

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.

Elmbridge Borough Council

Planning Committee

Report of a meeting held on 10 September 2019

Members of the Committee:

- * Mrs. S.R. Kapadia (Chairman)
- * P.M. Harman (Vice-Chairman)

*	D.J. Archer	*	Mrs. V. Macleod
*	A.P. Burley	*	Mrs. M. Marshall
*	B.J.F. Cheyne	*	Mrs. D.M. Mitchell
*	Mrs. C.J. Cross	*	Mrs. R. Mitchell
*	Mrs. C. Elmer	*	T. Popham
*	C.R. Green	*	Mrs. K. Randolph
*	C. James		Mrs. J.R. Turner
	A. Kelly		

* Denotes attendance

Substitutes:

N. Haig-Brown (Substituting for Mrs. J.R. Turner)

18/19 Declarations of Interest

There were no declarations of interest.

Matters of Report

19/19 Reports of the Area Planning Sub-Committees

The Committee considered the reports of meetings of the East, North and South Area Planning Sub-Committees.

The Chairman advised the Committee that she would be moving an amendment to the East Area Planning Sub-Committee Minutes of 12 August 2019, when those Minutes were presented subsequently to the Sub-Committee for adoption. The amendment would be in respect of the minute for Application No. 2019/1131 – 32 St. Mary's Road, Long Ditton and would clarify that the minute should have simply read that the decision was to defer the application for the reason specified, rather than deferring for the reason specified and identifying a particular date for reconsideration of the application. Members of the Planning Committee noted this update.

Resolved that the reports of the East, North and South Area Planning Sub-Committees held on 12 August 2019 be received.

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.

20/19 Planning Application(s)

(Link to Council Priorities: P2 – Deliver appropriate sustainable planning decisions)

Resolved that the application set out below be determined as indicated, in accordance with authority delegated to the Committee:

(a) 2019/0215 - 45 More Lane, Esher

As part of her introduction, the Senior Planning Officer reported a correction to the report. The Committee noted that the text immediately below paragraph 94 of the report should read that the proposed development did not require a CIL payment as the proposal was for C2, not C3 Use.

Members were advised that if they were minded to approve the application an additional condition (No. 20) would be recommended in respect of C2 Use, and that amendments would also be recommended by officers to Condition No. 3 – Materials Samples; No. 5 Landscaping – Scheme; No. 6 – Landscaping – Tree Planting and Aftercare; and No. 13 – Travel Plan.

The Committee was addressed by Mrs. E. Bowen, an objector and Dr. C. Wood, on behalf of the applicant.

The Committee, having reviewed the relevant material considerations, considered that the application did not sufficiently overcome the previous reasons for refusal insofar as the proposed scale of the development was too large & overbearing for the site and created a loss of daylight & sunlight to the neighbouring properties as a result.

Accordingly, the Committee resolved to

Refuse permission, contrary to the officer's recommendation, for the reason set out below:

1. By reason of the scale of the proposed development, this proposal would be too large for the plot and appear both dominating and overbearing in appearance resulting in a loss of daylight and sunlight to a scale which would impact unfavourably upon the amenity of the adjoining properties, in particular Stowell House. The proposal fails to comply with policy DM2 of the Elmbridge Development Management Plan 2015, CS9 and CS17 of the Elmbridge Core Strategy 2011, the Design and Character SPD and the NPPF.

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.

21/19 Conservation Area Advisory Committees Review

The Committee was reminded that changes to the Scheme of Delegation for Planning Services had been agreed at the Planning Committee meeting on 23 July 2019. These had come into effect on 1 September 2019. At the meeting in July the Committee had also requested that further research be undertaken with regard to the involvement of Conservation Area Advisory Committees (CAACs) in relation to the Scheme of Delegation.

Officers had been asked to investigate the merits and implications for changes to the Scheme of Delegation relating to comments from CAACs in relation to two areas of discussion, namely whether an objection from a CAAC should count as 10 objections; and whether an objection from a CAAC should trigger referral to the relevant Sub-Committee or Planning Committee.

Members were advised that a review of all Surrey and London boroughs and districts had been undertaken to investigate how comments from Conservation Advisory Committees were treated elsewhere and the results were set out in the appendix to the report.

It was noted that there was no statutory duty for the Council to facilitate CAACs, nor was there national guidance on how they should be organised, operated or on the composition of their membership. Although Conservation Area Advisory Committees were set up by the Council, they operated independently, with their primary purpose being to advise the Council. The Council was required to carry out consultation in line with Government guidance and the Council's Statement of Community Involvement.

