

Minutes of the meeting of the **PLANNING COMMITTEE** held remotely on Thursday, 3 September 2020 at 4.30 pm.

Present:

Chairman: Councillor J S Back

Councillors: R S Walkden
M Bates
D G Beaney
E A Biggs
T A Bond
J P J Burman
D G Cronk
O C de R Richardson
H M Williams

Officers: Principal Planner
Principal Planner
Principal Planner
Planning Officer
Planning Consultant
Senior Environmental Protection Officer
Planning Solicitor
Democratic Services Manager
Democratic Services Officer

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

<u>Application No</u>	<u>For</u>	<u>Against</u>
DOV/20/00249	Ms Ana Rukavina	Mr Joe Brady
DOV/20/00403	Mr Nigel Brown	Mrs Donna Foster
DOV/19/01260	Mr Alex Kalorkoti	Mr Kevin Lynch
DOV/20/00358	Hume Planning Consultancy	Mr Neil Williams
DOV/19/01025	Ms Emma Hawkes	Mr Brian Reidy Councillor K Mills and Councillor C D Zosseeder
DOV/20/00439	Mrs Jill Matthews	Mr Vincent Millard

20 APOLOGIES

It was noted that there were no apologies for absence.

21 APPOINTMENT OF SUBSTITUTE MEMBERS

It was noted that there were no substitute members appointed.

22 DECLARATIONS OF INTEREST

There were no declarations of interest.

23 MINUTES

The minutes of the meeting held on 23 July 2020 were approved as a correct record and signed by the Chairman.

24

APPLICATION NO DOV/20/00249 - LAND AT 9 PARK AVENUE, DOVER

Members viewed plans and photographs of the application site. The Planning Consultant advised that retrospective planning permission was sought for the conversion and change of use of a property to a House of Multiple Occupation (HMO) for up to seven people, the use having commenced in 2018. No external changes to the building were proposed. Refuse and cycle storage would be provided in the rear garden area and could be controlled by way of a management plan condition to ensure that the storage of containers did not become a problem, as it had with HMO properties elsewhere in Dover. The applicant's details would also be made available to neighbours as part of the management plan. The applicant had requested that a condition restricting the visiting hours of non-residents be extended from 9.00pm to 11.00pm. Objections had been raised about external maintenance, but this was outside the remit of Planning.

Members were advised that the Council had not adopted a policy in relation to HMOs, and it was therefore necessary for them to judge the application on its merits. In this regard, the property was in a sustainable location, with access to public transport and the facilities of the town centre. It was notable that no complaints had been lodged with the Council's environmental protection team since the use of the property as an HMO had started.

In response to queries from Councillor E A Biggs, the Planning Consultant clarified that the basement was in use and that an attic room was not currently in use. It would be a breach of conditions if its subsequent occupation raised the number of residents above the threshold of seven. In terms of parking, it was the view of Kent County Council (KCC) Highways and Officers that the demand for parking was unlikely to be materially different from the demand generated by the building's previous use as a family dwelling. Whilst it was difficult to park in the road during the day, spaces were available in the evening when people working in the town centre had left.

Councillor H M Williams raised concerns that there was no Council policy on HMOs, particularly as she was aware that there were existing HMOs in the same road and another was planned. It was also an issue of concern for Dover Town Council. Councillor T A Bond commented that the property had been operating as an HMO for some time with apparently no reported problems. Whilst parking was an issue, the property was close to town centre facilities and public transport and, on balance, should be supported.

The Planning Consultant emphasised that the management plan was designed to ensure that any concerns raised by neighbouring residents could be dealt with quickly. The applicant had not been aware of concerns about the storage of wheelie bins at the front of the property. By imposing a condition, their storage at the rear could be enforced. It would also be possible to include in the management plan a reference to a resident with responsibility for putting out and stowing away the bins. In respect of visiting hours, he considered it reasonable for professional people to expect to be able to entertain visitors until 11.00pm. He advised that work had already started on an HMO policy as part of the Local Plan review. He clarified that HMOs were not restricted to use by a particular category of occupant.

RESOLVED: (a) That Application No DOV/20/00249 be APPROVED subject to the following conditions:

- (i) The layout of the building to be in accordance with the submitted drawings;
 - (ii) The use of the building to be limited to up to 7 persons at any one time;
 - (iii) The rear garden of the site to accommodate the provision of cycle, refuse and recycling facilities;
 - (iv) A Management Plan to be submitted to, and approved in writing by, the Local Planning Authority within 3 months of the date of the decision. The Management Plan shall set out how the applicant will provide contact details and liaise with near neighbours and respond to concerns or complaints within a specific timeframe, and monitor how the use adapts to the local environment;
 - (v) The premises shall not be open to visitors (they shall not gain access to the premises) outside the following hours, on any day: 08.00 to 23.00 hours.
- (b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary wording in line with the recommendations and as resolved by the Planning Committee.

