



Caring for Claygate Village

DRAFT MINUTES

PLANNING COMMITTEE MEETING held at 7.30pm on Thursday 15th July 2021 in the Village Hall

Chairman of the Committee: Gil Bray
Councillors: Michelle Woodward, Xingang Wang, Janet Swift, Geoff Herbert
Co-opted Committee Members: Michael Collon, John Bamford
In attendance: Sally Harman (Parish Clerk & RFO), 4 x members of the public

1. **Apologies for absence**

Cllr Lesser sent her apologies in advance.

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

2.1 To receive declarations of interest from Councillors on items on the agenda.

Cllr Bray declared he knew 3 members of the public attending through the Holy Trinity Church. Cllr Bray also noted that he knew the owners of 20 Torrington Road and would not participate in their planning application discussion.

2.2 To received written requests for dispensation for disclosable pecuniary interests (if any):

None

2.3 To grant any requests for dispensation as appropriate:

None

Cllrs and Co-opted members introduced themselves to the members of the public in attendance.

3. **Minutes of the last meeting (17th June 2021).**

It was noted that AP3 had been duplicated and the second AP3 would be amended to AP3a.

The Chairman signed the amends in the minutes and then signed the minutes and returned them to the Clerk.

4. **To report on actioning of items from previous meetings.**

AP80 MS to request a cost from the planning consultant to provide advice on the EBC local plan Regulation 19 representation originally planned for 6 weeks Jan/Feb 2021 but now delayed. AP was handed over to Clerk on 17th June. **ON HOLD** EBC Local plan delayed again.

AP87 In addition to AP80 MS to ask the planning consultant for a cost of a meeting between her and the Planning Inspector if required during the year 21/22. **ON HOLD**

AP115 Clerk to get an update on The Dough Shack licensing application. **DONE** Update from EBC Cllr Mike Rollings: - The officer for the reasons of the pitch being on a private curtilage, was not sure that the license was required. This is not a final position or decision.

AP120 Clerk to speak to Vanessa Relleen and get an update on Tree Warden training. **DONE** 2 residents are assisting the Tree Wardens. VR liaising with them with regards to possible training.

AP1 Clerk to contact Michael Collon and John Bamford regarding the vote decision and ascertain their interest in becoming Co-opted Committee Members. **DONE**

AP2 Clerk to review prior work on the subject of number of speakers and speak to SALC and EBC again, if required, and add to next Planning Committee agenda. **DONE** Discuss under Item 18

AP3 Cllr Woodward to draft a response to Draft SCI consultation and send Cllrs to review and make any amends. Cllr Woodward to collate feedback and make any amends and send the final submission to the Clerk. **DONE** Final submission approved at CPC meeting and submitted by Clerk,

AP3a Cllr Herbert to continue to monitor and submit a written report for the Planning Committee going for East Area Sub Committee. **DONE** Update under Item 8

AP4 Cllr Bray to monitor EBC Planning Committee going forth, attend if required and update the Planning Committee if need be. **DONE** Update under Item 9

AP5 Clerk to request to EBC to formally notify CPC if a Licencing Application affects Claygate in the future. **IN PROGRESS** Email sent.

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. **IN PROGRESS** John has confirmed he is happy to act as liaison. Clerk has emailed Jon Kilner at EBC and awaiting a response.

AP7 Clerk to draft revised Planning Remit and circulate to Cllrs for review & consideration at the 8th July CPC meeting. **IN PROGRESS** Will be discussed at Extraordinary meeting 26th July.

AP8 Cllr Bray & Cllr Lessor to send amends Planning Process and Public Speaking Guidelines to the Clerk. Clerk to make all amends from Cllr Bray, Cllr Lessor, John Bamford and Cllr Woodward and add to 8th July CPC meeting for approval. **IN PROGRESS**. Will be discussed at Extraordinary meeting on 26th July.

AP9 Cllr Herbert to keep an eye on EBC Local Plan status and update the Committee. Cllr Herbert would manage the response to the Local Plan for CPC. **DONE** Discuss update under Item 12.

AP10 Clerk to inform Planning Consultant that the EBC Local Plan consultation is expected to start in September 2021 and check her availability to support a response. **DONE** Now delayed.

AP11 Cllr Herbert to monitor RBK Local plan going forth. **DONE** Discuss under Item 13

The Chairman moved Item 7 Planning Application 2021/2336 up the agenda and noted that he would move Item 9 down the agenda to be discussed under Item 12.

