygate Parish Council's Planning Committee.

The Clerk had circulated the Fradley & Streethay Parish Council - Protocol & Guidance on Meetings with developers - to the Committee ahead of the meeting (Appendix D). Cllr Swift & Cllr Bray had attended a training course titled the Future of Planning, organised by SALC, where the issues addressed by this document had been mentioned. She noted that the document was a good example of what to do if the CPC were required to meet with developers. The Chairman said that, in his opinion, the current Standing Orders, Planning Committee Remit and Code of Conduct covered what was detailed in the proposed protocol and, as such, questioned the need for a new document of this type, adding that the need to maintain such a document would add unnecessarily to the workload on the Committee and the Clerk.

It was **agreed in a majority** decision to not adopt the policy. 1 Cllr abstained.

18. **To review the proposed draft response to the Local Validation Requirements consultation by the Planning Policy team at Elmbridge Borough Council (closes 6th December) and agree next steps.**

The Clerk had circulated Michael Collon's proposed draft response to the Local Validation Requirements consultation by the Planning Policy team at Elmbridge Borough Council ahead of the meeting (Appendix E).

It was **agreed in a majority decision** that no reply to the consultation was required. 1 Cllr abstained.

19. **To consider a response to Surrey County Council's Issues and Options Public Consultation on their Mineral and Waste local Plan (closes 7th March 2022) and decide the next steps.**

It was **unanimously agreed** to defer this item to the 4th January Planning Committee giving Committee members time to review the substantial consultation document.

AP45 Clerk to add to 4th Jan Planning Committee agenda.

20. **Communication of key decisions to residents including input to the Courier and the website.**

Nothing as yet.

21. **Matters for information purposes only.**

The Chairman noted that he had attended the first Surrey Development Forum Annual Conference. He noted that all speeches from the day were to be made public on the Surrey Development Forum website. He noted that he felt it was significant that the Forum is a grouping of Local Authorities and developers and that residents were invitees to the conference. He also noted that the overt theme of the day was 'Good Growth'. He suggested that Cllrs might like to listen, in particular, to Rob Moran's Opening and Closing remarks as and when available on the website.

The Clerk noted that she had circulated the training pack from SALC's Future of Planning session which Cllr Bray and Cllr Swift had attended.

22. **Date of the next meeting 4th January 2022**

Meeting Closed: 21h18

Reserve may be required for the next meeting: - Cllr Marques

Signed:

Dated:

Appendix B

Item 14 5G Masts – Chairman’s Paper

1. INTRODUCTION

After our July meeting, where Application 2021/2336 – a Schedule 2 Prior Approval by Hutchison, the owners of 3 – was considered, John [Bamford] said that it was likely to be the first of many similar applications to come.

At the time, this application had c. 35 Objectors and our response to it was “to ask EBC to require that a full planning application be submitted for the proposed mast on the basis of siting and appearance considerations”. Its subsequent refusal by EBC was not, perhaps, wholly surprising.

Since then, even more Objections have been lodged – there are now c. 65+ - and it has seemed likely to me that future applications will meet a similar, generally negative, public response – notwithstanding that most of these objectors almost certainly use mobile phones etc., a great deal and will want good access to 5G technology.

Cornerstone, who act for Vodafone and O2 in sharing masts outside London, wrote to CPC on 4 October to inform us that they intended to apply for an extension of the mast at Elm Farm, inviting us to submit any comments we had. They wrote: “we commit to allow at least 14 days before an application is submitted to the Local Planning Authority”, but in fact the same day they submitted an application (2021/3464) for prior approval. However, they withdrew it on 12 October, so that our reply of 8 November made no comment on this application.

It further seems to me that CPC PC can now take one of 2 options as regards the coming 5G applications. The first would be to carry on as normal, taking a passive stance. The second would be to try, at least, to take some positive and constructive steps, in pursuit – shall we say - of a goal of securing 5G coverage for our residents, but with minimum hardware obtrusiveness [MHO].

I therefore started to think about what the PC might do in this vein. In simple terms, this seemed to indicate the need, initially, simply for more knowledge.

What follows is a brief indication of some of the information I have come across.

2. ACTIONS/OUTCOMES/INFORMATION TO DATE

2.1. An Independent Expert

I tried to find an independent expert. Initial enquiries were unsuccessful. Eventually, I made contact with a Professor of Wireless Communications at Kingston University. His private consultancy rate, to mainstream clients, is £800/hour. He offered an initial Zoom Q & A session at £400/hour, which, at my request, he subsequently reduced to £300/hour. This offer is open. Any fee would need to be agreed by the Council.

2.2. The Current Situation

Conversation with the professor prompted me to investigate the current situation. Using Cellmapper.com, I identified the masts closest to Claygate, as follows: Claygate Station car park [1]; Hinchley Wood Station [2]; Woodstock Lane South [1]; Elm Farm [1]; Barwell Lake [1]; Horringdon Farm [beyond the end of Vale Road] [1]. [NB: there may well be other masts serving Claygate, but from outside this “ring”, if I might call it that.]

