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Democratic Services
White Cliffs Business Park
Dover
Kent CT16 3PJ

Telephone: (01304) 821199
Fax: (01304) 872452
DX: 6312
Minicom: (01304) 820115
Website: www.dover.gov.uk
e-mail: democraticservices@dover.gov.uk

21 April 2021

Dear Councillor

I am now able to enclose, for consideration at the meeting of the **PLANNING COMMITTEE** on Thursday 22 April 2021 at 6.00 pm, the following report that was unavailable when the agenda was printed.

4 **MINUTES** (Pages 2-14)

To confirm the minutes of the meeting of the Committee held on 25 March 2021.

Yours sincerely

A handwritten signature in black ink, appearing to be "N. Smith", written over the text "Chief Executive".

Chief Executive

Minutes of the meeting of the **PLANNING COMMITTEE** held remotely on Thursday, 25 March 2021 at 6.00 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
M Bates
E A Biggs
T A Bond
M D Conolly
D G Cronk
O C de R Richardson
H M Williams
C F Woodgate

Officers: Principal Planner
Senior Planner
Senior Planner
Planning Officer
Planning Consultant
Planning Solicitor
Democratic and Corporate Services Manager
Democratic Services Officer

The following persons submitted written statements which were read out by the Democratic and Corporate Services Manager in lieu of public speaking:

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/20/01407	Mr Andy Bateman	Mr Mike Tolhurst
DOV/20/01533	Mrs Molly Bradley	-----
DOV/20/01369	Mr D Wilkins	Ms Deborah Bailey
DOV/20/00936	-----	Mr David Penny
DOV/20/01303	Ms Jane Scott	-----
DOV/20/01245	Ms Emily Penkett	Mr David Hawkes Councillor P D Jull

104 APOLOGIES

It was noted that there were no apologies for absence.

105 APPOINTMENT OF SUBSTITUTE MEMBERS

There were no appointments of substitute members.

106 DECLARATIONS OF INTEREST

There were no declarations of interest.

107 MINUTES

The Democratic Services Officer advised that an error in the minutes in relation to the list of public speakers had been caused by auto-formatting and had already been corrected.

In relation to Application No DOV/20/00419 (Almond House, Betteshanger Sustainable Parks, Sandwich Road, Sholden), she was aware that some Members were in favour of substituting 'grant' with 'approve' in the resolution. Whilst this did not change the substance of the resolution, it could be done if Members were so minded.

Subject to the changes articulated, the minutes of the meeting held on 25 February 2021 were approved as a correct record and signed by the Chairman.

108 APPLICATION NO DOV/20/01407 - LAND BETWEEN SOUTH VIEW AND DEAN HOLME, FLAX COURT LANE, SHEPHERDSWELL

The Committee was shown an aerial view, plans and photographs of the application site which was outside the village confines of Eythorne, located between two public rights of way. The Planning Consultant advised that the application sought planning permission for the erection of a detached, single storey dwelling. As a correction to the report, Members were advised that references to Church Hill in section 1 should read Chapel Hill, and references to the appeal site in paragraphs 1.3 and 1.6 should read application site. A previous application in 2016, for a two-storey dwelling, had been refused and dismissed at appeal. It appeared that the applicant had taken account of the Planning Inspector's (PI) comments as, whilst the dwelling now proposed was not of an inspiring design, it was to be located on the western side of the site, and the opportunities for overlooking had been addressed by the removal of the second storey.

As a site outside the confines, the starting point for determining the application was Core Strategy Policy DM1. Unsupported by other development plan policies and not ancillary to existing development or uses, the application was contrary to Policy DM1. It was also contrary to Policy DM11 and, potentially, to Policy DM15, matters that were addressed in section 2 of the report. However, as Policies DM1 and DM11 were designed to deliver the district's housing need based on the 2010 Core Strategy, it was considered that these policies were out of date and, as such, the 'tilted balance' approach of paragraph 11 of the National Planning Policy Framework (NPPF) applied.