25

APPLICATION NO DOV/20/00403 - LAND ADJOINING 22 BELVEDERE GARDENS, DEAL

The Committee was shown plans, drawings and photographs of the application site. The Planning Consultant advised that the application sought retrospective planning permission for a detached, single storey dwelling with a front parking bay. At the time of submission of the application, works had not started on the site. However, a building had now been erected and substantially completed. The application was now the subject of an appeal for non-determination. The final decision and the weighing in the balance of the relevant issues were therefore for the Planning Inspector (PI) to determine. The Committee's role was to convey to the PI what decision the Committee would have arrived at if it had made the decision itself.

Members were reminded that there had been a number of planning applications for a detached, single storey dwelling on the site since 2015. Although not referred to in the report, a 2016 application for a single storey dwelling had been refused and then appealed. In that case, the PI had stated that the gap provided a sense of openness between the two streets and the proposal would significantly erode this openness, resulting in a cramped appearance to this end of the development. In relation to the 2018 appeal, the PI had opined that the roof of the proposal would be visible and appear incongruous between the houses. Both PIs had found that the proposed development would be harmful and not in the public interest. The Planning Consultant stressed that, in effect, these appeal decisions related to the same development as the current proposal and were material considerations, carrying significant weight.

Against this background, the applicant argued that, of material consideration, was the fact that a Lawful Development Certificate had recently been granted for an outbuilding on the site which was, in effect, of the same design, appearance and scale and in the same location as the proposal which was the subject of the application. The outbuilding did not require planning permission. In essence, the applicant's case was that if a building could be erected without planning permission, then the harm that had previously been identified as being caused to the visual quality of the street was going to take place anyway. This being the case there should be no objections to the current proposal and a refusal was not justified. This was a material consideration that the Planning Committee needed to weigh in the balance against the previous reasons for refusal and the PIs' decisions.

A factor that affected consideration of the issue was the erection of the building on the site. Officers did not believe that it was an outbuilding that had the benefit of permitted development rights because it had been constructed as a house. Moreover, it was not required for purposes incidental to the occupiers of No 22 Belvedere Gardens. In relation to the latter, he stressed that the building had not been, and was not being, used for purposes incidental to the occupiers of No 22.

Whilst it appeared that the Lawful Development Certificate application had been submitted as a means to achieving planning permission for the dwelling, the primary consideration for Members was the balance between the harm that had consistently been identified and the potential for an outbuilding to be located on the land that would affect the quality of the street scene. Officers considered that the proposal was contrary to the design objectives of the National Planning Policy Framework (NPPF), and that this harm outweighed the argument advanced by the applicant.

Councillor Biggs commented that the construction of a dwelling in this location was unfortunate, particularly when it could encourage others to do the same. In response to a query from Councillor Bond about the Lawful Development Certificate, the Planning Consultant clarified that he did not think that the building covered more than 50% of the curtilage of No 22. Councillor Bond commented that previous applications had been refused by the Committee and dismissed at appeal by Planning Inspectors. The building was an over-development of a small plot, and there was no reason for the Committee to take a different position just because a building had been erected on the pretence of being an outbuilding. Several Members expressed concerns that the applicant had pursued development by back-door means.

The Planning Consultant commented that it was not uncommon for agents to use permitted development rights to their advantage. The Committee was required to consider the merits of the case. The fact was that the dwelling was not an outbuilding and had not been used as such by the occupiers of No 22. It did not therefore satisfy the permitted development criteria for an outbuilding, and the application for a change of use (from an outbuilding to a dwelling) could not therefore apply. If the appeal was dismissed, there remained an opportunity for the land to be used for an outbuilding. Officers would need to take a view on enforcement action (if any) at the appropriate time.

RESOLVED: (a) That the Planning Inspectorate be advised that if the application had been considered by the Planning Committee, it would have resolved to refuse planning permission for the reasons set out below:

- (i) The proposed development, by reason of its design, scale, appearance and location, would be an incongruous form of development in its context that would harm the character and

appearance of the area, contrary to Paragraphs 124, 127 and 130 of the National Planning Policy Framework.