Michael [Collon] and I went to each site, to see what we could find, and, in particular, the extent of mast sharing by providers. We found: Claygate Station [Vodafone (V)]; Hinchley Wood Station [Mast 1: V & O2]; [Mast 2: Hutchison (“3”)]; Woodstock Lane South [O2]; Elm Farm [V & O2]; Barwell Lake [V & O2]; Horringdon Farm [V].

2.3. Another Source of Help

During our tour of masts, Michael and I met a resident who has independent industry knowledge. He has provided some data regarding commercial relationships between providers. Briefly: [1] Vodafone & O2 have a mast-sharing joint venture [JV] outside London [the evidence is above] – known as Project Beacon (Cornerstone): [2] O2 and Virgin have a 50/50 JV; and [3] BT [EE [“Everything Everywhere”] – was T-Mobile & Orange]] and Hutchison [“3”] have a UK-wide mast sharing partnership, MBNL [Mobile Broadband Network Ltd].

2.4. Hardware

5G signals do not transmit over such long distances as previous generations of signals [eg 3G, 4G]. Indeed, some sources suggest that 5G masts can only transmit over c. 470m. Were masts the only hardware devices available to providers, the implications of many providers wanting to provide 5G to communities, up and down the country, especially with only limited mast-sharing agreements in place, would be significant in terms of “obtrusiveness”.

But, there are other hardware devices in play, generally known as Roof Tops, and Small Cells.

Thus, it seems that providers will seek to “densify” their 5G coverage using a mixture of Masts, Roof Tops and Small Cells

2.5. EBC – Paul Falconer

CLlr Swift has been in touch with him, and told me he had offered to provide us with training. I have spoken to him about the same.

3. CONCLUSION

At this point, and after discussion with John and Michael, I concluded that the best thing CPC PC can do, at this point, and in pursuit of 5G with MHO, would be to write a letter to EBC making the following points.

1. 5G is coming
2. CPC PC wants to do all it can to secure 5G coverage for our community, with MHO.
3. Minimizing HO seems to necessitate maximizing the degree of hardware sharing by providers.
4. What is happening, at government and EBC level, to increase the amount of hardware sharing by providers?
5. What more could, and should, be done?
6. Each provider will likely seek to densify their 5G coverage using a mix of Masts, Roof Top devices and Small Cells.
7. We believe we will be better able to be constructive for our residents if we have sight of whole schemes, rather than be presented with planning applications for individual pieces of hardware in isolation of each other.
8. What does EBC think in this regard?

9. To the extent that EBC agrees with us, what have they done, are they doing, should they do, to get providers to present whole schemes, rather than individual pieces of hardware in isolated applications?
10. Is there more that could be done at Parish Council level?

The question then arose as to whether it would be better to [1] draft a letter for consideration by the PC on December 2nd, in the hope of getting agreement to send the letter shortly thereafter, or [2] merely propose such a letter on Dec 2nd, with a view to a draft being presented to our January meeting and sent shortly after that.

The latter course, [2], obviously takes a month longer and given, per John, that 15 Prior Notifications have been presented in Elmbridge in the last 4 months, it seems to me that a “need for speed” is desirable in this instance. I hope, therefore, that the PC will excuse what might, in other circumstances, be seen as an inordinately driven initiative.

A draft of a possible letter is included below:-

Item 15: Draft Letter from Gil Bray, Chairman of the Planning Committee, to Kim Tagliarini, Head of Planning Services, Elmbridge Borough Council

Dear Kim,

I am writing to enquire as to EBC’s approach to the installation of 5G hardware across the borough, and whether there is any action that you think Claygate Parish Council Planning Committee can and should take.

In the last 5 months there have been two applications relating to 5G masts in Claygate: an application for prior approval for a mast in Bridle Road, which was refused (2021/2336), and a prior notification for the extension of an existing mast at Elm Farm, which was withdrawn (2021/3463). I further understand there have been a significant number of similar applications elsewhere in Elmbridge.

We have not carried out a survey, but I think it is safe to assume that the great majority of people in Claygate would like to have the best possible connection to 5G when it comes, but that any masts, and other hardware (i.e including roof-top devices and small cells) should be as unobtrusive as possible. It is probably also safe to assume that people elsewhere in Elmbridge, and indeed in the country, take the same view.

We have looked at existing 4G masts around Claygate, and some companies (in particular Vodafone and O2) currently share masts, but others do not. Obviously the more they can be persuaded to share the hardware of whatever type, the less obtrusive it will be.

Given that this is a country-wide question, it would be helpful if the Government had a country-wide policy on how to achieve this; but if it has, I have been unable to locate it. Is this something you at Elmbridge Borough Council have a view on? Is this something which could be achieved through the planning process? I assume that, if an application by one company would otherwise be allowed, it cannot be refused or delayed to allow another company or companies to be associated with it, but can the process be used to encourage this? Is there anything in the Development Management Plan which could be amended to achieve this, and to persuade companies to present schemes covering proposals for larger areas, rather than individual proposals for single masts or devices?

