Elmbridge Borough Council

Overview and Scrutiny Committee

Report of a meeting held on Monday, 25 February 2019

Members of the Committee:

* N. Haig-Brown (Chairman)
* Rachael I. Lake (Vice-Chairman)

* D.J. Archer  *  N. Houston
* M. Axton    *  Mrs. V. Macleod
* S. Bax      *  Mrs. C. Richardson
* M.J. Bennison  M. Rollings
* Tricia W. Bland  C.R. Sadler
* Mrs. C.J. Cross  *  Mrs. C. Sood
* M.J. Freeman    *  Mrs. J.R. Turner

* Denotes attendance

Also present:

C. James, D.J. Lewis and Mrs. K. Randolph

37/18 Declarations of Interest

There were no declarations of interest.

38/18 Recommendations to Cabinet on 13 March 2019

Recommendation from the Countryside Consultative Group meeting held on 7 February 2019

(Link to Council Priorities: A5, A6, P4, P5)

The Committee considered a report in relation to a recommendation from the Countryside Consultative Group (CCG) meeting that had been held on 7 February 2019 in respect of a Thames Ditton and Esher Golf Club partnership with 1Putt Golf.

1Putt was a new version of golf that was designed to make the game more fun, exciting and accessible for all players. Thames Ditton and Esher Golf Club had been identified as a suitable venue to become an official ‘1Putt Course’ commencing at the start of the 2019 golfing season. 1Putt proposed to invest in the infrastructure, equipment and marketing assets to ensure that the venue was ready to play host to the 1Putt experience.

The partnership meant that the 1Putt Course would be utilised for a pre-determined number of hours during the week and outside these hours, the golf course would
operate largely as normal. Given that would be no material change to the use of Ditton Common as a golf course any partnership would have no additional negative effect on the common. The launch of the 1Putt Course was scheduled to take place on 20 April 2019.

Given that the Council was the Landlord, appropriate legal documentation would be required for all parties to agree. The CCG noted that the proposal supported the Council’s Physical Activity Strategy ‘Elmbridge Active Every Day’ to increase physical activity 1% year on year and would therefore meet a lot of the Council’s key objectives.

During the discussion of the proposal, the CCG had raised concerns over possible additional signage and the use of pop up gazebos and mobile bar with music on certain occasions i.e. corporate events etc. but these would be subject to temporary event notices which 1Putt golf would have to apply for.

Upon consideration of the CCG recommendation, the Overview and Scrutiny

**Recommended**: that a Thames Ditton and Esher Golf Club and 1Putt Golf partnership be trialled for one year on Ditton Common subject to the use of temporary event notices and agreement with officers.

**Matters of Report**

39/18 Invitation to the Environment Agency to provide an update to the Committee on service provisions

The Chairman advised that unfortunately a representative from the Environment Agency could not attend the meeting as outlined in the agenda. It was anticipated that a representative would attend a future meeting of the Committee.

40/18 Recommendations of the Overview and Scrutiny Task Group: Heathrow's Public Consultation

The Heathrow Consultation Task and Finish Group had been established at the Overview and Scrutiny Committee meeting in October 2018 to consider a response to the Heathrow’s Public Consultation on Airspace Change and Future Operations that ran between 8 January and 4 March 2019. In this regard, the Committee considered a report that summarised the key findings of the Task and Finish Group.

In June 2018, the Government had formally backed the expansion at Heathrow Airport that would see the number of runways increase from two to three. Since then, Heathrow (LHR) had been developing proposals in respect of air-space reconfiguration and how the expanded airport might look, operate and best reduce the potential effects which included proposals for compensation and noise insulation. This public consultation was the second of three stages that would help Heathrow determine options for the final flight paths for the expanded airport.

The Chairman of the Task and Finish Group, S. Bax, introduced the report and explained that at the Task and Finish Group meeting held on 10 January 2019,
Heathrow’s Community Relations Team attended to provide an overview of the consultation. The Task and Finish Group agreed to respond to the questions posed in the Consultation in respect of the following topics: Managing noise for an expanded Heathrow; Respite through runway and airspace alternation; Directional preference; Night flights; Other night restrictions; Airspace – local factors; and Consultation feedback. In this regard, a consultation response report on behalf of the Council would be considered by the Acting Leader at an Individual Cabinet Member Decision Making (ICMDM) meeting on 27 February 2019.

