



Caring for Claygate Village

MINUTES PLANNING COMMITTEE MEETING held at 7.30pm on Thursday 11th August in Claygate Village Hall

Present: -

Chair of the Committee: *

Committee Member Councillors:

Michelle Woodward

Brian Rawson, Sue Grose, Janet Swift, Geoff Herbert, Gil Bray,
Mark Sugden

Co-opted members:

Michael Collon, John Bamford

In attendance:

Sally Harman (Parish Clerk & RFO), 10 members of the public

The Clerk noted that the meeting would be recorded and that the recording would be deleted once the draft meeting minutes are approved at the next Planning Committee meeting.

1. Apologies for absence

No apologies were received.

2. Declarations of Interest in items on the agenda.

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

Cllr Swift noted that she was a resident of Claygate. Cllr Rawson noted that he wouldn't be participating in 2022/1964 Land to the West of 1 Thorne Close as he knew a neighbour.

Cllr Sugden noted that he was also a Surrey County Councillor. He had no interests in items on the agenda in his role as Surrey County Councillor but if there were Highway matters, they can be referred to the County Council and he may be consulted. Cllr Sugden went on to state that he would not participate in discussions on Planning Applications 2022/1964 Land to the west of 1 Thorne Close and 2022/2159 2 Kilnside as he knew the applicants or neighbours of the Planning Applications. He would also not participate in 2022/2031 1 Chadworth Way as the applicant had contacted him in his Surrey County Councillor role and he had referred the applicant to the Elmbridge Borough Councillors as the Local Authority who made Planning Decisions. Cllr Bray declared an interest in 2022/1377 5 Beaconsfield Gardens and that he wouldn't be participating in that Planning Application discussion. All Cllrs noted that they knew the owner of 2022/2293 17 Dalmore Avenue.

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 (14th July 2022)

The Clerk noted that she had incorrectly recorded a motion to approve the minutes of the 16th June Planning Committee with no amends at the 14th July Planning Committee as having fallen. There were two votes in favour, one against, one abstention and one 'no indication' and as such this was in fact a majority 'approval'.

It was **agreed in a majority decision** that the minutes from the 14th July be approved with one amend to Item 3 as follows. 'A motion to approve the minutes brought by Cllr Woodward fell' to change to 'A motion to approve the minutes brought by Cllr Woodward was approved in a majority vote. 1 Cllr abstained and 1 Cllr chose not to vote.' 2 Cllrs abstained.

Cllr Woodward signed both the minutes from the 16th June meeting and the 14th July meeting as witnessed by the Clerk. Cllr Swift and Cllr Grose requested that the Clerk minute that they had asked for an amend to be made to the minutes on the 16th June.

Under Standing Orders 10 vi) the Chairman proposed a motion to move Planning Application 2022/2031 1 Chadworth Way up the agenda. The meeting would then revert to the original order. It was agreed in a majority decision. 1 Cllr abstained.

19h37 Cllr Sugden left the meeting

The Clerk had circulated 2 emails from residents on 1 Chadworth Way to Committee members ahead of the meeting. A number of residents spoke in opposition of the Planning Application. They raised concerns which included, but was not limited to, the fact that the proposed Children's home was out of keeping with the quiet cul de sac of Chadworth way, it posed a flood, noise and safety risk, and was looking to operate 24/7. They also called into question the numerous inconsistencies and inaccuracies within the Planning Application itself such as staff ratios and room usage. EBC Cllr Mike Rollings noted that both himself and EBC Cllr Alex Coomes had already referred the Planning Application to the East Area Subcommittee at Elmbridge Borough Council. The Parish Council Planning Committee then discussed the Planning Application.

<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Claygate Parish Council Response</u>
2022/2031	1 Chadworth Way Claygate Esher Surrey KT10 9DB	Change of Use from Class C3(a) Dwellinghouse) to Class C2 (Residential Institution)	Objection with Comment. Claygate Parish Council note that this application is out of keeping with DM2a and that we have concerns over flood risk. We are aware of many other unknown and unsatisfactory elements of this proposed application as tabled by many residents in Claygate. Unanimously agreed.

20h20 Cllr Sugden returned to the meeting. 8 members of the public left the meeting

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

AP10 Clerk to add 16th June Draft Planning Committee Minutes to 11th August Planning Committee agenda. **DONE** Covered under Item 3.