In this regard, and for the purposes of paragraph 79 of the NPPF, it was recognised that the proposed dwelling would not be isolated within the countryside. In respect of paragraph 78 of the NPPF, it was also recognised that the dwelling had the potential to help maintain the vitality of the rural community and to support local services. Taken together, these paragraphs appeared to support a new dwelling in the proposed location under certain circumstances. In terms of Policy DM11 and the generation of travel outside the confines, Officers had taken into account the fact that there was a bridleway linking the site to the centre of the village, and a reasonable range of amenities and facilities within walking and cycling distance. For these reasons, it was considered that there was no conflict with the NPPF.

Finally, when considering Policy DM15, it was necessary to take into account the conclusions of the PI which were material planning considerations. As set out in paragraphs 2.13 to 2.16, the PI and Officers concluded that the site was better related to its semi-rural surroundings, to which it made a positive contribution, rather than the urban edge of the confines. The proposed dwelling's visibility, together

with its domestic paraphernalia, would harm the character, appearance and intrinsic beauty of the countryside. The proposal would be in conflict with Policy DM15 and paragraph 170 of the NPPF, and refusal was therefore recommended.

The Chairman pointed out that the application site was surrounded by properties on all sides. In his view, the proposal was acceptable in terms of residential amenity and design. Councillor M Bates commented that the site was surrounded by a number of properties that had been extended. It had been used as a dumping ground or for illegal parking over the years and, in his view, a small house was more likely to have a positive impact on the rural outlook. Councillor R S Walkden agreed, arguing that, whilst it was a narrow lane and a small plot, a modest dwelling of the type proposed was acceptable. Councillor O C de R Richardson stated that opinions on design were subjective, and he liked the design. Councillor T A Bond added that the development would fill in a gap between properties and improve an unsightly site.

The Planning Consultant advised that, whilst the design was not of high quality, the dwelling was of a form that would fit the context of the site and address the previous reasons for refusal. In terms of highways, he advised that the bridleway was infrequently used by traffic and a sightline was not therefore necessary. However, if approved, a condition could be added to have the hedge set back. Whilst it would be possible to impose a condition requiring a pedestrian visibility splay, he advised against too much engineering at the site because of its rural location. It was likely that a site survey and bridleway investigation would be needed to establish the boundaries of each. Since the applicant had not served notice on Kent County Council (KCC) Highways, there was no reason to believe that the development would encroach upon the bridleway. Should the site become subject to changes in boundaries, an application would be required to vary the planning permission.

In response to Councillor D G Cronk who mentioned conditions and, in particular, the use of permeable surfaces, he set out some of the conditions that could be attached, such as standard time limit, foul and surface water drainage, construction management plan and the removal of permitted development rights for roof extensions and outbuildings, etc. If Members were minded to approve, the Principal Planner confirmed that the proposed development would not have an adverse effect on the integrity of the Thanet Coast and Sandwich Bay Special Protection Area or Ramsar site.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/20/01407 be APPROVED on the grounds that: (i) Core Strategy Policy DM1 is considered out-of-date and, as such, the Committee considers that there is no conflict when assessing the application against the National Planning Policy Framework; (ii) The proposal would bring benefits in the form of an additional dwelling, construction jobs and support for local facilities and services, as well as an improvement to the street scene by developing a site which was currently in poor condition; and (iii) The proposed scheme is well designed and better related in its immediate context to the built environment rather than the rural landscape.

and subject to the following conditions:

- (i) Standard time limit;
- (ii) Approved drawings;

- (iii) Foul water drainage;
- (iv) Surface water drainage;
- (v) Construction management plan;
- (vi) Environment management plan (including bridleway);
- (vii) Climate change measures;
- (viii) Biodiversity enhancement measures;
- (ix) Electric vehicle charging points;
- (x) Parking spaces;
- (xi) Refuse;
- (xii) Soft and hard landscaping (including permeable surfaces);
- (xiii) Removal of permitted development rights for roof extensions and outbuildings;
- (xiv) Sightline.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording and planning conditions in line with the issues set out in the report and as resolved by the Planning Committee.

