

**DRAFT**  
**PLANNING COMMITTEE MEETING**  
**held at 8.00pm on Thursday 24th January 2019**  
**Small Hall, Claygate Village Hall**

Present: Councillors John Bamford, (Chair), Geoff Herbert, Bernadette Pearce (first part of meeting) and Ken Huddart.  
Co-opted Tom Swift  
In attendance: Shirley Round (Parish Clerk & RFO).  
Consultees: Claygate Tree Wardens  
Presentation party: Claygate House, Littleworth Road

1. **Apologies for absence:** None

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

**Cllr John Bamford** Chairman of Friends of Capelfield Surgery, Trustee of Friends of Claygate Day Centre, Trustee of CVHA, Bookkeeper at Holy Name Church, Esher  
**Cllr Geoff Herbert** Co-ordinator of Neighbourhood Watch, Member of Claygate Flower and Village Show Committee

**Cllr Ken Huddart** Chairman of the Claygate Conservation Areas Advisory Committee, Traffic Engineering Consultant, Fellow of Chartered Institution of Highways & Transportation, Fellow of Institution of Engineering & Technology, Fellow of Institution of Civil Engineers.

**Cllr Bernadette Pearce** Works for the Kingston College, Secretary Outreach Group, Church of the Holy Name, Esher.

*The Chairman requested a Motion under Standing Orders 1 d), e) and f) to allow Mr Simon Brown of Hale Brown Architects to address the meeting on the development of Claygate House, Littleworth Road, together with Messrs. Mark Kerr (Marengo Communications), Nick Fennel (DWD), Daniel Ginsburg (Luminous Property Group) and Elliot Dubey (Luminous Property Group).  
This was **agreed unanimously**.*

**7.8 2018/3782 Claygate House, Littleworth Road:** Second floor and third floor extensions to create 15 additional dwellings, alterations to parking layout and alterations to fenestration and finish.  
Claygate Parish Council: No objection. Unanimously agreed.

*Following the Planning Committee decision Messrs Brown, Kerr, Fennel, Ginsburg and Dubey left the meeting.*

3. **To confirm the Minutes of the last meeting**

The Minutes of the meeting on 3<sup>rd</sup> January 2019 were agreed and signed by the Chairman.

8.25 *Cllr Pearce left the meeting.*

4. **To report on the actioning of items from previous Minutes.**

APs 20 and 21 dealt with under agenda item 11. DONE

5. **Planning correspondence, notification of applications and outstanding results.**

Planning application notifications received:  
2018/3464

2018/3675

2019/0109

**6. To discuss and comment on applications decided since the last meeting.**

A report from Cllr Bamford was circulated at the meeting. See Appendix A.

**7. Applications from EBC weekly lists including confirmation of comments sent to EBC**

**Week ending 4<sup>th</sup> January**

**7.1 2018/3779 6 Stevens Lane** – first floor side/rear extension, single-storey side infill extension conversion of garage into living space and alterations to fenestration.

Claygate Parish Council: no objection. Unanimously agreed.

*Cllrs Bamford, Huddart and Herbert declared a non-pecuniary interest in 2018/3715 in that they are known to the applicant.*

**7.2 2018/3715 2C Torrington Close** – Tree Preservation Order EL97/28 – remove overhanging branches of 1 x Monterey Cyprus from the back garden of 2C Torrington Close.

Claygate Parish Council: Object. This new proposal would not be good for the appearance and future growth of the tree. We are concerned about the wording in Item 5 of the application where it says “we wish to be able to cut any branches over-hanging our garden, as the need arises”. Unanimously agreed

**7.3 2018/3775 3 The Roundway** – single-storey rear extension, front porch and replacement front canopy and alterations to fenestration.

Claygate Parish Council: No objection. Unanimously agreed.

**7.4 2018/3792 2 Rythe Road** – single-storey rear outbuilding.

Claygate Parish Council: No comment. Unanimously agreed.

**7.5 2018/3797 100 Hare Lane** – single-storey rear extension and side dormer window.

Claygate Parish Council: No objection but we are concerned about the privacy of 1 Albury Place due to the window in the dormer. We request that this window is non-opening and frosted glass is used. Unanimously agreed.

**Week ending 11<sup>th</sup> January**

**7.6 2019/0017 9 9 Oaken Lane** – single-storey front extension, single-storey side extension incorporating garage, single-storey rear extension, rear dormer window and conversion of existing garage into living space following demolition of existing conservatory.

