



Caring for Claygate Village

**PLANNING COMMITTEE MEETING**  
**held at 7.30pm on Thursday 16<sup>th</sup> July 2020**  
**via Zoom.**

Councillors: Geoff Herbert (Chairman of the Committee), Xingang Wang, Janet Swift, Michelle Woodward, Jo Lesser  
Co-opted: Tom Swift, John Bamford,  
In attendance: Sally Harman (Parish Clerk & RFO), 2 members of the public

**1. Apologies for absence**

Cllr Wang confirmed in advance that he would need to exit the meeting at 21h00.

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

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

None

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

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

The Minutes of the meeting on the 18<sup>th</sup> June 2020 were agreed with one amend that Cllr Lessor had sent her apologies for absence in advance. **AP38** GH to deliver signed copy to Clerk.

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

**AP 19** Carol Walker informed the Clerk that the pavement outside the Old Bank 109 Hare Land remains Highways Land so the CPC could return the bench and waste bin to their original position. Cllrs agreed neither the Old Bank location nor the existing location outside of Boots was suitable and an alternative needed to be found. Committee members to send GH alternative suggestions ahead of the next planning meeting **OUTSTANDING**. Covered under Item 5

**AP 25** Geoff Herbert to meet with Ray Lee (Strategic Director at EBC) to request that Case Officers contact Claygate Parish Council if they need to better understand an objection particularly if the planning application was subsequently amended. Due to Covid-19 restrictions it was decided it was quicker for the Clerk to e-mail the Head of Planning at EBC. **DONE**

**AP31** GH to deliver signed copy of minutes of Planning meeting of 21<sup>st</sup> May 2020 to the Clerk **OUTSTANDING**

**AP32** Clerk to notify EBC on the decision of the council with regards to The Dough Shack Street Trading Application. **DONE**

**AP33** Clerk to keep Committee informed on progress of Torrington Road/Oaken Lane Footpath and Roundabout being sold via Rightmove. **DONE** Covered in Item 5

**AP34** Clerk to contact EBC, Kingston & SCC requesting what development is legitimate and approved along Woodstock South lane and what development has not been approved and if not, what

was happening to rectify. **IN PROGRESS** 1 The Oaks is managed by SCC and they confirmed that a refurbishment has been authorised but no additional dwellings beyond the existing 16 had been approved or are in progress. SCC carry out regular site surveys. Kingston are not responsible for any of the land along Woodstock Lane South. Their accountability falls the other side of the A3. Further clarifications are required as it has now been raised that there appear to be 2 further sites next to the SCC managed camp. Clerk to investigate further.

**AP35** Clerk to clarify if any changes had been authorised with EBC, Kingston & SCC to the barriers on Clayton Rd. Clerk notified Kingston and awaiting a response. **IN PROGRESS**

**AP 36** Next East Area Sub-Committee 5pm 22<sup>nd</sup> June 2020. TS to attend if any applications applicable to Claygate. **DONE**

**AP37** Clerk to contact EBC compliance department to get an update on where proceedings with the owner have got to with 1 Caerlon Close. **DONE** Covered under item 10.

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

**1/ Old Bank Bench** - Committee members were to send GH alternative suggestions ahead of this planning meeting of where the Old Bank bench could be permanently positioned. GH confirmed he had only received one suggestion. Clerk had received an update since the last meeting from Martin Kearton, Environmental Officer at EBC, stating that Cllrs had in fact already instructed EBC to reinstate the seat and bin in their original positions once the work was completed back in August 2018.

2 Cllrs voted for the bench to remain as is outside Boots, Hare Lane. 2 Cllrs voted for the bench to return to its prior position outside the Old Bank, 109 Hare Lane and 1 Cllr abstained. Chairman's casting vote was to <b>abstain</b> .
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**AP39** Chairman to speak to Boots about moving the CPC notice board to the other side of the EBC notice board so that the bench could remain as is and not obstruct people viewing the CPC notice board. It was agreed that if this was a possibility then a new CPC board could be put in place and a new cost for this would be brought to the CPC meeting in September.

