



Caring for Claygate Village

DRAFT MINUTES

PLANNING COMMITTEE MEETING held at 7.30pm on Thursday 16th June in Claygate Village Hall

Present: -

Outgoing Chair of the Committee: Gil Bray

New Chair of the Committee: Michelle Woodward

Committee Member Councillors: Janet Swift, Xingang Wang, Brian Rawson, Geoff Herbert, Sue Grose,

Co-opted members: John Bamford

In attendance: Sally Harman (Parish Clerk & RFO), 1 member of public

1. Apologies for absence

Cllr Sugden, Michael Collon and Vanessa Relleen all 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.

Cllr Bray and Cllr Wang noted that 2022/1461 3 Stockfield Road was their neighbour and as such they would not participate in the discussion on that Planning Application. Cllr Grose and Cllr Swift noted they were residents of Claygate.

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. Election of Chairman

Cllr Woodward was proposed by Cllr Rawson and seconded by Cllr Wang.

It was agreed in a **majority decision** that Cllr Woodward would become Chair of the Planning Committee for the coming Council year. 4 Cllrs voted in favour. 3 Cllrs abstained.

4. Election of Vice Chairman

Cllr Bray was proposed by Cllr Woodward and seconded by Cllr Rawson. Cllr Herbert was proposed by Cllr Grose and seconded by Cllr Swift.

It was agreed in a **majority decision** that Cllr Bray would become Vice Chair of the Planning Committee for the coming Council year. 4 Cllrs voted in favour, 1 Cllr against and 2 Cllrs abstained. Cllr Herbert received 3 votes in favour and 4 abstentions.

Cllr Grose noted her concern that Cllr Bray was now Vice-Chair of the Planning Committee as he was also Chair of CPC.

5. Appointment of Co-Opted Committee Member

It was agreed in a **unanimous decision** that Michael Collon, John Bamford and Vanessa Relleen are Co-opted as Planning Committee members for the coming Council year and that Gareth Jones and John Ovenden could also join the Committee as Co-opted members if they so wished to.

AP1 Clerk to notify Co-opted members absent at the meeting of their appointment and ask Gareth & John if they would like to continue

6. Minutes of the last meeting (19th May 2022)

Cllr Swift noted that Item 8 2022/0874 11 Stevens Lane comment had a typo and should read DM2 not DN2.

It was **agreed in a majority decision** that the minutes could be approved with 1 amend and that the Chair could sign the minutes, witnessed by the Clerk. 5 Cllrs voted in favour and 2 Cllrs abstained.

7. To report on actioning of items from previous meetings.

AP49 Clerk to invite Tree Wardens to Planning meetings bi-annually and Tree Wardens to attend Planning Committees if deemed necessary going forth. **DONE** Clerk to request if they want to come to following meeting.

AP63 Cllr Bray to circulate slides from Tim Naylor the Director of Strategic Planning & Infrastructure Royal Borough of Kingston, if he receives them. **REMOVE**

AP70 Clerk to raise stepping down of Margie Richardson at 24th May Full Council meeting. **DONE**

AP71 Clerk to send letter to EBC Head of Planning regarding clarification of EBC rules for Planning Applications. Response received and discussed under Item 10 **DONE**

AP72 Clerk to write to Head of EBC Planning Department and ask why application 2022/0686 15 Stevens Lanes was a full application rather than a householders. Response from EBC was that it was an error as the application is a householder application. They amended their website as such. **DONE**

AP73 Clerk to circulate Licensing Consultation email from EBC and add to agenda for 16th June for discussion. Committee members to review and come prepared to discuss. **DONE**

AP74 Cllr Bray, via the Clerk, to circulate the approved Interim Opinion to the Full Council ahead of the 24th May Annual meeting. **DONE**

AP75 Clerk to confirm Cllr Bray as the representative of CPC at the EBC Draft Local Plan process meeting on the 15th June and to ask if other Committee members may attend virtually. Clerk to add download of 15th June Draft Local Plan Process meeting from Cllr Bray to 16th June Planning Committee agenda. Discussed under Item 16 **DONE**

AP76 Clerk to book Philippa Jarvis and the Village Hall for the evening of Monday 4th July. **DONE**

AP77 Cllr Bray to update the Full Council on the Communication plans for the Draft Local plan meeting under Item 34 of the Annual CPC meeting. **DONE**

AP78 Clerk to send letter to Waldon Telecom. Response under item 18 **DONE**

AP79 Cllr Bray to send letter to CK Hutchinson. **DONE**

AP80 Cllr Bray to update the full Council of the proposed amends to the Planning Remit and Planning Process and Public Speaking documents under Item 10 at the 24th May Full Council meeting. **DONE**

8. 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 secured extensions from EBC Planning Department for CPC feedback until the 17th June for Planning Applications 2022/1308 - 90 Coverts Road and 2022/0996 - Fig Tree House 131 Coverts Road.