AP11 Clerk to send Michael Collon's proposed response regarding on-going differences on Permission in Principle Type Application rules within EBC Planning department to Kim Tagliarini, EBC Head of Planning. **DONE** The Clerk had circulated the response from Kim T to the Committee ahead of the meeting which noted that EBC will make the amendment to the text of the Scheme of Delegation to add a specific reference to objections by CPC however there is a due process to go through and that takes time to program. In the meantime, CPC are to use the workaround whereby the application will be referred by officers if EBC receive an objection for CPC on the PIP. She requested that CPC alert Natalie Lynch at the same time just in case it is missed by officers.

AP12 Clerk to post residents communication on the Draft Local Plan on Facebook, Website and Noticeboards **DONE**

AP13 Clerk and Parish Council Chair to complete questionnaire with CPC's response to Draft Local Plan on EBC website. **DONE**

AP13a Clerk to add presentation from Draft Local Plan Village meeting on the 4th July to the CPC website.

API4 Cllrs to send articles to Cllr Woodward for the October Courier by 2nd August. No Committee members submitted articles to Cllr Woodward. **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 secured extensions from Elmbridge Borough Council Planning Department for Council feedback until the 12th August on the following applications:

2022/1968 – 9 Foley Road

2022/2056 - 20 Elm Gardens Claygate Esher Surrey KT10 0JS

2022/2054 - 33 Foley Road Claygate Esher Surrey – Subsequently was removed from EBC site.

2022/2051 - 21 Langbourne Way Claygate Esher Surrey KT10 0DZ – Subsequently was removed from EBC site.

6. Applications and Appeals decided since last meeting.

The Clerk had circulated John Bamford's report (Appendix A) ahead of the meeting. The report was noted by the Committee. The Committee noted their need to adhere to the Planning Remit.

7 Applications from Elmbridge Borough Council Weekly Lists

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

w/e 15th July, 22nd July, 29th July, 5th August

<u>Application Number</u>	<u>Address</u>	<u>Proposal</u>	<u>Claygate Parish Council Response</u>
2022/1968	9 Foley Road Claygate Esher Surrey KT10 0LU	Part two/part single-storey rear extension with hip to gable roof extension over existing first floor to provide rooms in roof space and rear dormer, detached outbuilding and alterations to fenestration following partial demolition of existing house.	No Objection with Comment. Claygate Parish Council request that the Tree Officer look at the tree situation with regards to the garden shed. Unanimously agreed.
2022/2056	20 Elm Gardens Claygate Esher Surrey KT10 0JS	Single-storey rear extension.	No Objection, No Comment. Unanimously agreed.
2022/1377	5 Beaconsfield Gardens Claygate Esher Surrey KT10 0PX	Removal of Conditions: 4 (Tree Pre-commencement meeting) 5 (Tree protection measures) 6 (Additional arboricultural information) 7 (Tree retention) and 8 (Tree planting and maintenance) of planning permission 2022/0265 (Householder extension).	No Objection, No Comment Majority agreed. Cllr Bray abstained.
2022/2007	Squirrels Wood 3 Common Lane Claygate Esher Surrey KT10 0HY	Front porch.	No Objection, No Comment Unanimously agreed.
<i>20h45 Cllr Sugden left the meeting</i>			
2022/1964	Land to the west of 1 Thorne Close Claygate Esher Surrey KT10 0HE	A pair of semi-detached two-storey houses with associated landscaping, bin and cycle stores.	No Objection, No Comment. Majority agreed. Cllr Rawson abstained.
<i>20h48 Cllr Sugden returned to the meeting.</i>			