- (b) That powers be delegated to the Head of Planning, Regeneration and Development to advise the Planning Inspectorate of the resolution and to make the case to the Planning Inspectorate for the appeal to be dismissed.

26

APPLICATION NO DOV/19/01260 - LAND OFF CHURCH LANE, DEAL

Members were shown an aerial view, drawings, plans and photographs of the application site. The Principal Planner advised that the application sought outline planning permission for the erection of up to fourteen dwellings on a site situated in the countryside but adjacent to the urban confines of Deal. The site was a triangular parcel of land situated between recently constructed houses in Hyton Drive and the site at Churchfield Farm which had received planning permission the previous year. The layout of the site, including the location of houses and road layout, had been submitted, but other details were reserved matters.

As an update to the report, the Committee was advised that, in relation to the matters set out in paragraph 2.27, an amended site plan had now been received showing estate roads within the application site and their connection to the adopted highway. The requisite notice had been served on the owner of the roads, Persimmon Homes, who had responded with no comments. In respect of paragraph 2.34, KCC had now indicated that it was content that infiltration or drainage of surface water into the water course would not increase flooding problems elsewhere. However, it had requested evidence that the site currently drained to the existing network and that sufficient capacity existed. The applicant had subsequently submitted topographical information which demonstrated that existing surface water from the site went into the same water course as the one that would be used by the development. Since the report had been published, four additional representations had been received referring to additional traffic, damage to roads, loss of view, buildings too close to houses in Hyton Drive, disruption during construction and the loss of an open area, including impact on wildlife and strain on infrastructure.

The Principal Planner advised that there were four main issues for Members to consider. These were the principle of developing a site for housing which was outside but adjacent to the urban confines; the impact on the countryside and landscape setting; impact on residential amenity, including traffic; the need for developer contributions; and technical matters relating to drainage, archaeology, etc. The Committee would be required to weigh up whether the adverse impacts of the development significantly and demonstrably outweighed the benefits.

One of the most contentious issues had been the perceived erosion of the gap between Deal and Sholden. However, it was necessary for Members to assess the development in the light of the scheme permitted at Churchfield Farm. Landscape appraisals had concluded that there would be little impact on the countryside because of the site's location between Hyton Drive and the Churchfield Farm proposal. The proposed layout of the development would assist in minimising the impact on the wider countryside, including the presence of a landscaped buffer along the northern boundary. Whilst construction traffic would have an impact on residential amenity, this could be addressed through the construction management plan. In particular, the proposed condition specifically referred to the need to minimise the number of journeys by plant and delivery vehicles through the existing

development at Timperley Place. A viability assessment submitted by the applicant had been independently assessed by the Council. Following negotiations, it had been agreed that the applicant would make a contribution of £100,000 towards off-site affordable housing. In respect of surface water drainage, the scheme would connect to the existing network as infiltration was unlikely to work given the high water table. Subject to further tests, Officers were confident that an acceptable technical solution could be achieved.

As set out in the report, the Principal Planner referred to there being a number of the Council's policies that conflicted with the NPPF. It was for the Committee, as the decision-maker, to decide how much weight to attribute to those policies. In line with the Government's standardised methodology for calculating housing need, the Council now had to deliver 629 dwellings per annum rather than the 505 dwellings provided for in the 2010 Core Strategy. This therefore created a tension between the Core Strategy and the NPPF. In particular, it was considered that Policy DM1, which stated that development would not be permitted outside the settlement confines, was out-of-date.

In response to Councillor D G Beaney, the Principal Planner stated that a response was still awaited from Southern Water on flooding. However, as the lead authority, KCC had confirmed that it was satisfied that the scheme would not cause flooding elsewhere. Subject to further tests and information, there would be an opportunity to ensure that the proposed development did not make the existing situation worse. He clarified that the use of the privately-owned access road was a private issue between the residents and the developer. The intention was that the roads would be adopted by KCC Highways, and he understood that a KCC engineer had already looked at the specifications and found them to be acceptable.

Councillor Williams raised concerns about the sustainability of the site in relation to traffic and flooding. The Principal Planner reminded Members that the NPPF set out three strands to sustainability – economic, social and environmental. Economically, the development would provide jobs and additional housing. The development was socially sustainable in that it would provide additional housing and was well located with access to local facilities. The environmental issues were set out in the report. In Officers' view, it was a sustainable development that met the objectives of the NPPF. In terms of traffic, whilst the development was not insignificant, it needed to be seen in the context of Timperley Place and Churchfield Farm.