9 Applications and Appeals decided since last meeting.

The Clerk had circulated John Bamford's report (Appendix A) ahead of the meeting. The Committee noted the report. Cllr Bray noted that the Committee had done a good job as for the most part CPC's comments on Planning Applications had been in line with EBC's view. The Clerk updated the Committee that she had been sent a copy of the appeal notice for 2021/2962 - Arenella Mountview Road.

10. To note any response from Elmbridge Borough Council on the clarification of rules for when Planning Applications go to EBC Sub-Committee and agree any next steps.

The Clerk read out a response from the Head of Planning at EBC that she had received that afternoon. It confirmed that minor applications are applications for 1-9 units and that an objection from Claygate wouldn't result in automatic referral of a householder application to East Area Sub Committee. Finally, the email noted that the addition of Permissions in Principle (PiP) with 15 objections or more was added to the constitution on the request of Members. The presentation by Paul Falconer is therefore incorrect. She noted that it wasn't intentional to exclude Claygate Parish Council from the criteria for PiP. She confirmed that EBC do have mechanisms for updating the Scheme of Delegation and on this basis she would be happy to talk to their head of legal on the best way forward. In the meantime if CPC are going to object to a PiP she advised CPC to contact Natalie Lynch the team leader and they would do an officer referral of the PiP to East Ares Sub Committee.

It was **agreed in a majority decision** that Michael Collon review the email and bring a proposal to the next Planning Committee for review. 6 Cllrs approved. 1 Cllr abstained.

AP2 Clerk to circulate email from EBC Head of Planning to the Planning Committee and ask Michael Collon to prepare a paper for the next Planning Committee on the 14th July.

AP3 Michael Collon to prepare paper for the next Planning Committee on the 14th July.

11 Applications from Elmbridge Borough Council Weekly Lists

(<https://www.elmbridge.gov.uk/planning>) including confirmation of comments sent to EBC: -

w/e 20th May, 27th May, 3rd June and 10th June

Application Number	Address	Proposal	Claygate Parish Council Response
2022/1536	Telephone Exchange Hare Lane Claygate Esher Surrey KT10 9BX	Telecommunication Notification - Removal of existing 3No. Antennas. Proposed installation of 3No. Antennas and 1No. GPS Module. Removal of existing 1No. BTS3900L Cabinet. Proposed installation of 1No. Airi Cabinet within Cabin. Removal of existing 3No. MHA's. Proposed installation of 3No. MHA's, 3No. ERS and 6No. Mk2 BOB's and associated ancillary works.	Granted already.

2022/1508	Telecommunication Mast Elm Garden Nurseries Elm Farm Woodstock Lane South Claygate Esher Surrey KT10 0TB	Telecommunication Notification - 2m tower extension on the existing 20m lattice tower; the removal of the existing 6no antennas to be relocated and replaced with 9no new antennas; the addition of 1no. 300mm dish, internal cabin and ancillary works thereto.	Granted already.
2022/1308	90 Coverts Road Claygate Esher Surrey KT10 0LJ	Single-storey rear outbuilding.	No Objection, No Comment. Unanimously agreed.
2022/0776	1 Chadworth Way Claygate Esher Surrey KT10 9DB	Change of Use from Class C3(a) (dwellinghouse) to Class C3(b) (not more than 6 residents living together as a single household where care is provided for residents).	<p>The Clerk noted that she had had 2 residents contact her noting their concerns on this Change of Use proposal. As she couldn't see CPC being a consultee on the EBC website she had referred them directly to EBC and EBC Cllrs. 1 resident had queried why CPC wasn't a consultee and she read out the concerns he had sent her. John Bamford noted that the EBC Planning Portal showed the Planning Application logged as a full Planning Application rather than a Change of Use and queried whether this was an error. CPC were not listed as a consultee.</p> <p>It was unanimously agreed that the Clerk write to EBC Head of Planning to clarify whether CPC should or shouldn't be a Consultee and whether it should be a full Planning Application or Change of Use. She is to ask EBC whether CPC should be a Consultee for Change of Use applications.</p> <p>AP4 Clerk to ask for EBC clarification on whether CPC should or shouldn't be a consultee and whether it should be a full Planning application or Change of Use. She is to ask EBC whether CPC should be a consultee for Change of Use applications.</p> <p>It was unanimously agreed that the Clerk should submit the following comments to EBC on 2022/0776:-</p> <p>Until such time that the CPC have the following information listed below CPC reserve their position:-</p> <p>1/ Which provider is the application from?</p> <p>2/ Do they have any level of previous footprint on delivering these services elsewhere?</p> <p>3/ The supporting information shows a discrepancy between 5 or 6 residents and so we need clarity on the totality of young people this provider is looking to house and what the totality of staff would be on site supporting in a 24hr period.</p>