7. 2021/2336 Bridle Road Prior Approval Schedule 2 Part 16 Class A: Proposed 5G telecoms installation: 8m high slim line Phase 8 H3G street pole c/w wrap around cabinet and 3 no. cabinets coloured – green.

3 members of the public spoke opposing the 18 meter 5G tower. They said it would be unsightly and out of character with the area. Its high frequency electronic waves might affect local wildlife and people's health. The buzzing noise might disturb residents and the environment. There had been almost 40 opposers to this Prior Approval Application. One resident queried why the development could not be positioned in Elm Farm where existing masts are located. He was concerned what precedent is set for the future if this mast was allowed to proceed.

John Bamford declared an interest as a resident of Hermitage Close which was being considered as another possible mast location.

The Clerk noted that the Tree Wardens had reviewed the site and they did not believe there would be an issue with tree roots as the trees were small.

Michael Collon noted that this was not a full Planning Application and the applicant was seeking exemption from having to submit one. Cllr Herbert felt that the decision on whether to grant exemption would most likely rest with the Planning Officer at Elmbridge and would not proceed to Committee.

It was agreed in a **majority decision** to write to EBC to request that a proper Planning Application be required on the basis of concerns over siting and appearance. Cllr Bray abstained.

AP12 Clerk to draft letter with the Chairman of the Committee to EBC Planning department.

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 liaising with EBC to secure extensions for Parish Council feedback on application 2021/1889 - Consultation - 164 Coverts Road.

The Clerk had been copied in on correspondence regarding 31 Stevens Lane Planning Application from a resident of Raymond Way who had contacted Cllr Lesser and which had been passed to Cllr Bray. The resident noted that he had only just been made aware of the implications of the proposed development on Raymond Way and that it changes the enclosed nature of Raymond Way as a secure and private close and removing an essential lay-by for visiting traffic. He asked CPC why all the residents of Raymond Way were not consulted either by Planning or Highways on such a major incursion into an access road. Cllr Bray suggested the resident contact EBC Planning Department as notification of residents is their remit and to raise concerns with his EBC Cllrs and SCC Cllr. The Clerk also sought advice from EBC Planning on how they determine who to notify of a Planning Application. They advised that with most developments they would notify those properties that share a common boundary with the site. If, say, a rear extension was proposed, they would notify the neighbours to each side and those neighbours who share a boundary at the end of the garden. However, if the application was for say, a front porch, they would notify neighbours to the sides but not those sharing a boundary at the end of the rear garden as they wouldn't see the development. In this instance, they would notify the residents on the opposite side of the road. For large scale applications, the extent of notification would be decided by the relevant Planning Officer who would indicate on a map which properties they wanted to be notified. If bordering land doesn't have a postal address (for example an empty plot of land or open space) they would put up a site notice. Legislation states an authority can send letters OR put up a site notice but Elmbridge's current practice is to do both. The Raymond Way resident then noted SCC Transport Department and their response appeared to condone the new access to Raymond Way; indeed construction of this access is a prerequisite to the whole development without consulting residents affected by the new access. The Chairman passed the residents feedback on to SCC Cllr Mark Sugden to investigate why residents of Raymond Way weren't consulted by SCC Highways.

A Resident on Holroyd Road contacted Clerk on problems with obtaining planning approval with EBC. The Clerk directed the resident to their EBC Cllrs.

Finally, the Clerk had received correspondence on a proposed change to the width of Footpath 30 Esher which she circulated to the Committee ahead of the meeting. The Committee noted that, as it was a footpath, it should go to the Highways, Transport and Environment Committee. However the next meeting was considerably after the deadline for feedback on the footpath and as such it was agreed that the change to the footpath should be added to the CPC Extraordinary Meeting on the 26th July.

AP13 Clerk to add to agenda of next Extraordinary Meeting.

6 Applications and Appeals decided since last meeting.

A report from John Bamford was circulated prior to the meeting (Appendix A).