**2/ Torrington/Oaken Lane Land for Sale** - Surrey's highways team have confirmed that the surface of the footpath and roundabout between Oaken lane and Torrington Road that had appeared for sale on Rightmove would remain vested in SCC as highway authority by virtue of s263 Highways Act 1980 regardless of subsoil ownership. Laura Willats, Surrey Highways, requested residents and Cllrs to flag to them any other instances where a company may sell off their titles and the surface of the land for sale is publicly maintainable highway.

### **3/ Amended Planning Application 2020/1037 – Retrospective rear detached outbuilding with decking.**

Mr Mossett, neighbour to 2 Albury Place, spoke stating the outbuilding was originally built in 2019. In October 2019 it began being used as a separate dwelling referring Cllrs to his sleep log and photos. It was raised as an alleged unauthorised development to EBC. EBC visited the site but Mr Mossett believes that they failed to enter the site or question future usage. Mr Mossett is concerned that the retrospective application does not cover the use or mention several key points such as the boundary line of the building. Mr Mossett confirmed he had not objected to the amended planning application as he didn't feel that the actual application reflected what had been built so he couldn't as such comment on it. Instead he had emailed the Head of Planning at EBC, Kim Tagliarini raising concerns that the addition of the outbuilding to Planning application 2020/1037 had failed to include

information needed for consultees to make an informed decision. He stated the pictures he had provided were solely to provide context for committee members.

**Claygate Parish Council comment to EBC:** CPC would like it to be noted that under Condition 15 of the decision notice for planning application 2012/2872 it stated that trees on borders must be retained for at least 5 years from the first occupancy of the development. We believe this may not be the case and that there may be a breach of planning application.

*20h20 Mr Mossatt exited the meeting*

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

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

**Appeal 2019/3541 Land Adjacent to 14 Elm Road Claygate Esher Surrey KT10 0EH - Detached two-storey building with rooms in the roof space containing three flats, dormer windows and associated parking, bin and cycle store.**

The Clerk had circulated several photos from Mrs Pawley prior to the meeting. Mrs Pawley, resident of 15 Elm Road spoke. She stated that Elm road is a core road for the community with both residential housing, the Community Centre & Capelfield Surgery. She shares a driveway with No 14. No 14 have recently been renovated and they had witnessed significant issues with construction vehicles blocking their driveway. The photos that had been circulated demonstrating this. She believed application 2019/3541 was in contravention of planning regulations due to over development of the site for its size, that it isn't in keeping with the street and that the shared single car access driveway between No 14 and no 15 is not sufficient for the number of cars proposed. She cited that 51 objections had been made and that the original planning proposal had received an outright objection from EBC.

**Claygate Parish Council Comment to EBC:** We would like it noted that in the event that an appeal is successful that a Road Construction Management Plan must be agreed with EBC so to not impact residents, the Community Centre and Capelfield Surgery particularly as Capelfield Surgery requires emergency vehicle access on occasion.

*20h30 Mrs Pawley left the meeting*

**7. Applications from EBC weekly lists including confirmation of comments sent to EBC Week ending 19<sup>th</sup> June through to week ending 10<sup>th</sup> July.**

2020/1394 15 Kilnside - Part two/part single-storey front extension, first-floor side extension, first-floor rear extension and alterations to fenestration.

**Claygate Parish Council: No Comment**

2020/1359 24 Stevens Lane - Tree Preservation Order EL:02/14 - Crown lift 1 x Oak (T1) to 6m, crown reduce by 2m and reduce lower limb by 3m

**Claygate Parish Council: No Comment**

2020/1427 Telecommunication Mast Elm Farm Woodstock Lane South - Telecommunications Notification - Existing 20.0 metre lattice tower to be extended by 2.0 metres, and an additional 3.0 metre high headframe (total height 24.80 meters). Existing Vodafone equipment to be relocated onto extended tower

and headframe Removal of 3 No existing TEF antennas to be replaced with 3No. new antennas. Installation of 1No. GPS module, 12No. RRUs, equipment to be placed in existing cabin and ancillary equipment.

**Claygate Parish Council: No Comment**

2020/1400 2 Beaconsfield Gardens - Claygate Foley Estate Conservation Area - Crown reduce 1 x Lime back to previous reduction points.