			<p>4/ Is the provider only Ofsted registered or are they seeking CQC registration?</p> <p>Regarding Planning Comments specifically CPC have 2 comments:-</p> <p>1/ We note that the flood risk assessment recommends some mitigating means but there appears to only be application if building works take place which they aren't in this case. CPC are therefore concerned about the flood risk.</p> <p>2/ We note there is an outbuilding at the bottom of the garden by the water course and request that a condition is placed on it that it can't be used for habitation purposes.</p>
2022/1596	7 Claremont Road Claygate Esher Surrey KT10 0PL	Single-storey rear outbuilding.	LDC. No Comment.
2022/1522	Site of former Claygate House Littleworth Road Esher Surrey KT10 9PN	Non-Material Amendments to planning permission 2020/2095 for amendment to conditions 2 and 15 to approve an alternative Littleworth Road footway widening scheme.	No Comment.
2022/1217	2 Norfolk Road Claygate Esher Surrey KT10 0RS	Single-storey rear/side extension following demolition of existing projection	No Objection, No Comment. Unanimously agreed.
2022/1034	17 The Avenue Claygate Esher Surrey KT10 0RX	Part two/part single-storey side infill extension and alterations to fenestration.	No Objection, No Comment. Unanimously agreed.
2022/1323	8 Denman Drive Claygate Esher Surrey KT10 0EA	Two-storey side extension and single-storey rear extension following demolition of existing garage and rear extension.	No Objection, No Comment. Unanimously agreed.
2022/1348	45 Stevens Lane Claygate Esher Surrey KT10 0TQ	Part two/part first-floor front extension, first-floor front/side infill extension, partial conversion of garage into living space and alterations to fenestration.	No Objection, No Comment. Unanimously agreed.
2022/1403	Firs Cottage 126 Foley Road Claygate Esher Surrey KT10 0NA	Single-storey rear extension following partial demolition of existing house.	No Objection, No Comment. Unanimously agreed.
2022/1615	5 Beaconsfield Gardens	Non-Material Amendments to planning permission	No comment. Majority agreed. 4 in favour, 3 abstained.

	Claygate Esher Surrey KT10 0PX	2022/0265 to reduce the height of the window frames and increase the height of the dwarf brick walls beneath the window sills.	
2022/1519	Tiara 29 Ruxley Ridge Claygate Esher Surrey KT10 0HZ	Single-storey side extension.	No Objection with Comment. CPC request that the 3 windows which overlook the adjacent property are required to be translucent and to remain translucent. Agreed in a majority decision. 5 in favour. 2 abstained.
2022/0873	16 Dalmore Avenue Claygate Esher Surrey KT10 0HQ	Single-storey rear extension and widening of existing vehicular access.	No Objection with Comment. CPC request that EBC check the 45 degree rule from No 14. We also request that a condition is placed that the flat roof cannot be used as a roof garden or balcony without a new planning application to Unanimously agreed.
2022/1461	3 Stockfield Road Claygate Esher Surrey KT10 0QG	Single-storey rear extension and front porch.	Cllr Bray and Cllr Wang did not participate in the debate due to declarations earlier in the meeting. No Objection, No Comment. Majority agreed. 5 in favour. 2 abstained.
2022/1499	7 The Roundway Claygate Esher Surrey KT10 0DP	Alterations to fenestration following demolition of existing detached garage and chimney stack.	No Objection, No Comment. Unanimously agreed.

12. **East Area Sub Committee Meeting report.**

31 Stevens Lane featured the update of which can be seen in Appendix A.

13. **EBC Planning Committee Meeting Report.**

Cllr Bray noted that the EBC Local Plan Working Group was being reconstituted.

14. **Licensing Applications in Claygate.**

The Clerk noted that she had received no alerts via email.

15. **To consider a proposed response drafted by Cllr Bray and Michael Collon to Elmbridge Borough Council's proposed changes to their statement of licensing policy (closes 24th June 2022).**

The Clerk had circulated the proposed response to the Committee ahead of the meeting (Appendix B). Cllr Bray made it clear that Michael Collon had done the excellent piece of work and he could take no credit for it. The Committee thanked Michael Collon for his work.