The Chairman of the Group further explained that the Task and Finish Group had expressed a preference towards a dispersal of flights rather than a concentration over one specific location. This in effect would spread the load and share the pain for all residents which was the only fair way to treat this issue. He also took the opportunity to report some of the options LHR had proposed in respect of the change in increased number of landings, flight plans and a short-term Independent Parallel Approaches (IPA). In respect of the IPA, the Task and Finish Group had considered that this would be detrimental for Elmbridge residents and that this could therefore not be supported. He explained that at the meeting held on 7 February 2019, the Task and Finish Group had considered all of the consultation questions line by line together with all the viewpoints suggested by the Members.

The Committee then took the opportunity to ask a number of questions.

In relation to the consultation’s online postcode checker, one Member had utilised this facility and commented that some flights would take off from the airport, loop round to the South, before going North which seemed strange. The Chairman of the Task and Finish Group did not think that this was correct as the use of a third runway would mean that aircraft would not cross over the air space of the lower two runways however, he was happy to look in to this further.

The Chairman enquired whether the Task and Finish Group had identified any specific areas in the Borough that Heathrow should be made aware of to avoid overflying. The Chairman of the Task and Finish Group explained that a small list of areas had been identified and although he could not recall them, these had been included within the consultation response. In this regard, only specific major sites could be suggested.

In response to a question regarding the opposition to the proposed IPA, the Chairman of the Task and Finish Group explained that he could not see what benefit Elmbridge residents would get should this go forward. Although this was proposed to be for a limited period of time until the third runway opened, given that circumstances change this could end up being permanent.

In respect of aircraft noise, one Member enquired whether there was any specific height that aircraft flew at that would be deemed intrusive and be a concern for residents. The Chairman of the Task and Finish Group explained that this was quite complex and Heathrow would advise that aircraft flying above a specific height would not be heard.
The Vice-Chairman queried the timeline for the Council’s consultation response to be reported to the ICMDM on the 27 February 2019 given that it had not been reported back to the Overview and Scrutiny Committee for consideration first. The Organisational Development Officer explained that the Council had to respond to the consultation by 4 March 2019. Therefore, the Task and Finish Group’s agreed response being reported to the ICMDM was the quickest way for this to be undertaken and the Committee had the opportunity to comment on the report at this meeting. The Chairman commented that the response report had not been present for consideration. In response, one Member commented that the response was published by way of the ICMDM agenda that was publicly available. In this regard, the Committee agreed that delegated authority be given to the Chairman to approve the response prior to consideration by the scheduled ICMDM.

Accordingly, the Committee

Resolved that:

a) the Heathrow Task and Finish Groups Terms of Reference in response to Heathrow’s Airspace and Future Operations Consultation to be agreed by ICMDM be agreed;

b) the progress made to date by the Overview and Scrutiny Task and Finish Group be noted;

c) all Councillors respond and encourage residents to review the Airspace and Future Operations Consultation documents and attend the consultation events;

d) it be noted that in June 2019 Heathrow will launch their Airport Expansion Consultation which will ask for feedback on the preferred masterplan, including the new runway and associated infrastructure for expansion. Heathrow will also be exploring options that will help to mitigate and manage effects of the airport’s growth; and

e) it be agreed that a formal response to the Heathrow Airspace and Future Operations Consultation be resolved at an Individual Cabinet Member Decision Making meeting on 27 February 2019.

41/18 Community Infrastructure Levy Update

Having undertaken a review of the Community Infrastructure Levy (CIL) processes in Summer 2018, the Head of Planning Services introduced a report that provided an update in respect of changes made to improve the CIL process.

The Committee noted that the review had looked at the CIL funding application process; the application process and time; when the Spending Boards were held; and how CIL was monitored and reported. Following the review, a number of changes had been made to provide a better and more efficient service.

In respect of the application process, the Head of Planning Services explained that some applications had been submitted without the full information required by the
These Minutes should be referred to in conjunction with the Minutes of the subsequent meeting of the Council, where they are presented; and for completeness to the next relevant meeting when the Minutes are adopted.