109 APPLICATION NO DOV/20/01533 - 48 THE MARINA, DEAL

Members viewed an aerial view, plans and photographs of the application site. The Principal Planner advised that the application sought planning permission for the erection of a garage and annexe, with the existing garage and lean-to to be demolished. Objectors had raised concerns about the intended use of the annexe. However, the annexe would be used for ancillary purposes and this would be secured by condition. The proposed building would be well separated from neighbouring buildings, and there would therefore be no detrimental impact caused by loss of light, overlooking or sense of enclosure. Whilst the site was in a Flood Risk Zone 3, the proposed measures to protect a building that would only be used as ancillary accommodation were considered acceptable.

Councillor O C de R Richardson moved the report recommendation, pointing out that Deal Town Council had raised no objections and that eighteen statements of support had been submitted. Councillor M D Conolly commented that the proposed scheme would be in keeping with the street scene since there was an eclectic mix of house shapes and sizes. It was clarified that the front elevation of the proposed building would be set marginally behind the existing line of garages.

RESOLVED: (a) That Application No DOV/20/01533 be APPROVED subject to the following conditions:

- (i) Standard time;
- (ii) Carried out in accordance with submitted documentation including drawings, design and access statement, flood risk assessment, etc;
- (iii) A record be maintained of the occupants of the building, periods of occupation and their relationship with the owner.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by the Planning Committee.

110 APPLICATION NO DOV/20/01369 - THE MANOR, 22 THE STREET, WEST HOUGHAM

The Committee viewed a plan and photographs of the application site which was within the village confines of West Hougham and the Kent Downs Area of Outstanding Natural Beauty (AONB). The principle of development on the site was accepted.

The Senior Planner advised that the application sought outline planning permission for the erection of two detached dwellings on a site that was the sub-divided garden of 22 The Street. Indicative plans had been submitted. To the south-east of the site was a public right of way, and to the south-west a recent development of five houses. The plots of the proposed dwellings would be small, but they were considered acceptable, as was the size of the new amenity space for no. 22. Access would be via an existing driveway and would result in an intensification of its use by potentially four households. Advice had been sought from Kent County Council Highways (KCC) and, whilst not an ideal layout, KCC had advised that, given the volume of traffic and absence of accidents, there would not be an unacceptable impact on highway safety nor a severe cumulative impact on the road network. It was recognised that there would be some impact on the amenity of adjacent properties. However, this was not sufficient to justify refusal, nor unusual in a village setting. In respect of emergency access, a matter raised by third parties, Kent Fire and Rescue had agreed that sprinklers fitted inside the houses and long hoses would provide a satisfactory arrangement. The 'tilted balance' approach outlined in paragraph 11 of the NPPF applied. In the Officer's view, the adverse impacts of the development were well below a level where they would significantly and demonstrably outweigh the benefits.

Councillor H M Williams queried whether a permeable surface could be used for the driveway, and whether trees could be planted along the boundary of the driveway and the back of the houses. Councillor Richardson raised concerns about the impact on the AONB. The Senior Planner advised that the boundary between the site and other houses on The Street was a mixture of vegetation, fences and a wall. A condition could be added at the reserved matters stage requiring details of landscaping and boundary treatments. However, she cautioned that planting trees at boundaries was not always appropriate due to overshadowing. There were no proposals to change the surface of the driveway. Both Southern Water and the Council's Building Control team had confirmed that the drainage arrangements were satisfactory. She clarified that the AONB extended across the whole of West Hougham.