Claygate Parish Council: No objection. Unanimously agreed.

**7.7 2018/3629 19 Tower Gardens** – part single-part two-storey rear extension following partial demolition of existing house.

Claygate Parish Council: No objection. Unanimously agreed.

**7.8 2018/3782 Claygate House, Littlworth Road.** See previous.

**7.9 2018/3464 Claygate Recreation Ground, Dalmore Avenue** – application for continued use of existing portacabin units (63 sqm)

Claygate Parish Council: No objection. Unanimously agreed.

**7.10 2018/3798 35 Arbrook Lane** – part two/part single-storey rear/side extension, roof extension incorporating increase in ridge height of 0.8m, front and rear dormer windows and solar panels, partial conversion of garage to living space and alterations to fenestration.

Claygate Parish Council: No objection. Unanimously agreed.

**Week ending 18<sup>th</sup> January**

**7.11 2019/0084 19 Ruxley Ridge** – Confirmation of Compliance with condition 5 (additional tree information and pre-commencement inspection) of planning permission of 2018/2584  
No comment. Unanimously agreed.

**7.12 2019/0040 3 Telegraph Lane** – single-storey rear extension following partial demolition of existing dwelling.

Claygate Parish Council: No comment. Unanimously agreed.

**7.13 2018/3675 9 Rythe Road:** Part two/part single-storey rear extension, rear roof lights, front porch, enlargement of existing vehicular access with associated hard standing, front boundary wall and gate to a height of 1m and alterations to fenestration.  
Claygate Parish Council: No objection. Unanimously agreed.

**8. To discuss and agree response to the EBC Street Trading Proposal consultation document.**  
It was **unanimously agreed** to pass on Cllr John Bamford's comments (Appendix B) to the EBC Principal Officer for Food & Safety in response to the consultation document. **AP22**

**9. Report on the East Area Sub-Committee Meeting**  
2018/2476 6A High Street – change of use from premises in light industrial use (B1c) to residential C3), erection of a 1.5 storey dwelling house with single storey rear element which is set down from the existing ground level, cycle and bin store, associated parking and landscaping following demolition of existing buildings.  
Claygate Parish Council objected based on CS11, DM2 and CS17. **PERMITTED**

**10. Licensing applications**  
There are no new applications in Claygate.

**11. Enforcement issues**  
1 Caerleon Close: It is reported that still there has been no progress on site. The Clerk will follow up with the EBC case officer. **AP23**  
6 Merrilyn Close: The Committee was informed by the case officer that a letter had been sent to the owner on 29<sup>th</sup> June requesting they take steps to reduce the level of burning and advising what could be burnt. A letter was also sent to the resident who had complained enclosing log sheets for completion. The case was closed as no log sheets or any further complaints were received.

**12. Communication of key decisions to residents including input to Courier and the website.**  
Nothing to report.

**13. Matters for Information Purposes Only.**  
No items to report.

**14. To confirm the date of the next meeting and attendance of members of Planning Committee:**  
**Thursday 14<sup>th</sup> February 2019, Committee Room, Claygate Village Hall**

**Elmbridge East Area Planning Committee:**  
Monday 4<sup>th</sup> February 2019 – Tom Swift to attend

**The meeting closed at 10.05 pm**

**Chairman:**

**Dated:**

**Reserve for the next meeting Cllr Julian Way**

## Appendix A

7 Applications were decided.

CPC was a Consultee for 5 of these Applications. The remaining 2 Applications were LDCs.

### Applications where CPC's decision differed to EBC were:-

2018/2476: 6A High Street Claygate Esher Surrey KT10 0JG

Change of use from Premises in Light Industrial Use (B1c) to Residential (C3), erection of a 1.5 storey dwellinghouse with single storey rear element which is set down from the existing ground level, cycle and bin store, associated parking and landscaping following demolition of existing buildings.

*CPC Objected due to impact on the amenities of the neighbouring properties and commented on the visual impact of the parapet wall. The parapet wall was subsequently removed from the scheme.*

*EBC approved the Application at East Area Planning Subcommittee subject to the condition that "The development hereby approved shall not be first occupied unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking and turning area(s) shall be retained and maintained for their designated purpose(s).*

*EBC further noted that "The issue of building rights with regards to the construction of the dwelling and its attachment to the neighbouring building is a private civil matter for consideration between the applicants and the owners of that property and cannot be taken into consideration in the determination of this application."*

### Other Applications of note were:-

2018/2913: Station House The Parade Claygate Esher Surrey KT10 0PB

6 two-storey terraced dwellings, conversion of existing detached dwelling into 1 x shared dwelling (HMO) and 2 x flats, alterations to fenestration and associated hardstanding and landscaping following demolition of side extension.