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

Application Number	Address	Proposal	Claygate Parish Council response
2021/1737	3 Woodbourne Drive Claygate Esher Surrey KT10 0DR	Confirmation of Compliance with Condition: 3 (Materials Samples) of planning permission 2020/3603.	No Comment
2021/1638	149 Hare Lane Claygate Esher Surrey KT10 0RA	Part two/part single-storey front extension following demolition of front porch.	No objection, no comment
2021/1910	Firs Cottage 126 Foley Road Claygate Esher Surrey KT10 0NA	Rear outbuilding.	LDC
2020/2609	Garage Block North of 2 Brookfield Gardens Esher Surrey KT10 0DS	Pair of semi-detached two-storey houses with associated bin stores, cycle stores, parking and landscaping following demolition of existing buildings.	No objection with comment. CPC query whether a new swept pass analysis should be actioned.
2021/1889	164 Coverts Road Claygate Esher Surrey KT10 0LH	Part two/part single-storey front/side/rear extension and alterations to fenestration following demolition of existing garage.	No objection, no comment
2021/2055	5 Denman Drive Claygate Esher Surrey KT10 0EA	Hip-to-gable roof extension, rear dormer window and front rooflights.	LDC
2021/1997	21 Tower Gardens Claygate Esher Surrey KT10 0HB	Single-storey rear and side link extension to incorporate garage and new entrance gates.	No objection, no comment.
2021/2097	Nyumbani Ruxley Crescent Claygate Esher Surrey KT10 0TZ	Variation of Condition: 2 (Approved Plans) of planning permission 2019/1258 (Two dwellings) to include rear rooflights to Plot 1 to create additional room in the roof space.	No objection, no comment
2021/2014	9 Lower Wood Road Claygate Esher Surrey KT10 0EU	Two-storey front infill extension, part single/part two-storey rear extension, front and side dormer windows and alterations to fenestration following	No objection, no comment

		demolition of existing dormer window and chimney stack.	
2021/2015	9 Lower Wood Road Claygate Esher Surrey KT10 0EU	Two-storey front infill extension, part single/part two-storey rear extension, front porch, front and side dormer windows and alterations to fenestration following demolition of existing dormer window and chimney stack.	No objection, no comment
2021/1907	17 Station Road Claygate Esher Surrey KT10 9DH	Single-storey rear extension, rear dormer window and front rooflights following demolition of existing rear projection.	No objection, no comment
2021/1872	2C Torrington Close Claygate Esher Surrey KT10 0SB	Tree Preservation Order: EL:97/28 - Reduce canopy by 2m to leave 12m lateral spread and a 15m height of 1 x Copper Beech (T1).	Object with reason. This tree is very important in the street scene and has a lovely natural shape which would be spoiled by the proposed work. The reason for pruning is insufficient (encroachment over garden and towards buildings and interfering with communication services)
2021/2065	4 Thorne Close Claygate Esher Surrey KT10 0HE	Confirmation of Compliance with Conditions: 5 (Tree Pre-commencement Meeting: Additional Arboricultural Information), 6 (Tree Protection Measures: with Pre-commencement Meeting), 7 (Additional Arboricultural Information) and 8 (Tree Retention) of planning condition 2021/0987.	No comment
2021/2394	20 Station Road Claygate Esher Surrey KT10 9DH	Rear dormer window and alterations to fenestrations.	LDC
2021/2298	115 Hare Lane Claygate Esher Surrey KT10 0QY	Rear and side dormer window.	LDC
2021/2159	47 Red Lane Claygate Esher Surrey KT10 0ES	Single-storey rear extension following demolition of existing rear projection.	No objection, no comment
2021/2063	20 Torrington Road Claygate	Part hip-to-gable roof extension, rear dormer window and front roof light.	No objection, no comment

	Esher Surrey KT10 0SA		
2021/2176	Apple Tree House Fee Farm Road Claygate Esher Surrey KT10 0JX	Single-storey rear extension and alterations to fenestration.	No objection, no comment
2021/2318	15 Red Lane Claygate Esher Surrey KT10 0EP	Single-storey rear extension.	LDC
2021/2060	21 Claremont Road Claygate Esher Surrey KT10 0PL	Alter roof tiles of existing conservatory from glass to roof tiles.	No objection, no comment

8 East Area Sub Committee Meeting report.

Nothing relevant to Claygate.

10. Licensing Applications in Claygate.

Update given for Doughshack under AP115. No further licensing applications at this time.

11. Compliance Issues in Claygate.

1 Caerleon Close – No further update at this time.

12. Elmbridge Local Plan Status and any action arising.

The Clerk had circulated Cllr Bray's proposed Draft Local Plan Holding statement which is planned to appear on the Council website as soon as a Draft Local plan is published. Cllr Bray noted that parts of the statement were no longer valid following EBC's Local Plan working group recommendations which were as follows: - The Cabinet: -

1. should not agree the draft Local Plan for a Regulation 19 Representation period.
2. should be invited to agree that the officer recommended draft Plan and proposed release of Green Belt is not supported by the exceptional circumstances as set out in the evidence base documents; and
3. should direct officers to bring to Cabinet a draft Local Plan and supporting documents to support a growth strategy that excludes all Green Belt sites for Member consideration. The Plan should look to optimise the urban areas to provide as many homes as possible without destroying the character of Elmbridge.

