



## Planning and Licensing Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 20 February 2018
Present	Councillors Alan Ewart-James, Clive Goddard (Chairman), Mrs Jennifer Hollingsbee, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Paul Peacock, Carol Sacre (In place of Mrs Mary Lawes), Russell Tillson and Roger Wilkins (Vice-Chair)
Apologies for Absence	Councillor Miss Susie Govett and Councillor Mrs Mary E Lawes
Officers Present:	David Campbell (Development Management Team Leader), Ben Geering (Head of Planning), Julian Ling (Senior Planning Officer), Wendy Simpson (Senior Planning Officer) and Jemma West (Senior Committee Services Officer)
Others Present:	Councillor Collier

### 49. **Declarations of Interest**

Councillor Lyons declared an interest in report Number DCL/17/35, relating to the land at Shepway, Lympne Hill, as the applicant was known to him. He left the Chamber during consideration of this item.

### 50. **Minutes**

The minutes of the Planning and Licensing Committee held on 23 January 2018 were submitted, approved and signed by the Chairman.

### 51. **Appeals Monitoring Information 3rd Quarter 2017/18 - 1 October to 31 December 2017**

The Planning Committee Members noted the Appeals Monitoring update.

### 52. **Application Number: Y17/0710/SH - Ingles Meadow Garden Centre Jointon Road Folkestone Kent CT20 2RF**

Report DCL/17/38 set out the Full planning application for the erection of 40 No. dwellings with associated access, parking, landscaping and open space.

Councillor Jacqui Meade of Folkestone Town Council spoke on the application. Mr Nathan Anthony, the applicant's agent, spoke on the application.

Proposed by Councillor Ewart-James,  
Seconded by Councillor Tillson; and

**RESOLVED:**

That planning permission be granted subject to the signing of a S106 agreement to secure developer contributions and the conditions set out below and that delegated authority be given to the Head of Planning to determine the wording of the S106 agreement and any additional conditions which are considered reasonably necessary subject to the following amendments to the recommendations of the report:

1. That the financial contribution to be secured via s106 to mitigate the development for open and play space, as required by policies LR9 and LR10 of the Local Plan, instead go towards providing for an off site contribution to meet identified affordable housing need, as required by policy CSD1 of the Core Strategy.
2. That a claw back clause be included within the s106 agreement that ensures that 50% of the uplift in any sales value be captured towards off site affordable housing contribution, up to the equivalent of a 30% off site contribution value in order to meet the requirements of policy CSD1 and ensure that the development was providing an appropriate proportion of affordable housing, subject to viability.
3. That the application to be referred back to committee should these requirements not be secured.

.Whilst the need for off site mitigation was clear within the report, Members concluded that the need for affordable housing contributions was greater than the need for contributions to mitigate the lack of open and play space within the development and that the use of CIL could extend to offsite play and open space improvements within the district.

Conditions:

1. 3 year standard time condition
2. Drawing numbers
3. Materials as specified
4. Additional investigations be carried out in respect to asbestos/the recommendations of the submitted report/mitigation
5. Remaining parts of the standard contamination condition
6. Site wide surface water drainage scheme
7. Drainage management and maintenance

8. No infiltration drainage in areas of contamination
9. No piling or penetrative foundation design without agreement of the LPA
10. Archaeological watching brief
11. Measures to enhance biodiversity
12. Construction Environmental Management Plan
13. Tree Protection Measures
14. Fronting Shorncliffe Road - use of double glazing with 16mm air gap between 4mm glazing, acoustic airbricks and window vents
16. Pedestrian table required across T-junction
17. Landscaping condition including replacement trees
18. Landscape management plan for communal landscape areas
19. Replanting if landscaping fails
20. Details of low wall/railings
21. Standard water efficiency condition
22. TRO to change and provide double yellow lines around the new access (Grampian condition)
23. Garages retained unrestricted for parking purposes at all times
24. Provision of access roads in each phase
25. Details of play area equipment
26. Provision of the open space and play space
27. Installation of high speed fibre optic broadband (FTTP)
28. Removal of permitted development rights in respect to rear extensions on some properties
29. Provision and maintenance of vision splays.
30. Architectural detailing

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

53. **Application Number: Y17/1310/SH - Home Farm Longage Hill Rhodes Minnis Canterbury**

Report DCL/17/38 set out an application for the Change of use and conversion of barn to a residential dwelling, including the demolition of existing derelict farm buildings & erection of new garage and store building.