In response to concerns raised by Councillor Cronk about recent flooding problems, the Principal Planner stressed that all sides were keen to find a technical solution to ensure that surface water from the development did not exacerbate existing flooding problems. He was aware of localised flooding issues caused by blocked drains and a lack of maintenance and understood that these were currently the subject of discussions.

Councillor Bond voiced concerns that the green corridor between Sholden and Deal was slowly being encroached upon. In his view, the development would have a negative impact on the countryside. No assumptions could be made that private roads would be adopted by KCC Highways. Flooding had been a problem in this part of Deal for years, and there was no clear evidence that this development would not contribute to flooding in the immediate vicinity. Other factors that were of concern were the proposed development's distance from public transport and secondary education. On balance, he was of the view that the application should be refused on the basis that it was unsustainable and contrary to Policy DM1.

Councillor Biggs commented that the site should be left undeveloped. There had already been a lot of development in the area, and he was struggling to see the justification for shoe-horning in the proposed scheme.

It was moved by Councillor T A Bond and duly seconded that Application No DOV/19/01260 be REFUSED on the grounds that it was unsustainable and contrary to Core Strategy Policy DM1.

The Principal Planner clarified that there were nearby bus routes which were approximately 200 metres' walk along Church Lane. He recognised that local flooding issues were a concern for Members, and suggested that the application should be deferred in order to provide Members with the full facts behind this and other issues.

Councillor Bond, with the support of his seconder, agreed to withdraw his original motion.

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

RESOLVED: (a) That, notwithstanding the Officer's recommendation, Application No DOV/19/01260 be DEFERRED to seek further information, as follows:

- (i) From the relevant authorities and the applicant on surface water drainage proposals (including localised flooding problems);
- (ii) Access rights and future responsibility for the maintenance of roads;
- (iii) Details of roads and whether they will be adopted by Kent County Council;
- (iv) General sustainability issues.

The Committee viewed a CGI image, drawings and photographs of the application site which lay within the Walled Town Conservation Area of Sandwich and adjacent to the Rope Walk, a scheduled ancient monument. The Planning Officer advised that planning permission was sought to demolish an existing building and erect a detached dwelling in its place. The proposed dwelling would occupy a similar footprint to the previous building, and be prominent in views from the Rope Walk. Officers considered that the proposal would cause less than substantial harm to the setting of the ancient monument, and should be weighed against the provision of an additional dwelling in a sustainable location. Furthermore, the proposal would not cause harm to the setting of listed buildings nearby or the Conservation Area. Approval was therefore recommended.

Councillor Biggs supported the proposal which would see the replacement of a redundant building, and Councillor Williams welcomed the good design. The Planning Officer confirmed that a pre-commencement condition for a construction management plan would ensure that all matters such as construction access would be addressed.

RESOLVED: (a) That Application No DOV/20/00358 be APPROVED subject to the following conditions:

- (i) 3-year time limit;
 - (ii) Approved plans;
 - (iii) Samples of materials (brick, slate etc);
 - (iv) Measures to prevent the discharge of surface water onto the highway;
 - (v) Pre-commencement condition for Construction Management Plan;
 - (vi) Pre-commencement condition – archaeological works;
 - (vii) Pre-commencement condition – foundation design;
 - (viii) Pre-commencement condition – temporary fencing;
 - (ix) Removal of permitted development rights (classes A, B, C, D and E);
 - (x) Surface water disposal scheme;
 - (xi) Foul water drainage scheme;
 - (xii) Flood mitigation measures (Environment Agency);
 - (xiii) Sample panel of brickwork;
 - (xiv) Joinery details;
 - (xv) Windows set in reveals;
 - (xvi) Details of flues, vents and boundary treatments;
 - (xvii) Eaves details.
- (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 recommendation and as resolved by the Planning Committee.

The Committee was shown drawings, plans and photographs of the application site. The Planning Officer advised that planning permission was sought for the erection of 32 dwellings. As an update to the report, Members were advised that four further representations of objection had been received which raised no new concerns and did not alter the Officer's assessment. One letter of support had also been received.

The principle of development on the site was accepted as it was within the settlement confines of Dover. As originally submitted, the application had failed to comply with Core Strategy Policies DM25 and DM27 which covered open space. The scheme originally proposed had had a cluttered appearance, with little thought given to residential amenity. Various layouts had been assessed and the one now proposed achieved an integrated, logical and safe layout, incorporating a central area of open space with an equipped children's play area that would be accessible to the public. A number of objections had been raised because of concerns over traffic congestion and parking. However, the existing situation would be improved by the provision of a turning head and the formalisation of passing places. To counter the loss of five on-street parking spaces, four unallocated spaces would be provided within the site, as well as two layby spaces on the internal road that was due to be adopted by KCC Highways. The scheme also offered the provision of 30% affordable housing on site.

