Legal and Democratic Services

PLANNING COMMITTEE

Wednesday 13 May 2020 at 7.30 pm

Place: Remote Meeting

PLEASE NOTE: this will be a 'virtual meeting'.

The link to the meeting is: https://attendee.gotowebinar.com/register/8326421643833809679
Webinar ID: 837-882-891

Telephone (listen-only): 0800 031 4738, Telephone Access Code:548-494-301

The members listed below are summoned to attend the Planning Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Clive Woodbridge (Chair)
Councillor Monica Coleman (Vice-Chair)
Councillor Nigel Collin
Councillor Neil Dallen
Councillor Previn Jagutpal
Councillor Colin Keane
Councillor Jan Mason
Councillor Steven McCormick
Councillor Lucie McIntyre
Councillor Debbie Monksfield
Councillor Peter O'Donovan
Councillor David Reeve
Councillor Humphrey Reynolds

Yours sincerely

Chief Executive

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk.

Public information

Information & Assistance:

Please note that this meeting will be a 'virtual meeting'

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

Information about the terms of reference and membership of this Committee are available on the Council's website. The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public
There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the above items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. As this meeting of the Committee will be held online, **you must register in advance if you wish to speak.**

To register to speak at this Planning Committee meeting, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, tel: 01372 732000 in advance of the deadline for registration, which is given below.

We will ask you to submit a written statement that can be read out at the meeting in the event of any technical issues during the meeting. The statement must be of no more than 3 minutes in length when read aloud.

If a number of people wish to speak on a particular application, public speaking will normally be allocated in order of registration. If you fail submit your written statement, then your place may be allocated to those on speakers waiting list. Further information is available by contacting Democratic Services, email: democraticservices@epsom-ewell.gov.uk, tel: 01372 732000.

Deadline for public speaking registration: Noon, 11 May

Guidance on Predetermination /Predisposition

The Council often has to make controversial decisions that affect people adversely and this can place individual members in a difficult position. They are expected to represent the interests of their constituents and political party and have strong views but it is also a well established legal principle that members who make these decisions must not be biased nor must they have pre-determined the outcome of the decision. This is especially in planning and licensing committees. This Note seeks to provide guidance on what is legally permissible and when members may participate in decisions. It should be read alongside the Code of Conduct.

Predisposition

Predisposition is lawful. Members may have strong views on a proposed decision, and may have expressed those views in public, and still participate in a decision. This will include political views and manifesto commitments. The key issue is that the member ensures that their predisposition does not prevent them from consideration of all the other factors that are relevant to a decision, such as committee reports, supporting documents and the views of objectors. In other words, the member retains an “open mind”.

Section 25 of the Localism Act 2011 confirms this position by providing that a decision will not be unlawful because of an allegation of bias or pre-determination “just because” a member has done anything that would indicate what view they may take in relation to a matter relevant to a decision. However, if a member has done something more than indicate a view on a decision, this may be unlawful bias or predetermination so it is important that advice is sought where this may be the case.

Pre-determination / Bias

Pre-determination and bias are unlawful and can make a decision unlawful. Predetermination means having a “closed mind”. In other words, a member has made his/her mind up on a decision before considering or hearing all the relevant evidence. Bias can also arise from a member’s relationships or interests, as well as their state of mind. The Code of Conduct’s requirement to declare interests and withdraw from meetings prevents most obvious forms of bias, e.g. not deciding your own planning application. However, members may also consider that a “non-pecuniary interest” under the Code also gives rise to a risk of what is called apparent bias. The legal test is: “whether the fair-minded and informed observer, having considered the facts, would conclude that there was a real possibility that the Committee was biased’. A fair minded observer takes an objective and balanced view of the situation but Members who think that they have a relationship or interest that may raise a possibility of bias, should seek advice.

This is a complex area and this note should be read as general guidance only. Members who need advice on individual decisions, should contact the Monitoring Officer.

AGENDA

1. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

2. MINUTES OF THE PREVIOUS MEETING (Pages 5 - 26)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 12 March 2020 (attached) and authorise the Chairman to sign them.

3. FORMER EPSOM POST OFFICE 74 HIGH STREET EPSOM KT19 8BE (Pages 27 - 40)

Variation of Condition 2 (Approved drawings) 3 (External materials) 9 (Roof Details) 10 (CTMP) of planning permission 17/01868/FUL.

4. FORMER EPSOM POST OFFICE 74 HIGH STREET EPSOM KT19 8BE (Pages 41 - 50)

Internal and external demolition, refurbishment and extension to building (Listed Building Consent) in association with application reference 19/01397/REM.

5. MONTHLY REPORT ON PLANNING APPEAL DECISIONS (Pages 51 - 54)

The Planning Service has received the following Appeal decisions from 21 February to 1 May 2020.