

## Planning and Licensing Committee

Held at: Council Chamber - Civic Centre, Folkestone

Date: Tuesday, 30 April 2019

Present: Councillors Alan Ewart-James, Clive Goddard (Chairman), Miss Susie Govett, Mrs Jennifer Hollingsbee, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Paul Peacock, Damon Robinson, Russell Tillson and Roger Wilkins (Vice-Chair)

Apologies for Absence

Officers Present: Robert Allan (Development Management Team Leader), David Campbell (Development Management Team Leader), Kate Clark (Committee Services Officer), Sue Lewis (Committee Services Officer) and Lisette Patching (Development Management Manager)

Others Present:

### 73. **Declarations of Interest**

Councillor Dick Pascoe declared a voluntary announcement in respect of the minutes of the meeting held on 19 March 2019, application Y18/0982/FH – Hawkinge Cemetery and Crematorium, as his interest arose due to being the Cabinet Member for Property Management and Environmental Health.

Councillor Len Laws declared a voluntary announcement in respect of application Y18/1580/FH – Bridge Tavern, 129 Station Road, Lydd, as his interest arose due to knowing the original owners of the site. He remained in the meeting during discussion and voting on this item.

### 74. **Minutes**

The minutes of the meeting held on 19 March 2019 were submitted, approved and signed by the Chairman.

### 75. **Minutes of the Licensing Sub-Committee**

The minutes of the meeting held on 1 April 2019 were submitted, approved and signed by the Chairman.

76. **Bridge Tavern, 129 Station Road, Lydd, TN29 9LL**

Change of use from Drinking Establishment (Class A4) to 3 residential units (Class C3) comprising two 4 bedroom dwellings and one 5 bedroom dwelling with associated parking and garden areas.

Mr Kamolofe, the applicant was due to speak in support of the application but the Chairman informed that he was unable to attend the meeting.

A number of issues arose during discussions and these are reported below:

- Gardens too close to the caravan adjacent to the site;
- The applicant has revised the application following original objections but some members still felt more was needed;
- Garden separate from the house isn't an issue;
- Bat survey results are only valid reason for refusal;
- No issues of loss of public house;
- Must get the application right;
- The application is fine as it is and should be approved.

The applicant has resolved a number of issues but there are still 3 outstanding which is why the committee has come to the decision set out below.

Proposed by Councillor Mrs Jenny Hollingsbee  
Seconded by Councillor Roger Wilkins and

**Resolved: To defer the application to give the applicant a further opportunity to address the following recommended reasons for refusal with delegated authority given to the Chief Planning Officer to grant planning permission if the following recommended reasons for refusal are overcome:**

1. **The proposed development is considered to amount to poor layout and design with the enclosed garden area for unit 'a' being long and narrow and set away from the unit that it is intended to serve, making it a poor standard amenity area which unlikely to be used and likely to be enclosed within a fence which would result in an uncharacteristic enclosure at the back edge of the highway. As such it is contrary to saved policy SD1 of the Local Plan Review which requires a high standard of layout and design and emerging policy HB1 of the Places and Policies Local Plan which requires development to make a positive contribution to its surroundings.**
2. **The proposed development would result in poor amenity for the future occupants of the proposed dwellings through the provision of a poor external amenity space for unit 'a' being a long and**

narrow enclosed garden set away from the unit that it is intended to serve, which is not likely to be a practical usable space, as well as the basement bedroom for unit 'b' having a poor outlook and limited natural light. As such the proposed development is contrary to saved policy SD1 of the Local Plan Review, emerging policies HB1 and HB3 of the Places and Policies Local Plan and paragraph 127 of the NPPF, all of which seek to safeguard and enhance the amenity of future occupants.

3. Due to the lack of an emergence survey having been carried out to fully assess the presence of bats within the site, how bats are utilising the building and to consider the impact that the proposed development will have on protected species, it has not been satisfactorily demonstrated that protected species will not be harmed by the proposed development. As such it is contrary to saved policy CO11 of the Local Plan Review, emerging policy NE2 of the Places and Policies Local Plan and paragraph 175 of the NPPF, which seek to conserve and enhance biodiversity through resisting development if it is likely to endanger plant or animal life (or its habitat) protected under law and/or identified as a UK Biodiversity Action Plan priority species.

(Voting: For 11; Against 1; Abstentions 0)

77. **Land Adjoining 141 Coast Drive, Lydd On Sea, Romney Marsh, Kent, TN29 9PD**

Erection of a detached dwelling with associated car parking, following the demolition of a garage.

Proposed by Councillor Russell Tillson  
Seconded by Councillor Dick Pascoe and

**Resolved: That delegated authority be given to the Chief Planning Officer to grant planning permission subject to the conditions set out at the end of the report; and to agree and finalise the wording of the conditions and add any other conditions that he considers necessary following the expiry of the notification period to the Romney Hythe and Dymchurch Railway, subject to no objection being received from them.**

(Voting: For 11; Against 1; Abstentions 0)

78. **Land Rear Plot 15, Collins Road, New Romney, Kent**

Formation of new vehicular access to serve the future employment site at Mountfield Road, New Romney, on land located to the west of Mountfield Road, south of Collins Road and the north of Church Lane - Mountfield Road Phase IV.

Proposed by Councillor Roger Wilkins  
Seconded by Councillor Russell Tillson and

**Resolved: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.**

(Voting: For 10; Against 1; Abstentions 1)

79. **Appeals Monitoring Information - 4th Quarter 2019. 1st January TO 31st March 2019**

Members noted the Appeals Monitoring Information for the 4<sup>th</sup> Quarter 2019 – 1<sup>st</sup> January to 31<sup>st</sup> March 2019.

80. **Exclusion of the Public**

Proposed by Councillor Paul Peacock  
Seconded by Councillor Russell and

**Resolved:** To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraphs 2 and 7 of Part 1 of Schedule 12A to the Local Government Act 1972 –

‘Information which is likely to reveal the identity of an individual.’

‘Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime’.

(Voting: For 11; Against 0; Abstentions 1)

81. **Enforcement**

The report considered the appropriate action to be taken regarding the enforcement.

Proposed by Councillor Mrs Jenny Hollingsbee  
Seconded by Councillor Dick Pascoe and

**Resolved:**

1. **To receive and note report DCL/18/40**
2. **That delegated authority be given to the Chief Planning Officer to serve an Enforcement Notice requiring the demolition of the older of the two residential dwellings on the land and the cessation of the use of the land for residential use and storage of domestic items if the Lawful Development Certificate is refused.**
3. **That an Enforcement Notice be served requiring the demolition of the newer of the two residential dwellings on the land**

4. **That, if the Lawful Development Certificate for the older dwelling is granted, delegated authority be given to the Chief Planning Officer to serve an Enforcement Notice requiring the cessation of the use of the land for residential use and storage of domestic items where it is considered that the use has not become lawful.**
5. **That the Chief Planning Officer be given delegated authority to determine the exact wording of the Notice(s).**
6. **That the period of compliance with the Notices be (six) 6 months.**
7. **That the Assistant Director - Governance, Law & Regulatory Services be authorised to take such steps as are necessary including legal proceedings to secure compliance with the Notice.**

(Voting: For 11; Against 1; Abstentions 0)