

# Planning Committee

## 23 March 2023

22/00010/FUL - Hobbledown, Horton Lane, Epsom, Surrey, KT19 8PT

**Head of Service:** Justin Turvey, Interim Head of Place Development

**Wards affected:(All wards);** Ruxley Ward

**Appendices (attached):** Planning Committee report dated 9<sup>th</sup> March 2023

### Summary

The report requests the Planning Committee at the special meeting to determine Agenda Item 5 of the Planning Committee meeting held on 9<sup>th</sup> March 2023.

### Recommendation (s)

#### The Committee is asked to:

- (1) Make a planning determination on Item 5 and if the Committee is minded provide alternative proposals, impose conditions or if the Committee is minded reject the application providing planning reasons.**

## 1 Reason for Recommendation

- 1.1 The Planning Committee is required to determine the planning decision of Item 5 of the Agenda of the Planning Committee meeting held on 9<sup>th</sup> March 2023.

## 2 Background

- 2.1 The Planning Committee meeting held on 9<sup>th</sup> March 2023 heard a number of planning applications in connection with Hobbledown. Item 5 of that agenda related to a retrospective application on "Erection of perimeter boundary timber fencing, relocation of entrance gates and installation of gas tank holder". The reference number of the retrospective application is 22/00010/FUL ("Planning Application").
- 2.2 The Planning Application was presented by Officers, public speaking took place and Members of the Planning Committee debated the merits of the application.
- 2.3 The Planning Committee was required to determine the planning application in accordance with Part 5 of the Constitution, Codes and Protocols, Section 8 - Model Code of Practice in respect of Planning Matters: Probity in Planning.

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- 2.4 Paragraph 6.1 of Model Code of Practice in respect of Planning Matters: Probity in Planning requires “All Committee decisions are made by a simple majority.”
- 2.5 A vote was taken on this item. However, there was confusion about the number of Committee Members voting for, against and abstaining and the effect of Chairman’s casting vote. This led to a declared outcome different from the vote upheld.
- 2.6 Therefore, the decision made to grant the planning application at the meeting has been deemed to be ineffective and this special meeting is being held.
- 2.7 The purpose of the meeting is to determine that item alone. It will be a continuation of the previous meeting and the same Committee Members will be required to attend and vote only. For the avoidance of doubt there will be no debate, no further presentation or questions from members of the public.

### **3 Risk Assessment**

#### Legal or other duties

##### 3.1 Equality Impact Assessment

3.1.1 None.

##### 3.2 Crime & Disorder

3.2.1 None.

##### 3.3 Safeguarding

3.3.1 None.

##### 3.4 Dependencies

3.4.1 None.

##### 3.5 Other

3.5.1 None.

### **4 Financial Implications**

4.1 None arising from this report.

4.2 **Section 151 Officer’s comments:** None for the purposes of this report

### **5 Legal Implications**

5.1 The legal implications are contained within the body of this report.

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### 6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** n/a

6.4 **Sustainability Policy & Community Safety Implications:** n/a

6.5 **Partnerships:** n/a

### 7 Background papers

7.1 The documents referred to in compiling this report are as follows:

**Previous reports:**

- Planning committee report dated 6<sup>th</sup> October 2022

**Other papers:**

- Planning committee report dated 9<sup>th</sup> March 2023.