RESOLVED: (a) That Application No DOV/20/01369 be APPROVED in outline subject to the following conditions:

- (i) Approval of the details of the layout, scale, landscaping and appearance (hereafter called 'Reserved Matters') shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved;
- (ii) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission;
- (iii) The development hereby permitted shall be begun not later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved;
- (iv) The outline plan received on 7.1.2021 is for indicative purposes only and does not form part of an approved scheme;
- (v) The development hereby permitted shall be carried out within the application site outlined on drawing number KBC/19/158/001 REV 01 received on 19.11.2020;
- (vi) The permission hereby approved shall be for two dwellings only with slab levels to match that of no. 22 The Street and with an eaves height no greater than that of a single storey property. The dwellings shall be either chalet bungalows or bungalows. Neither of the properties shall incorporate dormer windows in the north-western and northern elevations;
- (vii) The application for Reserved Matters shall include details of the space to be laid out for parking of cars and details of space for vehicles to turn so that they may enter and leave the site in forward gear. The dwellings hereby approved shall not be occupied until the approved spaces, the vehicular access to them and turning areas have been laid out and surfaced in accordance with the approved details and, thereafter, it shall not be used for any purpose other than the parking of vehicles;
- (viii) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no clear glazed openings shall be constructed in the side (south-west or north-east) elevations of any approved dwellings;
- (ix) Prior to commencement of development, details shall be submitted and approved in writing by the Local Planning Authority of the measures to prevent the discharge of surface water onto the highway. Works shall be carried out in

accordance with approved details prior to first occupation of the dwellings hereby permitted;

- (x) Prior to the first occupation of the development hereby approved, cable ducting and electrical wiring suitable to facilitate any subsequent installation of (an) 7kW 32amp OLEV-compliant wall or ground-mounted charging points(s) adjacent to the car parking spaces proposed shall be installed and shall thereafter be retained such that it remains capable of providing the electricity required by any future electric vehicle charging point;
- (xi) Prior to the first occupation of the dwellings hereby approved, each dwelling shall be fitted with a domestic sprinkler system conforming to BS 9251 (or equivalent) or a water mist system conforming to BS 8458 (or equivalent) which shall thereafter be maintained;
- (xii) The application for Reserved Matters shall include details of a scheme for the storage of refuse. The approved scheme shall be provided before the dwellings are first occupied and shall thereafter be retained in that form.

1. Informatives: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
2. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Your attention is drawn to their comments and requirements dated 16.12 20 in relation to the disposal of surface water.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions, in line with the issues set out in the report and as resolved by the Planning Committee.

The Committee was shown an aerial view, a plan and photographs of the application site which was within the settlement confines of Shepherdswell. The Senior Planner advised that the application sought planning permission for the erection of a detached dwelling on a site which was currently used as the rear garden of 53a Westcourt Lane. Development in the lane was predominantly linear, with other backland developments having taken place. Amendments had been sought by Officers to the original application and these had led to a simplified form of dwelling. The history of the site was set out in the report, but it was noteworthy that planning permission had been granted for a dwelling on the site in 2011.

In response to Councillor Richardson who referred to the imposition of an agricultural method statement, the Senior Planner confirmed that this would be included in the landscaping condition. Councillor Bates regretted that the site had been cleared before planning permission had been granted, in particular the removal of mature trees. Several Members raised concerns that 53a was being used for commercial purposes. The Senior Planner advised that she was aware that the detached garage was being used for homeworking but not of other activities.

RESOLVED: (a) That Application No DOV/20/00936 be APPROVED subject to the following conditions:

- (i) Time period;
- (ii) In accordance with approved plans;
- (iii) Materials;
- (iv) Landscaping;
- (v) Drainage details;
- (vi) Parking provision;
- (vii) Construction management plan;
- (viii) Measures to accommodate electric vehicle charging facility;
- (ix) Provision of refuse and bicycle storage facilities;
- (x) Removal of permitted development within Part 1, Classes A, B and C;
- (xi) Installation of a sprinkler system.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the report and as resolved by the Planning Committee.

Members were shown an aerial view, drawings, plans and photographs of the application site which was outside settlement confines and within a conservation area. The Planning Officer advised that the application sought planning permission for the erection of two dwellings and the conversion of an existing agricultural building.