It was agreed in a **majority decision** that, when the Draft Local Plan is published, Cllr Bray will draft a Holding Statement and send to Cllr Hebert for amends and final approval. This would then be sent to the Clerk to publish on the website.

AP14 Cllr Bray to draft Local Plan Holding Statement asap after issue of Draft Local Plan by EBC, send to Cllr Herbert for amendment and Cllr Herbert to then send final version to Clerk for posting to website.

The Clerk gave an update from the Head of Planning at EBC which stated that they were working towards a Regulation 19 Representation period in the autumn. They will be in touch in the autumn to schedule in a briefing with the Parish Council prior to the public representation period. She then subsequently confirmed autumn for publication of the Draft Local plan.

9. EBC Planning Committee Meeting Report

Nothing to note for Claygate.

13. RBK Local Plan & Hook Park Development Status and any action arising.

The Assistant Director for Strategic Planning and Infrastructure had sent email to the Clerk informing the Council of the Notice of Public Consultation under Regulation 18 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) on the subject and scope of the Royal Borough of Kingston upon Thames Local Plan. As part of creating a new Local Plan for the borough, they have asked local communities, landowners and other relevant partners to let them know of any land they think could be developed over the next 20 years. This further engagement on the new Local Plan is open until 30 September 2021. They will go out to consultation on the draft Local Plan in 2022. Michael Collon spoke on the subject. He noted that the consultation was about identifying new sites to develop on. He recommended that the Parish Council respond and repeat the point that CPC strongly oppose any building on Green Belt land.

It was agreed in a **majority decision** that Michael Collon draft a response for presentation at the 12th August Planning Committee.

AP15 Michael Collon to draft response for presentation at 12th August Planning Committee.

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

John Bamford had circulated an update from the EBC Shareholder Committee prior to the meeting. The update stated an updated high-level capacity study has now been undertaken on the carpark and it now shows the site can accommodate at least 16 houses or a minimum of 20 flats with associated car-parking spaces. It noted that it may be possible to increase the number of residential units following further investigation and feasibility work. A title review of the site has been undertaken by the legal team and further work continues. It was proposed that this project is reported to Cabinet at a future date.

15. Note Planning Committees final response to EBC Draft Statement of Community Involvement

CPC's response had been approved at Parish Council meeting on 8th July and Clerk had submitted to the Planning Department at Elmbridge. The Chairman thanked Cllr Woodward for her efforts.

16. Discuss and agree whether a response is required to 2021/0846 6a High Street resident objection.

It was agreed in a **majority decision** that CPC will not take any further action on this subject.

The Clerk noted she had accidentally missed numbers 17, 19 and 20 on the agenda.

18. Discuss and agree whether limits on Public Speakers should be applied to Planning Application discussions.

Cllr Swift proposed that CPC adopt the same approach as EBC when only 1 Opposer and 1 Supporter is allowed to speak on Planning Applications.

The Clerk had contacted both EBC Planning Department and SALC for their views on the subject ahead of the meeting. EBC noted that they only have 1 speaker on each side and that, if there are multiple Objectors, they must agree amongst themselves who would speak on their behalf. SALC

noted that speaking in Parish Councils is regulated by Standing Orders. It is a matter for each council how they want to regulate the extent to which the public participate via their Standing Orders. At Parish Council level there is a greater expectation from the public that they will be listened to and that anyone who wants to speak will be given the opportunity. The Chair must manage the meeting and public speaking and comply with the Standing Orders. The Chair can ask that the same points are not repeated.

Cllr Herbert noted that CPC do not make planning decisions and need to be as inclusive as possible.

Cllr Swift proposed that CPC adopt the same approach as EBC when only 1 opposer and 1 supporter as she considered it a fairer. There was no seconder and the motion fell.

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

It was noted that the next edition of the Courier was now planned for September as the Draft Local Plan had been postponed.

22. Matters for information purposes only.

The Clerk noted that there would be an Extraordinary meeting of the Parish Council on Monday 26th July at 19h30.

23. Date of the next meeting 12th August 2021

Meeting Closed: 21h05

Reserve may be required for the next meeting: -Cllr Collon.