*CPC objected on grounds of Design (failing to accord with the character and appearance of the area), Parking (no provision) and Amenity (limited opportunity for planting & landscaping)*

*EBC refused permission on the grounds*

- 1. The proposed row of 6 two storey dwellings would compete with Station House and the station buildings which are locally listed, due to their scale and ornate architectural. This would harm the significance and the setting of the locally listed building and be unsympathetic to local character and history. The proposal therefore fails to comply with policies DM2 and DM12 of the Elmbridge Development Management Plan, CS11 and CS17 of the Elmbridge Core Strategy, the Design and Character SPD and the NPPF and PPG.*
- 2 The proposed development fails to provide any parking provision which will contribute to parking stress; this, in conjunction with the close proximity to the railway station, would exacerbate an existing parking issue. The proposal fails to comply with policies DM7 of the Elmbridge Development Management Plan, CS11, CS17 and CS25 of the Elmbridge Core Strategy, the Design and Character SPD and the NPPF.*
- 3 The proposed development fails to provide satisfactory details of existing ground and groundwater conditions, soil properties and works to ensure the risk to neighbouring land and property can be mitigated to ensure that a safe development can be delivered from the proposed sheet piling and retaining wall to address land instability. In the absence, of the recommended intrusive site investigation, the proposal fails to comply with policy DM2 of the Elmbridge Development Management Plan, the NPPF and PPG.*

### **Appeals Lodged and/or Decided**

One Appeal was decided.

2018/1690: 31 Foley Road Claygate Esher Surrey KT10 0LU

1.8m increase in ridge height with front gable and rear dormer windows.

The Planning Inspector Allowed the Appeal and concluded

The scheme would enhance, rather than have an adverse effect on, the character and appearance of the host dwelling and its surroundings.

## Appendix B

### COMMENTS ON EBC DRAFT STREET TRADING POLICY & CONDITIONS

We support the Draft Street Trading Policy and Condition and our comments are provided below

#### We support

1. Where it states that “The scheme and its associated conditions aim to ensure local business and communities are not adversely affected by street trading” within Item 1.1.  
Some local businesses in Claygate have been adversely impacted by street trading over the last twelve months.
2. Where it states that “the council may impose such conditions as deemed appropriate in the individual case, including; to prevent obstruction of the street or danger to persons using it or nuisance or annoyance (whether to persons using the street or otherwise)” within Item 1.4.  
In Claygate, one street trader occupied a prominent parking place outside a busy shop that rendered a disabled space unusable and made it difficult for larger cars to safely pass.
3. This policy applying to all streets in Elmbridge – Item 4.1
4. The clauses outlined in Item 5.3, particularly those that relate to handling food, gas safety certificates and DBS checks for all persons who will be working from the mobile unit.
5. All the conditions under which “Street Trading Consents will not normally be granted” - Item 5.6
6. All the factors that will be considered for the grant or renewal of a Street Trading Consent outlined in Item 5.8, particularly  
“Needs of the Area” where it states “Where similar items are offered by traders from fixed premises in the locality it is unlikely consent will be granted if business exist within 200 metres. Applicants will need to clearly specify what their proposed offer will be”  
“Food Traders” where it states “As a minimum, food handlers must hold a current Level 2 Award in Food Safety in Catering from an accredited training provider. For the purposes of obtaining a Trading Consent it is required for all staff working from the site to have their food hygiene training renewed every 3 years.”
7. “A Street Trading Consent cannot be transferred or sold to. However, the Consent may be transferred to a member of the Consent Holder’s immediate family” subject to specified conditions within Item 5.18
8. “The sub-letting of a pitch is prohibited” within Item 5.19
9. The “General Conditions for Annual Trading Consents” as provided in Annex 2, particularly  
“A copy of the Street Trading Consent bearing the name of the consent holder shall be displayed conspicuously on the stall/vehicle so that members of the public can clearly see it during hours of business” – Condition 7  
“The Consent Holder shall not drive or park a vehicle on any part of a footway” within Condition 9  
“the Consent Holder shall ensure that the stall/vehicle is positioned only in the allocated space in the Consent Street for which Consent is issued” within Condition 10  
“Gas appliances and systems must be checked for safety by a competent Gas Safe engineer at least annually” within Condition 14  
“All hot food vans/trailers are required to carry an appropriate first aid kit for the activities that are to be undertaken and have the means to contact the emergency services if necessary” – Condition 15  
“The Consent holder shall take reasonable steps to ensure that litter arising from their own trade is minimised as far as possible, for example by making a bin available for customers to use, and removing any litter from the site, associated with the business activity” – Condition 21  
“The Consent Holder may employ any other person to assist in operating the stall/vehicle and shall notify the Environmental Health and Licencing manager / Principal Food and safety Officer Principal Licensing officer of the name and address of that person. An administration fee will be payable” within Condition 23