As an update to the report, she advised that Environmental Health Officers had now submitted further informal comments. They had advised that it would be difficult to predict intrusive noise affecting future residents if the buildings were infrequently used. As the agent had stated, the buildings were used for low-level agricultural storage for hay and fertiliser, and another member of the Environmental Health Team had previously agreed that this was the case. If the buildings continued to be used infrequently for this purpose, there would be no need for noise mitigation. A condition could be imposed requiring the existing agricultural storage buildings to remain as storage with infrequent use only and not to be used for agricultural purposes. However, the Planning Officer clarified that the barns were outside the site boundary. They did not appear to be under the control of the applicant and, as such, it was not possible to impose a condition as it would not meet the tests for imposing planning conditions. Nonetheless, an assessment on the impact of the uses of the neighbouring barns had been made in the report, and the informal comments of the Environmental Health Officer did not change the recommendation to grant planning permission.

Members were advised that the site contained two disused barns set in a courtyard formation. To the north-east and south-east of the site were two large barns, one used for agricultural storage and the other for hay storage. To the south-east, on the opposite side of the highway (and public right of way), were more agricultural barns, with a Grade II-listed farmhouse beyond. Permission was sought to erect two dwellings and convert an existing agricultural building to form two further dwellings, along with the associated parking and gardens. An existing agricultural building would be demolished. Details of landscaping and materials would need to be submitted to demonstrate that the proposed scheme would be executed sympathetically.

The Committee was advised that Policies CP1, DM1, DM4, DM11, DM15 and DM16 were the most important policies for determining the application. The location was outside the settlement confines and therefore contrary to the Council's Local Plan. However, as a matter of judgement, it was considered that Policies DM1 and DM4 were out-of-date on the basis that they were designed to deliver the lower housing need set out in the 2010 Core Strategy and should therefore carry limited weight. Whilst not out-of-date, DM11 and DM15 were considered to carry reduced weight as explained in paragraphs 2.10 and 2.11 of the report. As a consequence, the 'tilted balance' approach set out in paragraph 11 of the NPPF was engaged. These matters were addressed in full in paragraphs 2.2 to 2.13 of the report. Policy DM16 was consistent with the NPPF and should be afforded full weight. In respect of DM11, and the need to resist development that would generate travel outside the confines, Officers were of the view that, whilst the policy was not out-of-date, it carried reduced weight due to the site's relatively close proximity to Whitfield and Shepherdswell, both of which could be accessed by bus services serving the hamlet.

In response to questions, the Planning Officer confirmed that she was satisfied that the barn was capable of conversion, albeit that substantial works would be needed to the upper floor. Councillor Bates expressed concerns about the presence of a storage barn in close proximity to residential accommodation, particularly as there

had been a lot of farming-related activity at the site when he visited. Councillor Biggs raised concerns about the storage of fertiliser near dwellings which he viewed as a potential hazard. He also referred to the barn outside the site and the fact that there would be no control over its use. Whilst the site would be ideal for commercial development, he did not believe it was suitable for residential use. Councillor Bond questioned the sustainability of the proposal, particularly the rationale of building houses in the middle of a working farm in a hamlet.

The Principal Planner advised that Policy DM4 supported the re-use of agricultural buildings for commercial activities. However, the policy was more restrictive than the NPPF and therefore carried reduced weight. Paragraph 79 of the NPPF sought to avoid development of isolated homes in the countryside. Because the development was not considered to be isolated, paragraph 78, which sought to enhance or maintain the vitality of rural communities, was relevant. Whilst Coldred did not have many facilities or services, it was served by bus services that connected to Shepherdswell with its shop, primary school, GP surgery and train station. Village services could be fragile and the development would provide additional patronage for them, thus meeting the objectives of the NPPF. Although a balanced decision, the site was considered suitable for housing development. He emphasised that, unless there was a belief that the harm caused by the development would significantly and demonstrably outweigh the benefits, the 'tilted balance' approach of granting planning permission should be applied. The Planning Officer clarified that there were at least three bus services that served Coldred throughout the day.