2022/2120	10 Glenavon Close Claygate Esher Surrey KT10 0HP	Ground-floor side extension, new roof incorporating front and rear dormer windows and rooflights following demolition of garage and removal of existing roof.	No Objection, No Comment. Unanimously agreed.
2022/1989	22 Crediton Way Claygate Esher Surrey KT10 0EB	Part two/part single-storey side/rear storey extensions and alterations to fenestrations and rooflight following demolition of garage.	No Objection, No Comment. Unanimously agreed.
2022/2133	1 Lower Wood Road Claygate Esher Surrey KT10 0EU	Single-storey rear extension.	No Comment. Unanimously agreed.
2022/1988	12 Oakhill Claygate Esher Surrey KT10 0TG	Alterations to fenestration, changes to external finish from brick to render and installation of heat pump.	No Objection, No Comment. Unanimously agreed.
2022/2159	2 Kilinside Claygate Esher Surrey KT10 0HS	Single-storey rear extension, single-storey rear extension for ancillary use to main house, rear dormer window, enlarge existing rear dormer window following demolition of existing shed.	No Objection, No Comment. Majority agreed. Cllr Sugden did not vote nor participate in the discussion.
2022/2172	40 Stevens Lane Claygate Esher Surrey KT10 0TH	Tree Preservation Order EL:19/10 - Crown reduce 3 x Poplar.	No Objection with Comment. The 3 trees are important to the street scene, but they are very close to houses and a storm recently brought down a large section of T1. Unanimously agreed.
2022/2229	35 Foley Road Claygate Esher Surrey KT10 0LU	Single-storey rear extension, increase in ridge and eaves height. Rear dormer with juliet balcony to create rooms in the roof space, rooflights and alterations to fenestration.	No objection, No Comment. Unanimously agreed.
2022/0873	16 Dalmore Avenue Claygate Esher Surrey KT10 0HQ	Single-storey rear extension and widening of existing vehicular access.	No Objection with Comment. We 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 EBC. Unanimously agreed.
<i>20h53 Clerk left the meeting and Cllr Woodward took over minuting the meeting.</i>			
2022/2293	17 Dalmore Avenue Claygate Esher Surrey KT10 0HQ	Rear dormer window to provide rooms in the roof space.	No Objection with Comment. CPC request that the 45 degree angle is checked. Majority agreed. 1 Cllr Abstained.
<i>20h55 Clerk returned to the meeting and resumed her duties.</i>			
2022/1661	5 Merrilyn Close, Claygate, Esher Surrey KT10 0EQ	Single-storey rear extension and rear patio	No Objection, No Comment. Majority agreed. 2 Cllrs abstained.

8 East Area Sub Committee Meeting report.

Nothing to report. The last Elmbridge Borough Council East Area Sub Committee in July was cancelled and there is nothing concerning Claygate in the meeting planned for next week.

9 EBC Planning Committee Meeting Report.

There was nothing to report for Claygate in the EBC Planning Committee. The Committee noted that the EBC Local Plan Working party continues to meet and had noted at an early July meeting that not many responses had been received to the Draft Local Plan consultation so far but most were supportive of the proposed Draft Local Plan.

10 Licensing Applications in Claygate.

No alerts for Claygate from EBC's alert system had been received by the Clerk.

11. Compliance issues.

The Committee noted that there was one compliance case open with EBC: -

- 1 Caerleon Close – The Clerk had received no further update and so had emailed the Compliance Officer on the 2nd August to request an update. She was waiting for a response.

12. To receive an update on the Draft Local Plan.

The Committee noted that the final invoice for the External Consultant Philippa Jarvis who had assisted the Parish Council in preparing a response to Elmbridge Borough Councils Draft Local Plan Regulation 19 consultation had come in at £2264.70 ex VAT.

13. To receive an update on 5G Masts and agree attendance at meetings with CK Hutchinson and Vodafone O2's contractors.

Cllr Bray updated the Committee on his attempts to get engagement from 5G Providers. He noted that he had received offers to meet with a senior figure at one of Vodafone/O2's contractors and Tom Gallivan an agent for CK Hutchinson's. The Committee deliberated the merits and concerns of having such meetings with providers. Cllr Bray noted that EBC's Nathalie Lynch would be in attendance of any meeting CPC held with such providers.

It was **agreed in a unanimous decision** that Planning Committee members hold a meeting with the agent of CK Hutchinson as well as the representative for Vodafone/O2s contractors with EBC in attendance.

AP15 Cllr Bray to organise meeting.

AP16 Cllr Bray to circulate a current mast coverage map of Claygate he had prepared to Cllr Grose.

14. Communication of key decisions to Residents including input to the Courier and the website.

It was **agreed in a majority decision** that Cllr Woodward submit the Courier 5G article she had prepared to Peter Whitehead with one amend stating that CPC was working alongside EBC and for Cllr Woodward to write an article on the Draft Local Plan focusing on facts and dates and also submit to Peter Whitehead for publication in the October Courier. 2 Cllrs abstained.

AP17 Cllr Woodward to circulate Draft Local Plan article to the Committee.

A motion by Cllr Swift to post a link to the Jolly Boatmen outcome of the public inquiry on CPC Facebook and website fell.

15 **Matters for information purposes only.**

Cllr Swift noted her concerns over the Planning Committee's application of Planning Policy in their decisions.

AP18 Clerk to add Planning Committee's application of Planning Policy in Planning Application decisions to next Planning Committee agenda.

Cllr Swift noted that she had attended Levelling Up and Regeneration Bill training.

AP19 Cllr Swift to circulate the notes she had made from the training sessions and slides to Planning Committee members.