**Claygate Parish Council: No Comment**

2020/1104 52 Gordon Road - Tree Preservation Order EL:07/10 - Reduce 1 x Oak height by 1.5m and spread by 3m.

**Claygate Parish Council: No Comment**

2020/1366 23 Claremont Road - Claygate Foley Estate Conservation Area - Fell 1 x Conifer and 1 x Birch.

**Claygate Parish Council: No Comment**

2020/1365 23 Claremont Road - Tree Preservation Order EL: 11/37 and EL: 20/02 - Crown reduce 1 x Purple Leaf Plum by 2.5m and spread by 1.3m, crown reduce 1 x Birch by 4.5m and spread by 0.5m and crown reduce 1 x Oak by 3m and side by 1-2m.

**Claygate Parish Council: Application being amended. No Comment**

2020/1431 York House 18A The Parade - Prior Approval Schedule 2, Part 3 Class O: Change of use from Offices (B1a) to Residential (C3)

**Claygate Parish Council: We would like to note that Bedroom 2 looks to below the minimum government size requirements.**

2020/1338 Magpie Manor Church Road - Conversion of garage in to living space, 1.8m high rear decking, alterations to fenestration and front/rear roof lights following removal of existing roof lights.

**Claygate Parish Council: No Comment**

*21h00 Cllr Wang left the meeting*

2020/1471 Half Acre Church Road - Tree Preservation Order EL:20/21 - Fell 1 x Oak (T1).

**Claygate Parish Council: We would like the tree to be preserved as it is a highly significant tree and very important to the street scene. It would be a great loss to Claygate if it were to be felled. We would ask that alternative solutions are first considered and acted on. These could include removing of the other vegetation which could be contributing, a considerable reduction in the height and spread of the oak, extensive structural support to the house in the form of piling and finally trimming the roots and installing a root barrier.**

2020/1518 30 Simmil Road - Part two/part single-storey side/rear extension and alterations to fenestration following demolition of existing garage.

**Claygate Parish Council: No Comment**

2020/1563 White Ridge Ruxley Crescent - Front and rear dormer windows and side roof light.

**Claygate Parish Council: No Comment**

2020/1498 23 Telegraph Lane - Increase size of existing rear dormer window incorporating Juliet balcony, front roof lights, solar panels, increase parapet wall on existing flat roof by 0.15m and alterations to fenestration.

**Claygate Parish Council: No Comment**

2020/1472 2 St Leonards Road - Tree Preservation Order EL:90/19 - Crown reduce 1 x Sycamore by 2m.

**Claygate Parish Council: No Comment**

2020/1379 33 Station Road - Alter front porch roof from flat to pitched.

**Claygate Parish Council: No Comment**

2020/1500 Rosewood 2 Albany Crescent - Single-storey rear infill extensions and alterations to fenestration.

**Claygate Parish Council: No Comment**

**8. Report on the East Area Sub-Committee Meeting**

There were no applications in Claygate. **AP40** TS to attend next East Area Sub-Committee should anything for Claygate be included.

**9. Licensing applications in Claygate**

None received

**10. Compliance issues**

**2014/4954 1 Caerleon Close** – Clerk received update from Aaron Dawkins on the 8<sup>th</sup> July. There was an arrest warrant issued for the resident as he had failed to show in Court. Resident has now contacted the court and arranged a date to attend. EBC compliance team is focusing on the removal of the garage. They are aware that there are other issues with the development at 1 Caerleon Close.

*21h15 John Bamford left the meeting*

**2019/1654 39 St Leonards** – Windows have been changed to black windows. The whole front of house has been rendered rather than maintaining original brickwork. Neither were detailed on the approved Planning application. **AP41** Clerk to notify Compliance Department at EBC of a breach of application as the window colour has been changed.

**11. Local Plan**

Clerk circulated a link to the Consultation Statement relating to the last Local Plan consultation in March which was approved by ICMDM in June. EBC have confirmed that there is no Local Plan timetable update still. The Clerk circulated comments from the Planning Consultant, employed by Claygate Parish Council, to Cllrs.

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

The Planning Committee are closing monitoring the Local Plan situation. The CPC have employed a Planning Consultant who is reviewing results of the latest Local Plan consultation.