And lastly, what more can or should the Parish Council do to help achieve the aim of maximum 5G coverage with minimum obtrusiveness?

I'm sorry to fire all these questions at you, but this seems to us to be an important matter and perhaps an urgent one. We would of course be only too happy to discuss this with you, perhaps at one of our monthly Planning Committee meetings if you think that would be helpful.

Many thanks in anticipation, and best wishes,

Appendix C

Item 15: To review and consider the process for Planning Applications that involve trees. (John Bamford paper)

Background behind this item is

1. An informal commitment made in 2018 by Elmbridge Tree Offices – see below
2. Recognition that decisions on Tree Applications can be made within the 4-week cycle for Planning Committee Meetings
3. Recognition that occasionally Planning Applications other than Tree Work Applications involve tree works where tree wardens input would be invaluable

On 11 Jul 2018, Ben Wainhouse, EBC Tree Officer wrote:

Dear All,

Thank you all for coming today, I feel like we made some good ground and hope that our discussions were informative. Below is a link to the forestry commission website with all details and leaflets for OPM. Also, I have included all the tree officers emails and numbers so that you can contact us if needed.

Ben Wainhouse (redacted)

Russell Gibbons (redacted)

Jamie Marenghi (redacted)

Matters that were discussed are as follows.

- We have invited CPC and its tree wardens to call or email officers about joint site visits on notifications and applications.
- We will wait 4 weeks before finalising reports on conservation notifications as a matter of courtesy.
- Although EBC have no obligation to consult CPC, the tree officers at EBC would like to maintain an open and clear line of communication and welcome any comments CPC have.
- EBC will manage EBC owned trees with OPM in high risk areas. Specific management is yet to be confirmed.

I hope you all found the meeting useful and I can speak on behalf of EBC when I say, that we look forward to an improved line of communication and relationship.

Kind regards,

Ben Wainhouse

Tree Officer

Planning Services

Elmbridge Borough Council

Civic Centre

Esher, Surrey

KT10 9SD

I have not approached or spoken to our Tree Wardens so I do not know their current opinions, but I think it would be healthy to discuss

1. Whether Cllrs support the reestablishment of a closer relationship between our Tree Wardens and Elmbridge's Tree Officers for Conservation Applications
2. Whether Cllrs wish to explore the possibility of decisions on Claygate Tree Applications being deferred for 4 weeks in order to give CPC an opportunity to comment
3. Whether Cllrs wish to more formally involve our Tree Wardens with Planning Applications that crucially involve Trees but not necessarily Tree Works; if so, how and when any by whom this gets communicated

Appendix E

Claygate Parish Council Planning Committee

Consultation on Local Validation Requirements (by Michael Collon)

This Note considers what response Claygate Parish Council should give to the consultation by Elmbridge Borough Council on local validation requirements. The consultation closes on 6 December 2021.

At the Committee's meeting on 4 November 2021 I was asked to collate comments and suggest what response the Committee should give. Comments were requested by 19 November. At the date of this note two Councillors have told me that they have sent or will send comments privately, and I have received comments from Councillor Bray and from John Bamford.

When Design and Access Statements (DAS) were first introduced in 2006 they were required for a large proportion of applications for development. Without a DAS, the application could not be validated or processed. Since then the national policy has been to reduce this requirement, so that a DAS is required by law only for large and complex developments or for listed buildings. However local authorities are free to impose stricter requirements. Currently in Elmbridge a DAS is not normally required for developments of fewer than ten dwellings, but EBC proposes to amend this so that a DAS would be required for developments of three or more dwellings.

There are not infrequently applications in Claygate for land on which there is currently one dwelling to be split into two, and a second dwelling built on the other part of the land. Recent examples are 2021/1139 (2 Glebelands) and 2021/2962 (Arenella, Mountview Road). Applications to build three or more houses are less

frequent, but a recent example is application 2021/0349 to demolish the existing rank of 16 garages to the south of 22 Holroyd Road and build three two-storey houses. No DAS was submitted with this application, nor would one have been helpful. However if the EBC amendments were made, this application would not have been valid without a DAS.

EBC give the following reason for wishing to make the change:

The borough of Elmbridge is primarily made up of small sites. Collectively, these small sites have a large impact on the overall design of the borough. The submission of a DAS for smaller sites will ensure that the applicant explains how the proposal is a suitable response to the site and its setting for these sites. Providing greater details on the proposed design and materials as well as a rationale for the proposal [sic]. Applicants will be encouraged to use the DAS to reflect upon national design policies and guidance, explaining how the proposal aligns with the National Design Guide and the 10 characteristics of a well-designed place.

No doubt there will be cases where the requirement of a DAS for smaller applications will be beneficial. There will certainly be cases, like the Holroyd Road application (above), where this increased validation requirement would require applicants to produce additional documents, at additional expense, with no apparent benefit. Perhaps the planning officers are in the best position to judge this. It does not seem to me, or to those who have commented, that there is anything the Planning Committee could usefully say, and I recommend that we should make no response to the consultation.

Michael Collon

23 November 2021