16. **Date of the next meeting 8th September 2022.**

Meeting closed 21h29

Signed:

M. V. O'Connell

Dated:

8/9/22

Report on Planning Applications Decided since the Last Planning Meeting

Applications Refused by Elmbridge Borough Council (EBC) excluding LDCs

No.	Address	Details		CPC
2022/1519	Taira 29 Rusley Ridge KT10 0HZ	Single-storey side extension.	No Obj	Request use of an obscure glazing condition relating to the side facing windows of the extension.
<p>EBC refused on the grounds that</p> <ul style="list-style-type: none"> The application site is adjacent to a number of large trees which stand within the rear garden of Woodlands Common Lane and are therefore within close proximity to the extension. The extension is likely to encroach upon root protection areas which may cause unacceptable damage to the adjacent trees. Although these trees are not protected, they are within falling distance of the extension and host dwelling which is of concern. No arboricultural information has been provided to ensure that the surrounding trees are not adversely affected. The proposal therefore fails to assess the arboricultural implications of the proposal, contrary to the requirements of Policy DM6 and the NPPF 2021. <p>EBC Noted:</p> <ul style="list-style-type: none"> Given the difference in ground level between the application site and Woodlands, Common Lane, the side facing windows could result in some overlooking towards this property. As such, a condition is considered necessary to ensure these windows are obscure glazed and fixed shut below 1.7m. 				
2022/0996	Fig Tree House 131 Coverts Road KT10 0LE	Single-storey storey rear extension and first-floor rear extension.	No Obj	No comment
<p>EBC refused on the grounds that</p> <ul style="list-style-type: none"> it is considered that the proposed first floor element would result in an overbearing and dominating impact on the neighbour at no. 133. This would result in the proposed first floor development to be a highly visible and dominating on the amenity space and rear windows at no. 133 contrary to Policy CS17, DM2, the Design and Character SPD Companion Guide: Home Extensions 2012 and the NPPF 2021. 				
2022/0716	83 Oaken Lane Claygate KT10 0RQ	Detached two-storey house, single-storey rear outbuilding, front boundary wall and entrance gates and piers following demolition of the existing dwelling and outbuildings.	No Objection	<ul style="list-style-type: none"> Request no occupation of the room at the bottom of the garden Request measures recommended in the Arboricultural Report to protect a mature boundary oak at the bottom of the garden near the proposed new rear building are checked for adequacy and enforced.
<p>EBC refused on the grounds that</p> <ul style="list-style-type: none"> The proposed front gates, piers and boundary wall would be an incongruous form of development resulting in material harm to the character of the area and the visual amenity of the street scene contrary to Policy CS17, and DM2. The proposed dwelling, by reason of its excessive ridge and eaves heights and resultant second storey would appear as an incongruous form of development resulting in material harm to local character and the visual amenity of the street scene contrary to Policy CS17, DM2, the Design and Character SPD and the NPPF 2021. The proposed dwelling would result in material harm to the amenity of the occupants of No. 85 Oaken Lane in terms of light and overbearing effect due to its height, depth and breach of 45 degree sightlines within 15m of front facing windows of this property contrary to Policy DM2, the Design and Character SPD Companion Guide: Home Extensions 2012 and the NPPF 2021. The proposed outbuilding and gates, piers and boundary wall would be located within the root protection areas of trees and are likely to result in a substantial and unacceptable impact upon the future health and survival of those trees. The proposal therefore fails to comply with Policy DM6 of the Development Management Plan 2015 and the revised NPPF. The application has failed to submit up to date and sufficient information required to adequately address the impact of the proposed development upon all legally protected species, habitats and biodiversity. The proposed development therefore fails to comply with Policy CS15, DM21 and the revised NPPF. <p>EBC Noted:</p> <ul style="list-style-type: none"> It is acknowledged that there are some examples of two-storey development further along Oaken Lane however the distance from the application site to these properties is significant enough to ensure that they would not be read in the street scene alongside the proposal. A condition should be imposed if permission is granted to ensure this is not let out, sold or occupied as an independent unit. A front boundary wall with gates and piers to a height of between 1.57m and 1.75 is proposed. Given that Oaken Lane is characterised by soft frontages with boundary treatments such as trees and small shrubs or hedges, the addition of a wall with gates and piers is considered to result in unacceptable harm to the character of the area and would be an incongruous form of development within the street scene. It is accepted that the applicant could make use of permitted development rights to construct a wall or gates to a height of 1.0m adjacent to a highway however the excess height above this of between 0.57m and 0.75m is considered to result in sufficient additional harm to the street scene to justify refusal. Side facing windows of No. 81 and 85 do not appear to be primary sources of light into the rooms they serve so any impact is not of concern. The proposed outbuilding has the potential to impact Nos. 1 and 3 Cavendish Drive to the rear of the site. However, given that the outbuilding is a single-storey and would be over 8m from these properties, the impact is acceptable. There is concern with regard to the accuracy of the tree protection plan. The RPA of T4 at a radius of 6m to the east should instead be 8.5m which would place the outbuilding almost entirely inside the RPA of a high quality category B tree. Additionally, the services required to the outbuilding and air source heat pump are likely to result in a detrimental impact upon the root system. 45. Furthermore, it is noted that the proposed entrance gates, piers and wall would be within the RPA of T1 however this has not been considered within the supporting arboricultural report. 				