It was agreed in a **majority decision** that the Clerk submit Michael Collon's proposed response to EBC licensing policy consultation. 1 Cllr voted against.

AP4 Clerk to submit response to EBC.

16. Compliance issues.

The Committee noted that there are 2 Compliance cases open with EBC: -

- 1 Caerleon Close – The Clerk had received no further update.
- 10 Cavendish Drive - Retrospective Variation of Condition 3 (Materials) of planning permission 2020/3287 (Front and side extensions) to amend the type of roof tiles has been submitted to EBC. – No decision as yet.

17. To receive an update on the Draft Local Plan to include an update from Cllr Bray on the Elmbridge Borough Council's Draft Local Plan Process meeting that took place on the 15th June 2022 and agree the next steps for Claygate Parish Council.

Cllr Bray confirmed that all Committee members had received EBC Cllr Bruce McDonald's email correspondence following Cllr Bray's email he had sent him as per AP6 from the 24th May Annual CPC meeting and that the EBC Cllrs had decided to run their own Draft Local Plan meeting on the 30th June. He confirmed he had attended the 15th June Draft Local Plan Process meeting alongside Cllr Grose, Cllr Swift, Cllr Herbert and Philippa Jarvis. He noted 2 key take outs from the meeting. Firstly, that any local interest group should make clear the number of people they represent. Cllr Bray asked Cllr Grose whether she could engage with Cllr McDonald so that CPC and EBC Cllrs could continue to work together. Secondly that the Head of EBC Planning advised that representations of support are as equally important in the process as any objections.

Cllr Grose noted that she hadn't been involved in the Draft Local Plan process until very recently. She noted that the meeting on the 15th June was very helpful and there was a lot of space for attendees. The Clerk asked Cllrs, once again, to go through her for meeting bookings as some Cllrs had been going directly to EBC. She reminded Cllrs that notifying the Clerk was to ensure transparency and fairness for all. Discussions then took place around this requirement. John Bamford expressed surprise that some Cllrs had bypassed the Clerk. Cllr Grose confirmed she was attending an EBC meeting with the Greenspaces team.

AP5 Cllr Grose to circulate the meeting invite for Greenspaces so Clerk can send out to all of CPC should others be interested.

Cllr Grose & Cllr Swift asked why Philippa Jarvis had attended the EBC Draft Local Plan Process meeting and had it been agreed by the Committee and what was the cost involved. Cllr Bray noted that he and the Clerk had spoken and they thought it was for the benefit of residents that Philippa Jarvis attend the meeting as the Planning Committee had asked her to prepare the Draft representations from CPC and residents for Regulation 19 Draft EBC Local Plan.

There was much debate about the attendance of an EBC Cllr at the CPC meeting or whether the Head of Planning at EBC would be more suitable given that CPC was non-partisan.

It was agreed in a majority decision that Cllr Grose should email EBC Cllr Bruce McDonald copying in Cllr Bray, Cllr Woodward and the Clerk to ask whether he would be involved in the CPC Draft Local Plan Public Meeting on the 4th July. 2 Cllrs abstained.

AP6 Cllr Grose should email EBC Cllr Bruce McDonald copying in Cllr Bray, Cllr Woodward and the Clerk to ask whether he would be involved in the CPC Draft Local Plan Public Meeting on the 4th July

It was agreed in an unanimously decision that if EBC Cllr McDonald declines the invitation to speak at the CPC Draft Local Plan Public Meeting on the 4th July the meeting invitation should be extended to EBC Head of Planning or a suitable member of her team.

AP7 Clerk to invite EBC Head of Planning or suitable member of her team if EBC Cllr Bruce McDonald declines CPC invite to speak.

It was agreed in a **majority decision** that Cllr Bray, Cllr Woodward, Cllr Grose and the Clerk prepare a presentation for the Draft Local Plan Public meeting on the 4th July. The Chair of CPC Cllr Bray to have casting vote should no agreement be reached on the presentation itself. Presentation to be circulated to all Cllrs and Planning Committee members by Sunday 3rd July. 1 Cllr abstained.

AP8 Cllr Bray, Cllr Woodward, Cllr Grose and the Clerk prepare a presentation for the Draft Local Plan Public meeting on the 4th July.

The Clerk had circulated the official invitation to participate in the **Regulation 19: Draft Elmbridge Local Plan 2022-2037** consultation by the Planning Team at Elmbridge Borough Council (17 Jun 2022 at 09:00 to 29 Jul 2022 at 16:00) to the Committee ahead of the meeting.