The CAACs were consulted on planning applications within the relevant Conservation Areas and their comments were listed under the consultees section of the Planning Officer's report, thereby giving them more prominence than other representations. An objection from a CAAC did not change the level of delegation for a decision and it was noted that the only exception where an objection triggered a referral to Committee was Claygate Parish Council. The status of Claygate Parish Council representations on planning applications had been reviewed in November 2014 by the Planning Committee and it was concluded that the trigger should remain.

The Committee supported the continuation of existing arrangements in this regard as it was clear when any CAAC comments were received they were included within the consultees section of the report, rather than simply being summarised in the list of other representations received. Arising from a query, the Development Manager confirmed that arrangements could be made to also include reference within reports to when a CAAC advised that it had no comment on a particular application.

The Portfolio Holder for Planning referred to the Constitution Procedures for the CAACs that had been adopted by the Planning Committee on 23 May 1995, and specifically that in respect of the Membership provisions, the current arrangement was that 'Council Members may either be appointed to serve on

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.

the Committee or attend meetings as observers'. The Member concerned was of the view that the Membership criteria should be updated to stipulate the inclusion of at least one sitting Councillor on each CAAC. Members discussed this proposed update and some Members expressed concern as to whether this could result in risks of accusation of a conflict of interest or predetermination of an application through the consideration of it as part of CAAC consultation. Members therefore supported seeking a formal view from the Head of Legal Services as to the benefits/risks of changing the Membership details to include sitting Members. It was agreed that initial consideration of this aspect be undertaken at the Planning Chairs and Vice-Chairs informal meeting, with a report from the Head of Legal Services and the Head of Planning Services being presented to the Committee with any recommendations in due course, as appropriate.

The Committee supported the proposals set out within the report which were designed to improve engagement with the CAACs as consultees, given their valued contribution to the planning process in Elmbridge and in view of the shared desire to ensure the best outcomes for the Borough.

It was therefore

Resolved that

- (a) the following actions be implemented in order to improve the engagement between the Council and members of the CAAC:
1. contact between the Council's Conservation Team, Development Management Team and the CAACs be improved;
 2. guidance/training be offered to CAAC members in relation to identifying harm to Conservation Areas and conflict with development plan policies within representations;
 3. CAAC objections be reviewed internally with the Conservation Team during the application process and feedback be given to CAAC where comments do not identify harm or conflict with policy;
 4. clearer consideration of CAAC comments be provided within officer reports;
 5. objections or confirmation of 'no comment' from CAACs be clearly referred to within representations;
 6. a Planning Users Group be established for bi-annual meetings for non-statutory consultees and interest groups, such as CAACs, to meet with senior officers from Planning Services; and
 7. during pre-application discussions, applicants/developers on major/significant applications within Conservation Areas be encouraged to engage with CAACs before making a planning application;

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.

- (b) no changes be made to the Scheme of Delegation relating to Conservation Area Advisory Committees; and
- (c) the informal Planning Chairs and Vice-Chairs meeting consider the advantages/disadvantages of having a sitting Councillor as part of the Membership of the CAACs, and that any recommendations in this regard be submitted to the Planning Committee by officers in due course.

22/19 Planning Compliance Update

(Link to Council Priorities: Character and Environment)

The Committee considered a report that provided an overview of the performance and work flow of the Planning Compliance Team.

In respect of the current caseload of compliance investigations, Members noted that as at 21 August 2019, there were 192 cases.

Resolved that the performance and work flow of the Planning Compliance Team be noted.

23/19 Appointment to the Local Plan Working Group

Members noted the circulation of an updated Appendix A detailing the current Membership of the Working Group.

The Committee considered the appointment of a Member to the Local Plan Working Group.

Resolved that B.J.F. Cheyne be re-appointed to the Local Plan Working Group for a 4-year term of office, subject to the Member concerned remaining on the Planning Committee.

The meeting commenced at 7.00 pm and concluded at 8.21 pm

Mrs. S.R. Kapadia
Chairman

Democratic Services Officer

Ms. M. Bailey

Committee and Member Services Manager

Other Officers in attendance

P. Falconer

- Development Manager

Ms. A. Krofah

- Law Practice Manager

Ms. K. Herrington

- Senior Planning Officer