



## Planning and Licensing Committee

Held at: Council Chamber - Civic Centre, Folkestone

Date: Tuesday, 28 November 2017

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

Apologies for Absence: None

Officers Present: David Campbell (Development Management Team Leader), Kate Clark (Committee Services Officer), Louise Daniels (Senior Planning Officer), Paul Howson (Senior Planning Officer), John Macauley (Planning Enforcement Officer) and Lisette Patching (Development Manager)

Others Present:

### 29. **Declarations of Interest**

Councillor Roger Wilkins made a voluntary announcement with regard to Y17/0944/SH as he is Chairman of Dymchurch Parish Council.

Councillor Russell Tillson made a voluntary announcement with regard to Y17/0944/SH as he is Vice Chairman of Dymchurch Parish Council.

Councillor Michael Lyons made a voluntary announcement as a family member has purchased a flat in Range Road adjacent to Y17/1066/SH.

All councillors remained in the meeting taking part discussions and voting on these applications.

### 30. **Minutes**

The minutes of the meeting held on 31 October 2017 were approved and signed by the Chairman.

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

The minutes of the meetings held on the 19 October and 8 November 2017 were approved and signed by the Chairman.

32. **Appeals Monitoring Information 2nd Quarter 2017/18 - 1 July to 30 September 2017**

Members noted the appeals monitoring information and congratulated officers on this report.

33. **Report by the Head of Planning**

Report DCL/17/26 sets out the planning applications that were considered by the Planning and Licensing Committee.

**1. Y17/0886/SH LAND ADJOINING 3 MILLFIELD FOLKESTONE KENT**

Section 73 application to vary condition 2 (approved plans) of planning permission Y15/1164/SH (Erection of a terrace of 3 x three storey town houses) for a change in position of the building and a change to the eave detail to Plot C.

Lloyd James, local resident, spoke against the application. He was concerned about the distance from No 3 Millfield . As the resident of this property he felt the development was too close to his downstairs cloakroom on that the side of the property and did not allow for maintenance of both walls.

Mrs Nola Yarney, applicant, spoke on the application. She explained that she believed this development is in keeping with the area and that the original application was approved.

Members were concerned with regard to how close this development was to the neighbouring property and felt that any maintenance to the side of both properties would be prohibitive. It was felt that the development is in keeping with regard to appearance and street scene, however members felt that the distance from the neighbouring property was not adequate as it has an adverse impact on the amenity of that property contrary to policies SD1 and BE1 of the Local Plan Review.

Proposed by Councillor Russell Tillson  
Seconded by Councillor Philip Martin and

**RESOLVED:**

**The planning permission is refused based on the reason given below:**

**The building as constructed, by virtue of its closer proximity to No.3 Millfield has an unacceptable oppressive and enclosing impact and, due to the proximity, adversely affects the maintenance and reasonable enjoyment of that property and as such is of a poor layout within the site and detrimental to the residential amenity of the occupants of No.3**

**Millfield contrary to policies SD1 and BE1 of the Shepway District Local Plan Review and paragraph 17 of the NPPF.**

(Voting: For 8; Against 0; Abstentions 4)

**2. Y17/1066/SH SCOUT ASSOCIATION HEADQUARTERS RANGE RD  
HYTHE KENT**

Erection of a four storey building containing four flats and basement car park, following demolition of existing building.

Paul Howson, Senior Planning Officer, advised the Committee that a petition had been received prior to the start of the meeting, which was later confirmed as an objection to the proposed development.

Mr Ben Wilkins, on behalf of Mrs Jones, local resident, spoke against the application.

Councillor David Owen, ward member, spoke against the application.

Mr Mike Simmonds, applicant's agent, spoke on the application.

Proposed by Councillor Dick Pascoe

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 the signing of a section 106 agreement securing appropriate visibility splays, with delegated authority given to the Head of Planning to agree the wording of the legal agreement.**

(Voting: For 7; Against 3; Abstentions 2)

Councillors Miss Susie Govett and Mrs Mary Lawes asked for a record of their vote against approval of this application be noted.

**3. Y17/0944/SH LAND ADJOINING 76-78 HIGH STREET DYMCHURCH  
KENT**

Change of use of the land to car sales in connection with the existing business.

Louise Daniels, Senior Planning Officer, advised the Committee that the recommendation is amended to relate just to the refusal of planning permission as the enforcement matters will be dealt with under a separate report later in the meeting.

Mr Tom Quaye, applicant's agent, spoke on the application.

Proposed by Councillor Roger Wilkins

Seconded by Councillor Russell Tillson and

**RESOLVED:**

**That planning permission be refused for the reasons given below:**

1. The continued use of the site for the storage and sale of vehicles would result in permanent visual clutter and the removal of the visual break and green buffering in the urban form within the street scene so as to be detrimental to the open character of the street scene and the setting of the adjacent conservation area, contrary to the aims of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 131 of the National Planning Policy Framework and saved Policy BE4 of the Shepway District Local Plan Review, which seek to sustain and enhance the significance of heritage assets such as Conservation Areas, as well as the contribution made to their significance by their setting.
2. The continued use of the site for the storage and sale of vehicles would, in the absence of boundary treatment between the application site and the public highway of the A259 to the west, perpetuate access and egress to the site directly from the A259 without a suitable vehicular access in place resulting in an unacceptable and detrimental impact on highway safety contrary to saved policy TR11 of the Shepway District Local Plan Review, which seeks to ensure that development of land is not detrimental to the safety of vehicle traffic, cyclists and pedestrians.

