

PLANNING COMMITTEE

Thursday 19 December 2019 at 7.00 pm

Council Chamber - Epsom Town Hall

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 tel: 01372 732121 or email: democraticservices@epsom-ewell.gov.uk

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Information & Assistance:

You are welcome to attend this meeting which is open to the press and public as an observer. You will however be asked to leave before the Committee considers any items in the Part II agenda. If you have any specific needs, require assistance or reasonable adjustments to be able to attend the meeting, or need further information please contact Democratic Services tel: 01372 732121 or email: democraticservices@epsom-ewell.gov.uk.

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.

Mobile telephones

Please switch your mobile telephone to silent mode whilst attending the meeting.

Accessibility:

Please note that the venue for this meeting is wheelchair accessible and has an induction loop to help people who are hearing impaired. This agenda and accompanying reports are published on the Council's website in PDF format compatible with the "read out loud" facility of Adobe Acrobat Reader.

Filming and recording of meetings:

The Council allows the filming, recording and photographing at its meetings that are open to the public. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings. Anyone proposing to film, record or take photographs of a meeting is requested to advise the Democratic Services Officer before the start of the meeting (members of the Press please contact the Press Office). Filming or recording must be overt and persons filming should not move around the meeting room whilst filming nor should they obstruct proceedings or the public from viewing the meeting. The use of flash photography, additional lighting or any non hand held devices, including tripods, will not be allowed unless this has been discussed with the Democratic Services Officer.

Those wishing to take photographs or record meetings are asked to read the Council's 'Recording, Photography and Use of Social Media Protocol and Guidance' ([Section 10, Part 5 of the Constitution](#)), which sets out the processes and procedure for doing so.

Security:

Please be aware that you may be subject to bag searches and will be asked to sign in at meetings. Failure to comply with these requirements could mean you are denied access to the meeting. There is also limited seating which is allocated on a first come first serve basis, you should aim to arrive at least 15 minutes before the meeting commences.

Public speaking

Public speaking in support or objection to planning applications is permitted at meetings of our Planning Committee. If you wish to speak at a Planning Committee meeting, you should come to the reception area of the town hall in person between 5.30pm and 6.30pm on the night of the meeting to register. It is not possible to pre-register prior to this. If a number of people wish to speak on a particular application you will normally be asked to nominate a single representative from amongst you. Further information is available from our [website](#) or by contacting Democratic Services tel: 01372 732121 or email: democraticservices@epsom-ewell.gov.uk.

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 7 - 26)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Planning Committee held on the 7 November 2019 (attached) and authorise the Chairman to sign them.

3. 59 ASHLEY ROAD EPSOM SURREY KT18 5BN 18/00548/FUL (Pages 27 - 44)

Residential development of 6 flats in a detached building, including associated landscaping, access and parking following demolition of existing dwelling.

4. KINGS ARMS PUBLIC HOUSE 144 EAST STREET EPSOM KT17 1EY 19/00900/REM (Pages 45 - 60)

Variation of Condition 2 (Approved drawings) of planning permission 18/00315/FUL to permit minor revisions to the elevations and fenestration of the proposed new building.

5. ODEON CINEMA, 16 - 18 UPPER HIGH STREET, EPSOM, KT17 4QJ - 19/01056/REM (Pages 61 - 68)

Variation of opening hours

6. TOWN HALL CAR PARK, DULLSHOT GREEN, EPSOM KT17 4NY - 19/01285/CLE (Pages 69 - 74)

Application for certificate of lawful use in respect of hand washing at Hope Lodge and Town Hall Car Parks.

7. CAR PARK - UPPER HIGH STREET, EPSOM KT17 4QY - 19/01333/CLE (Pages 75 - 80)

Application to establish the lawful status of the existing use of part of car park for hand car washing

8. TREE PRESERVATION ORDER 37 - REVOCATION - 18A RICHLANDS AVENUE (Pages 81 - 86)

Revocation of Tree Preservation Order 37

9. MONTHLY REPORT PLANNING APPEAL DECISIONS (Pages 87 - 88)

The Committee is asked to note appeal decisions from 20th October 2019 to 2nd December 2019.