Signed:

Dated:

Appendix A - Report on Planning Applications Decided since the Last Planning Meeting

Applications Refused by Elmbridge Borough Council (EBC) excluding LDCs.

2021/0856 15 Ruxley Ridge Claygate Esher Surrey KT10 0HZ

First-floor side extension and alterations to fenestration.

EBC assessed that

- the proposal would, by reason of its length and siting result in harm to the amenity of the neighbour at No. 16 Ruxley Ridge in terms of loss of light and being overbearing contrary to Policy DM2 and the Design and Character SPD.
- “the neighbouring property No. 23 has rear facing windows... The first floor window is the only window serving a bedroom. The 45-degree line test would apply. The line drawn from the first floor rear facing window would be infringed upon at the distance of approximately 7.5m and giving its proximity and the direction of the extension to the south/southwest, it has been concluded that the loss of light would be detrimental and the proposal would result in an overbearing impact on this neighbouring property”

2021/1224 1 Beaconsfield Gardens Claygate Esher Surrey KT10 OPX

Rear outbuilding incorporating swimming pool, new rear raised decking with roof above and relocation of external staircase following demolition of existing decking.

EBC assessed that

- “the swimming pool enclosure is a large building that would obscure views of the rear of the house and be clearly visible from the land that surrounds the house. Furthermore, it is considered that its position and design bear no relationship to the host building and would represent a large outbuilding that is uncharacteristic of the rear elevations. As such the proposals, due to the location, scale, massing and design would detract from the character and appearance of the conservation area.”
Contrary to Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, DM2 and DM12
- “Where less than substantial harm to the significance of a heritage asset has been identified as in this case, it is necessary to assess the benefits of the scheme, in accordance with paragraph 196 of the NPPF (2019). It is not possible to identify any benefits of the scheme in heritage terms and furthermore, as an extension to a private dwelling not accessible to the public, no public benefits of the scheme have been identified.”

Other Noteworthy Applications Decided:-

2021/0668 16 Oaken Lane Claygate Esher Surrey KT10 ORE

Single-storey rear extension, single-storey front infill extension, first-floor front and rear extensions, front dormer window, front and side roof lights and alterations to fenestration.

EBC Officer’s Report stated “Comments from Claygate Parish Council, with regard to the potential for the flat roof of the single storey element to be accessed via the Juliet Balcony and used as a terrace are noted; while the plans submitted indicate a glass balustrade would prevent access to the roof it is considered reasonable to apply a condition to any permission granted, clarifying that the use of the roof as a terrace would not be permitted.”

2020/2566 - Garages North Of 37 To 43, Blair Avenue, Esher

Pair of semi-detached two-storey houses with associated bin stores, cycle stores, parking and landscaping following demolition of existing buildings

Committee Report included items such as

- Proposed new residential development should provide an appropriate level of lighting, outlook and amenity to all habitable rooms and be of suitable space standards.

- Developments are also expected to enhance existing landscaping and allow visual interest and amenity that provides a setting for the proposed development.
- Policy DM10 of the Development Management Plan (2015) requires new residential accommodation to comply with the Technical housing standards – nationally described space standards (March 2015) and include gardens or outdoor space commensurate with the type and location of housing proposed.
- The NPPF further states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- The proposed development would result in a density of 21.6dph which would not meet the minimum density requirements. It is acknowledged that the site is constrained by the presence of two large oak trees which are protected by a Tree Preservation Order (TPO). On the basis that development is not possible on a large portion of the site due to the trees, the development density would be acceptable and would represent a suitable density in this location.
- The proposed development would be lower than the other two-storey dwellings in the vicinity. There are some single storey dwellings in the vicinity, however there are far more two-storey dwellings in the immediate vicinity of the site and as such it is considered that the proposed scale, height and massing would not be materially harmful to the character of the area.
- Policy DM7 requires that in areas where on-street parking stress is a particular problem and there is no suitable alternative provision, the Council will require one parking space per residential unit for new developments in order to ensure that the existing pressure to park on nearby roads is not exacerbated.
- Policy DM6 requires that the development proposals are designed to include an integral scheme of landscape, tree retention and protection. It confirms that the proposals should not result in loss or damage to trees that are, or are capable of, making a significant contribution to the character or amenity of the area, unless in exceptional circumstances the benefits would outweigh the loss.

Appeals Lodged and/or Decided

None

No CIL is payable in respect of Planning Applications decided since the last meeting