Councillor Williams raised serious concerns about the impact the development would have on existing traffic and parking problems. She queried whether there was an alternative access route to the site. Councillor Biggs agreed that traffic and parking were significant issues. Furthermore, he was not convinced that parking spaces provided within the development would be available for Stanhope Road residents. He also raised concerns about the use of tandem parking spaces.

The Planning Officer confirmed that access via Stanhope Road was the only option. A construction management plan would outline how construction traffic would be diverted to the site. She reiterated that there were currently no formal passing places or turning point in Stanhope Road which led to chaos and congestion. The proposed scheme would ease existing problems by providing a turning head, formal passing places and the replacement of lost on-street parking spaces. The applicant's transport statement, which had been reviewed by KCC Highways, indicated that the development would generate an additional 16 two-way vehicle movements during peak hours. It was considered that this would not cause a severe impact. She confirmed that the parking spaces for Stanhope Road residents would be sited close to the entrance of the estate and therefore easily accessible to residents, as would the children's play area. Whilst Officers would not generally look to mitigate existing problems, it was recognised that the situation in Stanhope Road was poor. Whilst there would be a few tandem parking spaces, these needed to be assessed against an overall excess provision of spaces across the whole site.

Councillor Bond raised concerns that not all of the internal road and the turning head would be adopted by KCC Highways, urging Officers to ensure that the road and turning head were built to adoptable standards. To address these concerns, the Principal Planner suggested that condition (14) could be amended to require a scheme to be submitted to show which roads would be publicly accessible and adopted by KCC Highways. It was confirmed that the turning head could be used by refuse vehicles.

RESOLVED: (a) That, subject to a Section 106 legal agreement being entered into to secure the necessary planning contributions, provision of affordable housing, the contribution to the Thanet Coast and Sandwich Bay SPA and Ramsar Mitigation Strategy and the provision, retention and maintenance in perpetuity of the amenity open space (including an equipped children's play area and Accessible Green Space), Application No DOV/19/01025 be APPROVED subject to the following conditions:

- (i) Time limit;
- (ii) Approved plans;
- (iii) Construction Environmental Management Plan;
- (iv) Specialist UXO risk assessment;
- (v) Construction Management Plan;
- (vi) Completion of the highway alterations in Stanhope Road shown on drawing number 13859/H-01 Rev. P2 prior to the use of the site commencing (TRO);
- (vii) Previously unidentified contamination;
- (viii) Measures to prevent the discharge of water onto the highway;
- (ix) Details of any electric vehicle charging points;
- (x) Use of bound surface treatment for first 5 metres;
- (xi) Provision and retention of car parking for residents and visitors;
- (xii) Cycle parking and bin storage;
- (xiii) Completion of access;
- (xiv) Completion of internal access roads and footways, including the submission of a scheme to show which roads would be publicly accessible and adopted by KCC Highways;
- (xv) Provision and retention of visibility splays;
- (xvi) Details of surface water drainage infrastructure with no infiltration other than that which is approved;
- (xvii) Details of foul water drainage infrastructure and verification to be provided in accordance with a timetable to be agreed;
- (xviii) Full details of all lighting, including the lighting for the amenity space, car parking and residential areas;
- (xix) Provision of refuse and recycling areas for residential and for the amenity area;
- (xx) Scheme to be secured by design;
- (xxi) Samples of materials, to include bricks, roof tiles, metal cladding, timber cladding;
- (xxii) Sectional eaves details;

- (xxiii) Details of hard and soft landscaping which shall include details of planting, samples of the materials to be used for hardstandings and details of fences, railings and walls, and details of any minor artefacts;
 - (xxiv) Windows to be set in reveals;
 - (xxv) Removal of permitted development rights for porches and roof extensions;
 - (xxvi) Ecological mitigation and enhancements;
 - (xxvii) Contamination safeguarding;
 - (xxviii) Broadband connection.
- (b) That powers be delegated to the Head of Planning, Regeneration and Development to settle any necessary planning conditions and to agree a Section 106 legal agreement in line with the issues set out in the recommendation and as resolved by the Planning Committee.

29 ADJOURNMENT OF MEETING

The meeting was adjourned at 7.55pm for a short break and reconvened at 8.10pm.

