

Claygate Parish Council (CPC) meeting Elmbridge Borough Council (EBC) regarding Torrington Lodge Car Park proposal.

24 August 2023 - Meeting Notes

Claygate Parish Council: Sue Grose, Tim Freeborn, Hadleigh Moon, Janet Swift, Donna Holt, Geoffrey Herbert, Gil Bray, Michael Collon

Elmbridge Borough Council: Cllr Simon Waugh, Cllr Bruce McDonald, Adam Chalmers, Kim Tagliarini, Victoria Statham, Stuart La Frenais, Catherine Malloy.

Meeting started at 2pm

- Claygate Parish Council asked to record the meeting as advised by their Parish Clerk (to enable accuracy of confirming the minutes).
- EBC declined this request and confirmed that the meeting could not be recorded but instead notes would be taken and agreed afterwards.
- EBC summarised the main points contained in a 20-page report prepared for Elmbridge Cabinet, which had not been previously shared with CPC.
- CPC stated they had significant issues with the report and requested a copy, commenting that it was an enormous amount of information to be expected to absorb with not having had access to a written copy of it prior to the meeting.
- EBC stated that the report shows how EBC had taken CPC concerns seriously, as the preparation of the report had taken significant time and EBC wanted to talk to CPC first before publishing the report on the council website.
- When asked, CPC stated that the report did not satisfy their concerns and asked again for a clear agreement to pull/pause the DFA until a full options appraisal could be committed to.

Development Funding Agreement (DFA)

- CPC asked if the DFA has been signed. EBC confirmed it has not.
- CPC asked if a Heads of Terms agreement has been signed. EBC confirmed a Heads of Terms agreement is not a legally binding agreement, but a document prepared on which the contracts are based.
- CPC asked if a lease agreement has been signed. EBC confirmed it has not.
- CPC asked if Elmbridge Cabinet on 13 September is a scheduled meeting or a 'special' meeting. EBC confirmed the Cabinet meeting is a normal scheduled meeting.
- EBC confirmed again that a Cabinet meeting was not required for the signing of the DFA to proceed. EBC also reconfirmed that that a cabinet meeting would be required if the project was to be paused/pulled.
- EBC confirmed that all Cabinet members have been asked if they are satisfied for the process to proceed. Cllr Simon Waugh confirmed he has responded that he is satisfied.
- CPC asked if EBC intended to sign the DFA. EBC stated there are no reasons why they should not but confirmed they wanted to talk to CPC first following

the concerns they had raised, and also that they were due to meet with CCDB on 30 August 2023.

Elmbridge Local Plan

- CPC raised issue with Claygate being described in the current draft Local Plan as a 'district centre', whereas the current Core Strategy describes it as a 'local centre'. CPC has reviewed the reasons outlined for the change and doesn't agree with the classification.
- CPC stated that Claygate has no need for additional retail capacity and has been ranked as a "successful" local centre.
- CPC pointed out that EBC's Cabinet Report referred to Claygate as a Village and also that Kilo refers to Claygate as a Village in its publicity material and as such a retail impact assessment is required.
- CPC do not believe that a full options appraisal has been conducted. They understand EBC's need for recurring revenue but other possibilities for mixed use should have been considered eg housing or mixed retail housing – or other retail options such as a gym. The absence of any open tender process means that it is simply not possible for EBC to claim that this is the most successful option.
- CPC has spoken to planning, development and retail experts and there is a "shared confidence" that EBC has not followed due processes by not commissioning a Retail Assessment before entering a DFA. EBC dispute this and the report to Cabinet outlines the processes followed.
- CPC has been advised that an independent retail impact assessment is warranted for Claygate. EBC confirmed that this would be carried out as part of the planning process.
- CPC believes EBC is in breach of its own guidelines around public consultation, as there has not been sufficient or appropriate consultation on this proposal. EBC may have felt they were doing the best for Claygate but this proposed development has 'landed badly'. There may be a silent majority in support of the development, but no one knows due to a lack of consultation.
 - EBC addressed the issue of Claygate being a 'district centre' in the draft Local Plan which has been in the public domain for a number of years and had been consulted on throughout the draft Local Plan process. EBC confirmed that the evidence for the draft local plan had been produced in 2020/21.
- CPC noted that EBC's report to Cabinet stated that the first approach from Kilo was received in 2021 (though CPC observed that P Clarke of Kilo had said he had been pushing the idea for 10 years) and also that, in that same year, the draft Local Plan had reclassified Claygate as a District Centre.
- EBC confirmed that in planning terms (classification and hierarchy of settlements) Elmbridge does not have villages, but we do recognise that residents identify as living in villages in terms of character, community and EBC helps to reinforce that local identity.