**13. Matters for Information Purposes Only.**

Committee members and Co-opted members to remain as is until 13<sup>th</sup> August meeting at which time the Chairman and Vice Chairman of Planning for the balance of the 2020/21 annual year will be determined.

- 14. To confirm the date of the next meeting and attendance of members of Planning Committee:  
Thursday 13<sup>th</sup> August 2020, 19h30 via Zoom**

**Elmbridge East Area Planning Committee: 17h00 20<sup>th</sup> July**

**The meeting closed at 21h23**

**Chairman:**

**Dated:**

**Reserve for the next meeting: Cllr Brian Rawson**

## Appendix A – Report by John Bamford.

### Applications Refused by Elmbridge Borough Council (EBC) were: -

2020/1432 1 Stockfield Road Claygate Esher Surrey KT10 0QG

Non-Material Amendments to planning permission 2019/3495 to alter the roof of front porch.

#### **#C: Refused**

I can confirm that the above works to alter the roof of the front porch from pitched to gabled represents a notable change in design of the porch that would significantly alter the appearance of the front elevation of the host dwelling and is therefore considered materially different to the approved development

#### **Appeals Lodged**

2019/2277 Land Southwest of Arenella Mountview Road Claygate Esher KT10 0UD

Detached single-storey house with basement, detached garage and new entrance.

Appellant asserts

- that the reasons for refusal of the previous Application on Appeal have been satisfactorily addressed
- that the decision to refuse permission based on a lack of a unilateral undertaking for the provision of an affordable housing contribution was based on a procedural error and therefore misleading

2019/3541 Land Adjacent to 14 Elm Road Claygate Esher Surrey KT10 0EH

Detached two-storey building with rooms in the roof space containing three flats, dormer windows and associated parking, bin and cycle store.

Appellant asserts

- EBC has consistently underdelivered against its objectively assessed housing need, so under the Housing Delivery Test (“HDT”) introduced in 2018 a higher threshold for refusal should be applied for new housing sites which doesn’t appear to be the case for this development.
- Rejects the assertion that the proposed scheme, due to its design, height, scale, siting and proportions would provide a jarring visual appearance detrimental to the character and appearance of the area. This case is reinforced by the assertion that NPPF guidelines are more relevant than local planning policies due to inability to meet housing need and these appear to have been met
- Rejects the assertion that the proposed development would have a demonstrably harmful effect on the living conditions of 14 and 15 Elm Road providing a visually overbearing and harmful mass on the amenity of these residential properties. In particular the Appellant noted that the side of the development would be angled away from No 14 and there are no windows at the side of the development to preserve privacy
- Counters the argument that the lack of onsite parking would be detrimental to the amenities of local residents as it would lead to an increase in parking stress by pointing out that SCC had no objection and provided a picture that showed only two parked cars in the street
- That the Appellant has demonstrated in submitted documentation that he is happy to enter into a legal agreement to make a contribution for affordable housing, so to

refuse permission by reason of the lack of a Unilateral Undertaking in relation to a financial contribution for affordable housing is not correct

### **Appeal Decided**

2019/2221 Oaken Lane Claygate Esher Surrey KT10 0RQ

Prior Approval Schedule 2, Part 16 - Installation of 1No. 20m 'Phase5' street pole, 3No. shrouded antennas, 2No. 0.3m dishes, 3No. equipment cabinets and ancillary development.

Allowed!

The Planning Inspector highlighted that under General Permitted Development Order (GDPO) 2015, the only issues which can be considered in respect of a prior approval application for telecommunications equipment are siting and appearance.

- The mast would be clearly visible, but not overly prominent.
- Although tall it is a slender and not dissimilar to streetlight columns of which there are several near the site.
- This section of Oaken Lane has some existing streetlights and telegraph poles but is not overly cluttered. The addition of a mast with cabinets within this street scene would not result in an overly cluttered appearance. In such a setting a mast is not out of keeping, with such infrastructure now a familiar feature of many streets across the country.
- The issue of the mast being positioned within the Green Belt raised by EBC is not a matter for consideration. Nevertheless, the Planning Inspector stated that in his opinion “the slender mast would not result in any discernible loss of openness to the Green Belt.

**No CIL will be payable on Planning Applications decided since the last Planning Meeting**