“Consent Holders shall have and maintain a proper insurance policy against public liability and third-party risks. See Annex 4. For specific details required. If food is sold the insurance shall specifically include cover against food poisoning to the same amount. Proof of cover must be produced to an officer of Elmbridge on application and as required” – Condition 27  
“For food traders all packaging and utensils for use by customers shall be made of biodegradable or recyclable materials, with the items being recycled rather than entering mixed waste” – Condition 30

#### We request

10. Claygate Parish Council is considered when it states that “Elmbridge work with other agencies and partners to ensure their views are considered as part of any street trading application or renewal.” – Item 1.3
11. Claygate Parish Council is included amongst the “bodies and organisations” for future Consultations that may have an impact on Claygate – Items 2.1 & 2.3
12. Changes to the policy between the review dates are notified to Claygate Parish Council at the time of implementation – Item 5.2
13. Claygate Parish Council is included in the consultation process “Before a Street Trading Consent is granted or refused” – Item 5.5
14. Claygate Parish Council is consulted at renewal time “to determine if the street trader is a cause for concern or has been the subject of substantiated complaints – Item 5.14
15. Sites are assessed for their ongoing eligibility and suitability with relevant bodies and organisations before they are advertised as vacant sites – Item 5.18
16. In the second sentence of Item 7.2, the words “a registered” are added before “charity” and the words “and proof can be evidenced on request” are retained so that it reads  
“Street trading is considered to be for charity benefit if the profits from individual stalls/units are donated to a registered charity and proof can be evidenced on request.”
17. Evening sites for the Sale of Hot Food can be extended to 00.00 Thursdays, Fridays, and Saturdays on application and subject to approval). – see Item 9.2 (a)
18. A condition about DBS checks is added to Annex 2 consistent with Item 5.12 (h)
19. In Item 5.11, add the word “continually” to the first stated condition so that it reads  
“continually move from location to location”  
This would be consistent with the definition in Annex 1

#### We welcome

20. The review of this policy at or before 12 months – Item 3.1
21. “The Head of Service can suspend a Consent for a period of up to 28 days pending referral to the Licensing Committee: where serious food safety issues are found” within Item 5.2.
22. “There is no statutory right of appeal against refusal to issue a Consent.” – Item 5.9
23. “The Street Trader shall effect Public and Products Liability Insurance with a minimum indemnity limit of not less than £5m (five million pounds) in respect of any one incident.” within Item 5.12
24. “The sub-letting of a pitch is prohibited” within Item 5.19
25. “Street trading fees for stalls at charitable or small community events may be waived subject to conditions” within Item 7.2
26. “Street trading can only be carried out from the stall or vehicle authorised on the Certificate of Street Trading Consent. Any changes to or replacement of the stall or vehicle must be approved by the Head of Service, or Environmental Health and Licencing Manager / Relevant Principal Officer” – Item 9.3
27. “Elmbridge is committed to enforcing the provisions contained within the relevant legislation” within Item 10.1

We note

28. “Street Traders that serve hot food or drink at any time between the hours of 23.00 and 05.00 will also require a separate Premises Licence under the Licensing Act 2003.” within Item 4.1
29. Item 4.1 has a typo in its final sentence; “sperate” should read “separate”
30. There does not appear to be an Item 5.13
31. There are two Items labelled 5.18, namely “Vacant Sites” and “Transfers”.
32. The word “sub-letting” is amended to read “subletting” in Item 5.19.  
  
This would be consistent with the spelling in Condition 22 of Annex 2.
33. Item 9.2 (a) has a typo in its final sentence; “11.00” should read “23.00”
34. The word “pitch” is not defined in Annex 1, yet reference appears in Items 5.6, 5.8, 5.19 and Condition 22 of Annex 2.

Maybe the policy would benefit from a suitable definition such as “an area of ground marked out or defined”