30 APPLICATION NO DOV/20/00439 - PRESTON VILLAGE HALL, MILL LANE, PRESTON

Members viewed drawings, plans and photographs of the application site. As an update to the report, the Principal Planner advised that two further letters of representation had been received. One from a neighbour who objected to the development and contested that Mill Lane was not lightly trafficked. The other from ward Councillor Mike Conolly who supported the application.

The Principal Planner advised that the site was outside the settlement confines where development was usually restricted unless exemptions applied, such as there being a functional requirement for the building to be located here. The proposed building would be sited next to the recreation ground. The design had been driven by the needs of the village hall and the building would be twice the size of the existing building. This part of Preston was not particularly notable in terms of dwellings, and the proposal would not have an impact on any heritage assets. The proposal would be an asset to the community and was acceptable in all material respects.

In response to concerns raised by Councillor Williams, the Principal Planner stressed that the applicant had attempted to balance the effect on properties in The Downs against the need to retain as much of the recreation ground as possible. The building had been reduced in height where it was close to those properties. Whilst the proposed building would have an impact on the properties, it would not cause a loss of light or create a sense of enclosure, and it was considered that the applicant had minimised its impact to an acceptable degree. A technical assessment had not been submitted with the application, but it was suggested that it was very early morning sunlight that would be lost. The loss or obstruction of views

was not a Planning matter. The recreation ground was used for football and cricket, and the loss of any land could potentially affect the size of the pitches and their ability to meet minimum standards. In response to a suggestion that the building should be moved, the Principal Planner reminded Members that they had to assess the application before them and on the specifications given.

RESOLVED: (a) That Application No DOV/20/00439 be APPROVED subject to the following conditions:

- (i) Standard time limits;
 - (ii) Approved plans;
 - (iii) Samples of materials;
 - (iv) Tree protection;
 - (v) Details of hard and soft landscaping with details of maintenance;
 - (vi) Timetable for the development, with details of the order in which the development, including the demolition of the existing hall, will take place;
 - (vii) Provision of access, car parking and turning areas in accordance with a timetable to be agreed;
 - (viii) Provision of visibility splays to be provided;
 - (ix) Provision of cycle and scooter parking;
 - (x) Construction Management Plan;
 - (xi) Provision of loading and unloading areas for vehicles;
 - (xii) Provision of refuse storage;
 - (xiii) Detailed scheme for foul water drainage, including a timetable for its implementation;
 - (xiv) Details of surface water drainage, including a timetable for its implementation;
 - (xv) Details of any plant, ventilation systems, vents, flues, satellite dishes, antennae and utility boxes to be provided to the exterior of the building;
 - (xvi) Archaeology scheme;
 - (xvii) Hours of operation.
- (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 recommendation and as resolved by the Planning Committee.

31 APPEALS AND INFORMAL HEARINGS

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

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

The Committee noted that no action had been taken.

33 EXCLUSION OF THE PRESS AND PUBLIC

It was moved by Councillor J S Back, duly seconded and

RESOLVED: That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the remainder of the business on the grounds that the item to be considered involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part I of Schedule 12A of the Act.

34 SITE AT CROSS ROAD, DEAL

The Principal Planner presented the report, advising the Committee that, following its decision to refuse the application on 2 July 2020, a formal notification of intention to appeal had been received. Subsequent legal advice received from Counsel indicated that the reasons for refusal were unlikely to be defensible at appeal as there was a lack of evidence to support them. For this reason, the Committee was asked to agree that the Planning Inspectorate should be advised that the appeal would not be contested and that the stated reasons for refusal would not be defended. In addition, that an agreement be sought with the prospective appellant in relation to costs.

In response to queries raised by some Members in relation to the procedure that an appeal would follow, the Planning Solicitor advised that it would be for the Planning Inspectorate to decide whether the appeal would take the form of a hearing, public inquiry or written representations. Members were free to make representations to the Planning Inspector about the development, but were advised that it would not be logical to vote in favour of the motion now and then to make representations which would directly contradict the Council's formal position at appeal.

RESOLVED: (a) To not contest an appeal against the decision to refuse planning permission, and to attend an appeal only to assist the inspector with any questions they may have.

(b) To advise the Planning Inspectorate that the Council will not be defending the stated reasons for refusal.

(c) To seek an agreement with the prospective appellant that it will not pursue an application for costs against the Council in the event that the Council does not defend its reasons for refusal.

The meeting ended at 9.11 pm.