Spending Boards when determining the applications. This had led to delays, additional requests for information and in some cases deferral. A new application process had been introduced which was set over a ten-week period. This timeline would therefore give applicants sufficient time to prepare and submit their applications. In addition, the Council had produced an updated guidance note and application form to make the process easier to follow and there was a dedicated Infrastructure Delivery Co-Ordinator to assist applicants.

In respect of when the Local Spending Board meetings were held, it was proposed that these be moved from February/March to June/July so that this would allow capital projects and other funding decisions to be made prior to the CIL funding applications opening. In order to facilitate the move of the boards and to ensure the Boards met during the 2019/20 Municipal Year, a round of Local Spending Boards would need to take place in Summer 2019. It was proposed that the Boards would be held in early September 2019 to allow time for the CIL pots to replenish. These proposed Boards would be widely publicised and those organisations on the Council’s CIL database would be informed of the new application dates well in advance. From the 2020/21 Municipal Year onward, the Local Spending Boards would take place in June/July of each year.

In order to better monitor the CIL receipts, a custom-built software system ‘Exacom’ had been procured to facilitate this. This software was widely used by a number of Council’s across the Country. The Committee noted that this software operated in full accordance with CIL legislation, while an in-built calculator automatically determined all liabilities including levies, amendments, apportionment, indexation, surcharges, Affordable Housing and receipts. Furthermore, the system produced all the necessary demand notices and interacted with the Council’s existing financial software which saved officer time and streamlined the process. The software also allowed for more accurate recording as it included the ability to run instant financial queries and would inform an Annual CIL Report.

Since 2013, £23,984,531 had been collected through CIL to be allocated on infrastructure. As part of the Local Plan Review, the Council was to review the CIL Charging Schedule to assess if the current chargeable rate was correct based upon current viability evidence. This would include a consultation and an Examination in Public in 2020.

In respect of the parameters that CIL monies could be spent, one Member enquired whether the Council could expand on these so that the maintenance of roads could be included. Furthermore, the Member commented that where new developments were being built, there was an increased number of construction vehicles using local roads which could cause an impact on the roads. The Head of Planning Services explained that the Government had set out in CIL legislation what the funding could and could not be used for. In this regard, it was clear that CIL had to be used to maintain or provide new infrastructure associated with growth within the Borough. In respect of damage to roads by construction vehicles, the Head of Planning Services explained that this was something that the Developer should make good once the development had been completed and could be dealt with by way of conditions and informatives when the planning permission was granted.
As a follow up question, the Member commented that given that CIL monies could be used for maintenance where there was growth, in his opinion given that new developments added more pressure to the Borough’s road network, he believed that the Council should be able to decide what constituted local infrastructure and decide where CIL monies could be spent. The Head of Planning Services explained that the Spending Boards have the opportunity to consider all applications received and therefore it was for Members to determine whether it met the legislation that had been set by Government.

In respect of the proposed move of the Spending Boards to June/July going forward, one Member enquired how this would be advertised. The Head of Planning Services confirmed that the revised schedule would be fully advertised, and that discussion had been held with the Council’s Communications Team in this regard.

Resolved that the update and progress of the Community Infrastructure Levy be noted.

42/18 Local Plan Update

The Committee considered a report that provided an update in respect of the Local Plan progress to date including a new timetable and Local Development Scheme (LDS).

The Head of Planning Services introduced the report and explained that a considerable amount of work was involved in preparing its new Local Plan. Since the publication of the previous LDS in November 2017, the Council had been developing the Local Plan evidence base, as well as undertaking a number of additional evidence-based studies. This included a Borough-wide Density Study; Urban Capacity Study; and supplementary work on Green Belt Boundary Review. The Council had also commissioned a Highways Assessment; Water Cycle Study; Air Quality Impact Assessment; and a Habitats Regulation. The results from these would inform the next key stage in the Local Plan preparation.

Following the publication of the National Planning Policy Framework (NPPF) final version in July 2018, the Council had been able to consider the implications of the changes and in this regard had published a new LDS with a revised timetable for taking forward the Local Plan over the next three years (2018-2021).