(Voting: For 5; Against 4; Abstentions 3)

**34. Exclusion of the Public**

Proposed by Councillor Michael Lyons  
Seconded by Councillor Dick Pascoe and

**Resolved:**

**To exclude the public for the following items of business on the grounds that it is likely to disclose exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Local Government Act 1972:**

**Information relating to any action taken or to be taken in connect with the prevention, investigation or prosecution of crime.**

(Voting: For 12, Against 0, Abstentions 0)

**35. Unauthorised change of use of land**

Report DCL/17/23 considers the appropriate action to be taken regarding the various changes of use and development that have taken place at Little Woodland Farm, Woodland Road, Lyminge. All uses are taking place within the

farm around a yard area. No planning permission has been granted for the uses of the land or the erection of the kennels. This report recommends that an Enforcement Notice be served to:

- 1) Cease the unauthorised use of the land for the stationing of mobile homes;
- 2) Remove the mobile homes and associated decking from the land;
- 3) Cease the use of the land for disposal of fallen stock;
- 4) Cease the use of the land for the keeping of dogs not connected with agriculture
- 5) Remove the dog kennels;
- 6) Remove the miscellaneous items not associated with agriculture from the land
- 7) Cease the use of the land for storage of items not associated with agriculture

And that the period of compliance be six months.

Proposed by Councillor Dick Pascoe  
Seconded by Councillor Michael Lyons and

**RECOMMENDATIONS:**

- 1. To receive and note report DCL/17/23.**
- 2. That an Enforcement Notice be served requiring the use of the land for the stationing of mobile homes to cease and their removal; the removal of associated decking; the use of the land for the disposal of fallen stock to cease; the use of the land for keeping of dogs not connected with agriculture to cease; the removal of the kennels; the use of the land for storage of items not associated to agriculture to cease and the removal of the items from the land.**
- 3. That the Head of Planning be given delegated authority to determine the exact wording of the Notice.**
- 4. That the period of compliance with the Notice be (six) 6 months.**
- 5. That the Head of Democratic Services and Law be authorised to take such steps as are necessary including legal proceedings to secure compliance with the Notice.**

(Voting: For 10; Against 0; Abstentions 2)

**36. Continuing unauthorised change of use of land**

Report DCL/17/25 considers the appropriate action to be taken regarding the continuation of an unauthorised use on a piece of land adjoining 76-78 High Street Dymchurch for the storage of car sales in connection with the existing business to the south of the site. Retrospective planning permission has been sought under reference Y17/0944/SH for the continuing use of the land for this purpose.

This report recommends that, should planning application Y17/0944/SH be refused, an Enforcement Notice be served requiring the unauthorised use of

the land for the storage of vehicles to cease and all vehicles removed from the land together with the removal of associated fencing, hard-standing and any associated structures and the site returned to grass within six months from the date of the notice.

Councillor Len Laws was keen for confirmation with regard to the length of time this site has been used for the storage of car sales as if it is in excess of 10 years, it could change the Enforcement Notice status. In this respect he proposed a deferral in order that this can be investigated.

Proposed by Councillor Len Laws  
Seconded by Councillor Michael Lyons and

**Resolved:**

- 1. To receive and note report DCL/17/25.**
- 2. To defer the decision of this report until officers can confirm the length of time the unauthorised use of land for storage has been carried out.**
- 3. To receive and note a further report in due course.**

(Voting: For 12; Against 0; Abstentions 0)

**37. Unauthorised change of use of land**

Report DCL/17/24 considers the appropriate action to be taken regarding the unauthorised change of use that has taken place on a piece of land adjoining Homestead, Woodland Road, Lyminge for the storage of a caravan. No planning permission has been granted for the use of the land for this purpose. This report recommends that an Enforcement Notice be served requiring the unauthorised use of the land for the storage of the caravan to cease and its removal from the land within three months from the date of the notice.

David Campbell, Development Management Team Leader advised that since this report was published, the caravan has been removed. In this respect it was recommended that delegated authority be given to the Head of Planning to serve an Enforcement Notice if the caravan is returned to the land.

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

**RESOLVED:**

- 1. To receive and note the report DCL/17/24.**
- 2. That delegated authority be given to the Head of Planning to serve an Enforcement Notice if the caravan is returned to the land.**
- 3. The Head of Planning be given delegated authority to determine the exact wording of the Notice.**
- 4. That the period of compliance with the Notice be (three) 3 months.**

**5. That the Head of Democratic Services and Law be authorised to take such steps as are necessary including legal proceedings to secure compliance with the Notice.**

(Voting: For 9; Against 1; Abstentions 2)