18. To received and update on 5G Masts including a response from Waldon Telecom and agree any response required.

The Clerk read out a response she had received from Waldon Telecom. It said that as part of their consultation process, they send letters to various potential stakeholders for comments and questions, which includes a letter to the local planning authority (Elmbridge Borough Council). They believed that EBC have then uploaded this letter to their public planning page, appearing as an application. This was not the intention of the letter and as evidenced gives the impression that an application has been submitted at the same time as the consultation letters. To complicate matters further, there has been a change in planning legislation between the two consultation dates, which has meant that whilst previously this upgrade would have required an application and planning approval, this now falls under permitted development rights, so no application is required. As such they have also included a letter to the Council in their most recent consultation to notify them of they client's intentions to upgrade. They will ask EBC to remove the application reference 2022/1270 from their website, as they will not be submitting an application, and comments added to this reference will not be considered. With regards to CPC's comments, they are happy to answer any queries specific to this proposal. If CPC would like to discuss the 5G rollout in more general terms, they will see if their client will be able to accommodate a meeting.

Cllr Grose spoke to express her opinions about emails being sent out in advance of meetings. Cllr Swift agreed with Cllr Grose. The Clerk told the Committee she does her best to prioritise communications to Cllrs. She was working 20hrs a week, over 25% more than she was contracted to, and was inundated with requests. She had thought the email was not of critical importance and had thought reading it out at the meeting in a public forum was the best way to deal with it. The Clerk expressed her views on criticisms that had been raised and stated that she had spoken to the EBC Monitoring Officer about conduct and the impact. A number of the Committee members spoke up to support the quality of the work of the Clerk.

19. To consider Councillors undertaking training from Paul Falconer at Elmbridge Borough Council on the consideration of Planning Applications.

Cllr Bray noted that following the Annual Meeting Cllrs sitting on the Planning Committee should have EBC training.

It was **agreed in a majority** decision that the Clerk should request training for all Planning Committee members from Paul Falconer at EBC.

AP9 Clerk to contact Paul Falconer about organising training for Planning Committee members and to have slides circulated to committee members that are unable to attend.

Given the tensions at the meeting the Chair of the Planning Committee decided to close the meeting early.

Meeting closed 21h33

Signed:

Dated:

Appendix B

Claygate Parish Council Planning Committee Consultation on draft Elmbridge Local Licensing Policy 2022-2027

Section 5 of the Licensing Act 2003 requires each licensing authority to determine its licensing policy for a 5-year period and to publish it, but before doing so to consult, among others, representatives of residents in its area. Elmbridge Borough Council is consulting CPC on its draft Licensing Policy for 2022 to 2027. The consultation period closes on 24 June 2022. This note suggests two points which CPC might make. If the Committee agrees, this could be the CPC reply to the consultation.

Public Nuisance

The third of the four statutory licensing objectives is the prevention of public nuisance. Expanding on Elmbridge's policy for this, the current Licensing Policy includes: "Appropriate closing times having regard to the nature of the surrounding area, for example in predominantly residential areas and/or in areas where vehicular noise related to departing patrons may be a source of noise nuisance". This is the only specific reference to residential areas; clearly what may be acceptable in an urban environment may well not be so in a predominantly rural residential area like Claygate.

In the new draft, the passages on the potential causes of public nuisance, and the measures to address them, are usefully set out in paras 3.21 and 3.23, but there is no mention of the need to have particular regard to what is appropriate in a residential area. CPC suggests that the opening words of para 3.21 should require applicants to pay special consideration to the risks of public nuisance in residential areas.

Relationship between Licensing and Planning

Para 4.25 of the Draft Policy states: "Licensing and planning are two separate regimes with different criteria and the law does not allow us to refuse an application because premises do not have the appropriate planning consent. However, we strongly advise the applicant to obtain planning permission, listed building consent or building regulations approval where appropriate."

Licensing authorities are also planning authorities, and the same councillors often deal with both. Currently in Elmbridge all but 4 of the 13 members of the Licensing Sub-Committee, which routinely grants or refuses premises licences and personal licences, are also members of the Planning Committee and/or a Planning Sub-Committee. It is therefore often the same councillors who, in relation to the same application for licensed premises, are required to apply the different criteria of the planning and licensing regimes. There are examples (not so far as we are aware in Elmbridge) of applications for a premises on-licence which have been granted while the same premises have been refused planning permission; and vice versa.

Recommendations for the integration of the licensing and planning systems (and their appellate systems) have so far been rejected by the Government.

The current 2017-2022 Licensing Policy sets out at some length the dangers of the current law for applicants (paras 15.1 to 15.4). CPC believes that this is helpful to applicants, and that the brief statement in the draft para 4.25, set out above, should be expanded to cover the same issues.

Michael Collon

24 May 2022