Councillors Richardson and Walkden supported the development, arguing that it would re-use a redundant building, enhance the setting of the farm and support local services.

It was proposed by Councillor O C de R Richardson and duly seconded that Application No DOV/20/01303 be APPROVED as per the report recommendation.

On being put to the vote, the motion FAILED.

It was proposed by Councillor E A Biggs and duly seconded that Application No DOV/20/01303 be REFUSED on the grounds that: (i) The site was unsustainably located; and (ii) Due to the development's proximity to a working farm, the living conditions of future occupants in respect of noise, disturbance and contamination would be compromised.

On being put to the vote, the motion was CARRIED.

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/20/01303 be REFUSED on the following grounds:

- (i) The site was unsustainably located;
- (ii) Due to the development's proximity to a working farm, the living conditions of future occupants in respect of noise, disturbance and contamination would be compromised.

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the issues raised and as resolved by the Planning Committee.

APPLICATION NO DOV/20/01245 - SITE SOUTH OF MARLBOROUGH ROAD, DEAL

The Committee viewed an aerial view, a plan and photographs of the application site which was within the settlement confines of Deal. The principle of development on the site was therefore established. The Senior Planner advised that the application sought outline planning permission for the erection of up to nine dwellings.

Members were advised that the site was mainly open paddock/grassland which, whilst designated open space, was not publicly accessible. The area surrounding the site was a mixture of residential and commercial uses. A 2016 outline application for the same site had been approved, as had the reserved matters application. However, two recent applications, the first for fourteen dwellings and the second for nine dwellings, had been refused.

As a site that lay on the edge of open countryside, Policies DM15 and DM16 which resisted development that would adversely affect the character or appearance of the countryside or harm the character of the landscape, were relevant. However, it was the Officer's view that the visual impact of the development could be satisfactorily mitigated with an effective landscaping strategy and sensitively designed dwellings. The Committee was advised that the applicant had agreed to retain a sizeable portion of the site as a landscape buffer. In addition, there would be an equipped play area and amenity green space. Whilst there would be a quantitative loss of open space resulting from the development, this would be compensated for by the qualitative provision of a play area and amenity green space that would be accessible to members of the public.

In respect of drainage, and following concerns raised by third parties, Southern Water had confirmed that the foul water network had sufficient capacity for the development. Nevertheless, in recognition of the significant concerns surrounding this issue, full details of surface water and foul water drainage would be required prior to the commencement of the development. If necessary, a Grampian condition, such as the one attached to the Church Lane development, could be imposed requiring all capacity works to be completed prior to first occupation.

The proposal would provide nine dwellings in a sustainable location. The loss of open space would be mitigated by the provision of better play facilities and amenity space that, unlike the existing open space, would be publicly accessible. Moreover, no visual harm would be caused to the countryside or wider landscape. Approval was therefore recommended.

Councillor Bates was disappointed that the applicant had not provided an indicative layout showing the position of houses, parking and access. Its absence made determining the application difficult. Councillor Cronk raised concerns about traffic congestion and access in the surrounding roads. Councillor Williams commented that there was a number of housing developments under way in Deal, Sholden and Great Mongeham Deal was short of the necessary infrastructure to support these developments and, in her opinion, the proposed scheme was not needed, particularly as it would lead to the loss of attractive green space and 'suburbanise' the area further. Whilst the green space was privately owned, it was used by local children. She also referred to the noise generated by nearby commercial and industrial units/workshops.