EBC development strategy

- CPC questioned EBC's strategy around development on council land. They determined this project to be lacking strategy and to be "lazy procurement".
- They don't want Claygate to be the "nirvana" for EBC financially.
- EBC challenged this view and stated that EBC is considering the revenue potential of council land across the borough.
- Cllr Waugh stated that a gym would return 40% less than a retailer like M&S.
- EBC stated that the development could have consisted of only housing to support the urgent need for more homes in Elmbridge but that a mixed-use development with M&S was more in keeping with the character of Claygate.
- Torrington Lodge is the most underperforming council car park in Elmbridge and was assessed as part of the commercial and financial strategy on that basis. Other underperforming car parks and sites are also being assessed.

Process between EBC and CPC

- CPC revisited the issue of process, stating that while CPC were advised of the potential development, the size and scale was not referenced, and no follow up details were provided.
- Minutes from the CPC meeting at the time confirm it was noted and discussed.
- CPC said they were naïve not to challenge.
- EBC confirmed that the charter between CPC and EBC is clear that there is no statutory obligation to disclose commercially sensitive information. CPC asked EBC if, on reflection, they were starting again would they have engaged more. Cllr Simon Waugh said he was Mayor last year and therefore neutral, and believes process conducted was correct due to the commercial sensitivity and Cllr Waugh said that were the situation to arise again from a commercial perspective EBC would not have acted differently.
- CPC stated that pulling the project would be best for Claygate. That starting again would allow the process to move more positively forward.
- CPC reiterated their view that the proposal is an existential threat to the community and "feel" of the village of Claygate.
- CPC stated that they chaired the recent public meeting in a balanced way, presenting the timeline and had taken great care not to object to the proposal.
- It remains the aim of CPC to work with EBC in the best interest of Claygate.

Moving forward

- Cllr Bruce McDonald stated that he and EBC would like to move forward. That the report shows how seriously the concerns of CPC are being taken. When elected he stood to unlock the jam on the Local Plan, not release green belt and to support vibrant high streets. EBC has submitted a draft Local Plan to

the Secretary of State (35 other English councils had paused or withdrawn theirs from examination). He accepts that CPC and EBC have different views on what's best for Claygate but would like to find a way forward.

- CPC apologised to the EBC Head of Planning for any personal difficulties she might have experienced as the result of her comments from the meeting of June 23rd being made public on July 21st. However, CPC Cllrs noted that they had all heard what she had said at that meeting. [NB: the relevant minute of the June 23rd meeting is "EBC noted that on Planning Policy alone the proposal was unlikely to be refused".] CPC noted the respect they have for her and for her support of the CPC over many years.
- EBC confirmed that the principle of the proposal was unlikely to be refused on planning policy alone. A retail use within a town centre location is supported by adopted planning policy. EBC also confirmed, that all planning applications are determined on their own merits. The application will be assessed in full when it is submitted.

Final comments

- Cllr Bruce McDonald stated he was always open to discussing the proposal for the car park. That it was never a done deal and should not be classified as such. Claiming that it is a done deal is a misrepresentation, EBC officers had not asserted that the proposal was a 'done deal' and he appreciated the apology offered today.
- CPC restated that consultation with the Claygate community would be a good way forward, for a proposal that provides recurring revenue but does not split the community.
- CPC also offered a comment that some in the community like the proposal, some do not and some are not bothered.
- CPC asked for their freedom of information request to be responded to and asked whether EBC had contributed to the recent Surrey Live article. EBC confirmed they had not.
- EBC had spoken to the Co-Op head office, and they had confirmed they would not close within 3 months of the M&S store opening. CPC challenged this view as it was not the view that had been presented to them. EBC confirmed that they had been advised that it is one of their best performing stores in the area and the Co-op have lease renewal shortly and are negotiations to renew their lease in the full knowledge that M&S may open.

Meeting ended at 3.15pm.