Report on Planning Applications Decided since the Last Planning Meeting

Other Applications Decided:-

No.	Address	Details		CPC
2022/2847	Quirons House Church Road KT10 0DP	Tree Preservation Order (L04/35) - Ornamental tree to ground level 3 x Turkey Oak	No Obj	Note that the tree is important to the scene and a replacement should be considered.
EBC Noted: • The tree will need to be replaced to maintain future arboricultural amenity to the site and a replacement planting condition has been applied.				
2022/0617	50 Cavendish Drive KT10 0QE	Retrospective Variation of Condition 3 (Materials) of planning permission 2020/3287 (Front and side extensions) to amend the type of roof tiles	Obj	CPC believe that the Application is still a breach of compliance
EBC Noted: • It is considered that the proposed roof tiles would complement those of the existing dwelling and would not cause harm to the appearance of the existing dwelling or appear unduly prominent within the street scene.				
2020/2500	Garages along Foxwarren to the rear of 115-125 Covert Road	Detached two-storey house, bin and cycle store, parking, new access, landscaping and associated highway works following demolition of existing garages.	No Obj	Requested consideration be given to requiring windows to be permanently obscurely glazed Requested protection measures for some of the trees identified in the arboricultural report agreed with EBC prior to works commencing Requested checks for asbestos in the garage roofs.
EBC Noted: • The first floor windows would be primarily orientated north, east and south with only a window serving the stairs and the secondary window to bedroom 4 orientated towards Coverts Road and these windows can be conditioned to be obscurely glazed to preserve the privacy of the adjoining properties. • The Council's Tree Officer who has confirmed they have no objection to the proposed development subject to the inclusion of a number of conditions. • The requirement for emergency vehicles to access the site is not a material planning consideration as it is addressed in building regulations. In addition existing residents should not be parking in a manner that prevents access for emergency vehicles. Non-Standard Conditions were: • Obscure glazing Prior to the first occupation of the development hereby permitted the first floor windows on the west elevation of the development hereby permitted shall be glazed with obscure glass and only operable above a height of 1.7m above the internal floor level of the room to which it serves. The window shall be permanently retained in that condition thereafter. • Tree Pre-commencement Meeting (Additional Arboricultural Information) • Tree Protection Measures (With Pre-Commencement Meeting) • Site Supervision • Tree Retention • Construction Transport Management Plan				
2022/1655	106 Hale Lane Claygate KT10 0LZ (Locally listed Building)	Alterations to fenestration and external finish.	No Obj	No comment
EBC Noted: The alterations to the external finish would involve the painting of existing window joinery and doors in a darker colour. It is considered that the retention of the white finish as existing would be preferable as this is a more traditional colour however it is accepted that the painting of a locally listed building can be considered permitted development as it would be unreasonable to refuse the application on these grounds.				

Appeals Decided:-

No.	Address	Details		CPC
2021/3885	20 Station Road KT10 9DN	Rear dormer windows, front rooflights and alterations to fenestration following removal of chimney stack.	Obj	Not in keeping with the street scene
Planning Inspector Upheld Appeal. Amongst the points the PI made were • I accept the Council's view that compared to the existing building the proposed development would not be complementary to the appearance of the original building. • the main dormer element on the rear roof plane which is permitted development and the subject of a lawful development certificate ('the LDC') would be a significant change to its appearance. The L shape of the dormer that also takes in the roof of the outigger would add to the impact of this 'fall back' position for the appellant, but in itself have a lesser visual impact than the LDC development. Furthermore, the character and appearance of the immediate surroundings has been changed by the Council's recent permission at No. 17, just three houses away, which granted a near identical dormer to that now proposed ... the proposed dormer would have larger 'let ins' from the existing roof than those at No. 17 and to some extent this would reduce its dominance of the existing roof. • On balance, I consider that the larger dormer approved at No. 17 and the other L-shaped dormer at No. 16, combined with the fact that the roof extension and alteration would not in any way affect the street scene of Station Road, comprise extenuating circumstances that weigh in favour of the appeal being allowed				

CIL

Approximately £32,058 is payable on 2020/2500