In addition to the Local Plan, the Council would be preparing a new Supplementary Planning Document (SPD) in respect of Parking Standards. This would provide guidance regarding parking provision and design and would seek to encourage modal shift as well as ensuring appropriate mitigation measures were included within developments including the enablement of car free development in sustainable location. The Council would not be amending its existing Design and Character SPD given that these were adopted post NPPF and were considered to remain in accordance with national policy and would apply regardless of the overarching spatial strategies and allocations the Council sought to deliver.
However, the Council would review and amend where necessary the Developer Contributions SPD and its CIL Charging Schedule as they would be affected by the outcomes of the Local Plan evidence review as well as changes to national policy on the delivery of affordable housing. Therefore consultation, examination and adoption on any updated CIL Charging Schedule would be ‘twin tracked’ with the Local Plan.

The Committee acknowledged that it was important that the Council continued to demonstrate its commitment to plan preparation in moving expeditiously to the next stages of the consultation as set out in the LDS. The next key milestone would be the consultation of the draft Local Plan Strategy including sites that would be undertaken in Summer 2019.

The Chairman enquired what the difference was between the Local Plan and the LDS. The Head of Planning Services explained that effectively, the LDS was the Council’s timetable for producing the Local Plan which encapsulated all of the planning policies which would apply to development within the Borough.

In respect of a question regarding the proposed Parking Standards SPD, the Head of Planning Services explained that all Members would be consulted and invited to attend a Workshop to consider its content.

Resolved that the update and progress on the preparation of the Local Plan be noted.

43/18 Scrutiny of Cabinet Members - Portfolio Holder for Planning

(Link to Council Priorities: All)

The Portfolio Holder for Planning Services, Councillor J.W. Browne was invited to attend the meeting to answer any questions that the Committee may have in respect of the work currently being undertaken as part of his Portfolio and to highlight any issues or challenges.

The Chairman commented that residents often complain that where new development takes place it often happens without the related infrastructure. In this regard he enquired whether the Local Plan, when published, would include a list and the location of Doctors Surgeries, proposals for new roads or drainage schemes or anything that would be defined as infrastructure. The Portfolio Holder confirmed that the Local Plan would contain this information and that it was vital that the Council consulted with all infrastructure providers in this regard. Furthermore, he commented that the Council had commenced to look at this particular matter by way of publication of the Infrastructure Delivery Plan as agreed at an Individual Cabinet Member Decision Making meeting held in January 2019.

As a follow up question, the Chairman enquired why residents could not establish that if a development was built on a particular site, there was no related Doctors’ Surgery. The Portfolio Holder understood that the National Health Service (NHS) had an algorithm that once the number of additional residents went over a specific target figure an additional Doctor would be required for that area but not necessarily...
state where the Doctor would be practising from. This was controlled by the local Clinical Commissioning Groups (CCG) who would make the decision in this regard. It was understood that the projected demand over the next 15 years could be absorbed within the existing surgeries. However, by doing so it was likely that the size of the existing surgeries would expand thereby there would be more Doctors operating out of one location rather than additional surgeries being opened.

In respect of a question regarding permitted development rights whereby developers could convert empty office space into residential units without having to go through the usual planning system, the Portfolio Holder explained that unfortunately this had been a Government policy decision several years ago and there was very little the Council could do to prevent this. The Head of Planning Services explained that the Council could, and had placed Article 4 Directions in Town Centres to protect the conversion of retail to residential units however, it was impossible to have a Borough-wide ban.

In respect of a question relating to retrospective planning applications, the Portfolio Holder explained that these types of application could not be treated any differently. However, should local residents notice any potential unlawful works being undertaken, then this should be reported to the Planning Services Team as quickly as possible as the Council’s Enforcement Officers could investigate these occurrences and in some circumstances the work could be halted.

In relation to the Council’s Buildings Risk Survey, one Member enquired whether this document was available as he could not locate it on the Council’s website. The Head of Planning Services explained that the Buildings Risk Survey had been undertaken a couple of years ago however, as the report contained confidential information it was unavailable on the Council's website. The Head of Planning Services explained that a copy of the survey results could be provided to the Member outside of the meeting.