The Senior Planner advised that, as a result of consultation with the Council's Environmental Health team, conditions would be attached to ensure that the living conditions of future occupants would not be prejudiced by noise, disturbance, etc. In response to concerns raised by Members, she clarified that condition 10 would require the submission of details regarding the applicant's proposal to provide access via Marlborough Road. The Principal Planner clarified that the previous planning permission for the site had been based on access via Magnus Road and a private road. The current application proposed direct access via Marlborough Road which KCC Highways had advised would require upgrading. The applicant would require separate approval from KCC to access the adopted road in order to facilitate the development. He stressed that the development was not required to remedy existing problems, such as lorries accessing the industrial estate. The wording of the condition was such that the applicant's access proposals would be subject to full scrutiny. Officers were aware that part of the site was informally accessed by the public. However, it was an unregulated use and could be stopped at any time. The proposed scheme would provide a space that was safe, well equipped and more usable.

Councillor Walkden commented that, whilst he understood the concerns raised, the scheme would provide publicly accessible open space. Deal was a popular place to live and the need for more housing there was obvious. Members could request that the application came back to the Committee at the reserved matters stage when matters of concern could be addressed. If Members were at that point minded to refuse, they could do so.

Councillor Bond supported the concerns raised by other Members about the application's lack of detail. In particular, he could not understand why, if planning permission had previously been granted, a layout plan had not been submitted. The report offered no justification regarding the loss of the open space which had been designated as such some years previously. Enjoyment of the site was not just derived from being able to access it, and local residents had benefited from its ecology, wildlife and vegetation for many years. The only means of accessing the site was via two private roads and this concerned him. He expressed doubts about the level of financial contributions agreed when no plans had been submitted regarding the layout of houses and roads. He remained sceptical about Southern Water's assertion that there was sufficient network capacity when it had advised over a number of years that the sewerage network needed upgrading. Given the site's long history, he would have hoped that the historical problems associated with the site would have been addressed in the application. He was of the view that the application should be deferred or refused. Councillor Richardson agreed with Councillor Bond, arguing that there were too many uncertainties and that the application should be refused.

The Principal Planner reiterated that the reserved matters application could come back to the Committee for determination if Members wished. The purpose of the outline application was to establish the principle of the development, but allow Members to consider all other matters at a later stage. The Senior Planner clarified that a reserved matters application approved in 2017, which had not included a landscape buffer or retained any open space, had expired. The applicant had reapplied in 2018 and the application had been refused due to the loss of open space and harm to the landscape. An appeal had been dismissed. The current application included a landscape buffer which was regarded as a substantial improvement.

The Principal Planner advised that the existing Local Plan carried limited weight given that an updated Plan was currently being consulted upon under Regulation 18. He stressed that Members were considering a site for which planning permission for nine dwellings had previously been granted. Unlike the application previously granted permission, this application would safeguard 50% of the site as publicly accessible space and provide an equipped play area. If so minded, the Committee would be refusing an application that offered substantially more benefits than one previously granted. This position would be difficult to defend at appeal. Members had the option to defer the application. However, they would need to be clear what additional information was being sought.

It was moved by Councillor O C de R Richardson and duly seconded and

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/20/01245 be REFUSED on the grounds that the proposed development would fail to provide open space with an equivalent or better provision in terms of its quantity or quality compared with the existing site, and would cause harm to the character and beauty of the countryside contrary to policies DM15, DM16 and DM25 of the Core Strategy and the National Planning Policy Framework (the precise wording to be deferred to Officers, but should include specific NPPF paragraphs, in particular paragraph 170).

(b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the issues raised and as resolved by the Planning Committee.

(The Chairman advised the Committee that, in accordance with Council Procedure Rule 9, it was required to pass a resolution to continue the meeting beyond 10.00pm.

RESOLVED: That, in accordance with Council Procedure Rule 9, the Committee proceeds with the business remaining on the agenda.)

(The meeting was adjourned at 9.56pm for a short break and reconvened at 10.05pm.)

114 APPEALS AND INFORMAL HEARINGS

The Committee noted that there was no information to receive regarding appeals and informal hearings.

115 ACTION TAKEN IN ACCORDANCE WITH THE ORDINARY DECISIONS (COUNCIL BUSINESS) URGENCY PROCEDURE

The Committee noted that no action had been taken.

The meeting ended at 10.18 pm.