In respect of the Cabinet Members Portfolio, the Chairman enquired whether there were any areas within his remit that had been underperforming. The Portfolio Holder explained that unfortunately the quarterly figures did not look good and one reason for this was due to the appeals target results. In the last quarter only 37% of the appeals dealt with during this period went in favour of the Council’s decisions. However, the figures were skewed by the fact that there were only a very small number of appeals dealt with during this period and the Council did not win as many decisions as it would have liked to have achieved. The Portfolio Holder explained that Members needed to think carefully in respect of potential decisions that might become subject to appeal because of the possible cost implications the Council maybe subject to.

One Member enquired how long it should take for an application to change its use class from D to G to be processed. The Head of Planning Services explained that the target for this to be undertaken was eight weeks. The Member commented that a resident in his Ward had submitted an application in September and was still awaiting a decision. The Portfolio Holder explained that as a rule the Planning Services Team normally met the timescales however, he could only apologise and
if there was no improvement then the Member should contact him and provide the relevant details for this to be looked in to further.

In respect of appeal decisions, one Member enquired whether there were any trends or reasons why the Planning Inspectors had not agreed with the Council’s decisions. The Portfolio Holder explained that most of the decisions made by the Planning Committees were of a discretionary matter i.e. design etc. and on occasion went against what the officer’s had recommended. Ultimately, it was a matter of judgment for those Members sitting on the Planning Committees. Unfortunately, Planning Inspectors who reviewed the appeals quite often did not know the area as well as the Councillors did and therefore could come to a different conclusion.

The Chairman thanked the Portfolio Holder for Planning Services and the Head of Planning Services for attending the meeting and for providing informative answers to the questions asked by the Committee.

44/18 Cabinet Decision Making

(Link to Council Priorities: All)

The Committee considered the Cabinet’s Forward Plan, which covered the period 1 March 2019 to 30 June 2019 and contained matters which the Leader of the Council had reason to believe would be the subject of consideration by Cabinet or Individual Cabinet Members during this period. The Committee was also asked to identify any relevant matters for inclusion within the Work Programme in 2018-19.

In respect of Painshill Park, the Vice-Chairman enquired whether there was a requirement for the organisation to continue providing updates to the Council. In this regard, the Chairman mentioned that Paul Griffiths, the new Director of Painshill Park would be attending the Committee’s March meeting to provide an update report for Members. One Member explained that given that the Council owned the land they felt that the organisation should continue to provide ongoing updates.

Members enquired about two items present on the Forward Plan in respect of ‘Infrastructure Feasibility Study Fund for Surrey’ and ‘Council Lottery’. The Organisational Development Officer would ascertain some information in respect of both of these matters and would provide this to Members following the meeting.

Agreed that the

(a) Cabinet’s Forward Plan be noted; and

(b) decisions taken by Cabinet at its meeting on 13 February 2019 be noted.
Overview and Scrutiny Work Programme 2018-19

The Committee was invited to review progress against its work programme, identify any additional items for consideration at a future programme and add, amend or delete items from the work programme as appropriate.

The Organisational Development Officer explained that the following Terms of Reference had been proposed for the Overview and Scrutiny Parking Task and Finish Group:

‘To review the matter of free car parking periods on Saturdays in Walton on Thames and local village car parks and make recommendations to the Overview and Scrutiny and Cabinet prior to the end of June 2019.’

The Committee agreed to these Terms of Reference for the Parking Task and Finish Group.

Agreed that:

(a) the Parking Task and Finish Group’s Terms of Reference, as above, be agreed;

(b) the progress of the Committee’s work programme for 2018-19 be noted.

The meeting commenced at 7.00 pm and concluded at 8.26 pm

N. Haig-Brown
Chairman

Democratic Services Officer

M. Clarke

Committee and Member Services Officer

Other Officers in attendance

Mrs. N. Anderson  -  Head of Organisational Development
Mrs. K. Tagliarini  -  Head of Planning Services
Miss. L. Leigh  -  Organisational Development Officer
N. Martin  -  Policy Officer (Partnerships)
L. Harvey-Samuel  -  Policy Assistant
Miss. B. Pollington  -  Policy Assistant
Miss. D. Swanson  -  Policy Assistant
J. Tong  -  Legal Officer