James Govier, the applicant's agent, spoke on the application

Proposed by Councillor Wilkins,  
Seconded by Councillor Lyons; and

**RESOLVED:**

**That planning permission be granted subject to the following conditions:**

- 1. Standard time condition**
- 2. Approved plan numbers**
- 3. Materials**
- 4. Construction details**
- 5. Door/window details**

6. **Roof light details**
7. **Rainwater goods**
8. **Landscaping**
9. **Boundary treatment**
10. **Parking**
11. **Cycle parking**
12. **Contamination**
13. **Drainage (foul and surface water)**
14. **Removal of PD Rights (classes A, B, C, D, E & F).**
15. **Garage building first floor to be used for ancillary purposes only.**
16. **Ecology**
17. **Water efficiency**

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

**54. Exclusion of the Public**

Proposed by Councillor Wilkins,  
Seconded by Councillor Martin; and

**RESOLVED**

That the public be excluded for the following items of business on the grounds that it is likely to disclose exempt information as defined in paragraphs 2 and 6 of Part 1 of Schedule 12A to the Local Government Act 1972:

(2) Information which is likely to reveal the identity of an individual. Information falling within paragraph 2 is exempt if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

(6) Information which reveals that the authority proposes:  
to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment.

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

**55. Unauthorised use of land**

Report DCL/17/35 considered the appropriate action to be taken regarding the change of use that has taken place on Land at Shepway, Lympne Hill, Lympne, Hythe. No planning permission had been granted for the use of the land or the siting of two self-contained yurts and associated decking. The report recommended that an Enforcement Notice be served requiring the unauthorised use of the land for the stationing of yurts to cease and the yurts and decking erected to be removed from the land.

Proposed by Councillor Tillson,  
Seconded by Councillor Pascoe; and

**RESOLVED:**

1. That report DCL/17/35 be received and noted.
2. That an Enforcement Notice be served requiring the use of the land for the siting of yurts to cease and their removal along with the removal of the associated decking.
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: 10 for, 0 against, 0 abstentions).

*(Councillor Lyons left the chamber during consideration of this item)*

**56. Unauthorised development of land**

Report DCL/17/36 considered the appropriate action to be taken regarding the erection of a fence the laying of hard standing (being used as parking) and the formation of vehicular access onto Lions Road to the rear of Cinque Ports Arms, New Romney, which is a Grade II Listed Building. All these works had been carried out without the necessary planning permission and listed building consent. This report recommended that an Enforcement Notice be served to require the removal of the fence and hard standing, the reinstatement of grass and the cessation of the use of the vehicular access.

Proposed by Councillor Laws,  
Seconded by Councillor Sacre; and

**RESOLVED:**

1. That report DCL/17/36 be received and noted.
2. That an Enforcement Notice be served requiring the removal of the unauthorised fence; the erection of a replacement wooden fence topped with trellis and with wooden gravel boards and wooden posts; the removal of the hardstanding and the reinstatement of the site to grass; and the cessation of the use of the vehicular access,
3. That the period for compliance be 6 months
4. That the Head of Planning be given delegated authority to determine the exact wording of the Notice;
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: 10 for, 1 against, 0 abstentions).

**57. Unauthorised development of land**

Report DCL/17/37 considered the appropriate action to be taken regarding the erection of a large barn with glazed sections on the north, east and west elevations, within the grounds of Horton Priory, which is a Grade I Listed

Building. Planning permission was granted in 2016 for the erection of two barns and vehicular access. The two barns had been merged and enlarged and constructed as a single 'L' shape building, approximately in the same location as approved but with different eaves heights and differing in other ways from the approved plans. This report recommended that an Enforcement Notice be served requiring the removal of the barn to allow for the proper construction of the two barns granted planning in 2016.

Proposed by Councillor Laws,  
Seconded by Councillor Lyons; and

**RESOLVED:**

1. **That report DCL/17/37 be received and noted.**
2. **That an Enforcement Notice be served requiring the removal of the unauthorised barn and for development to be carried out in accordance with the approved plans.**
3. **That the period for compliance be 6 months**
4. **That the Head of Planning be given delegated authority to determine the exact wording of the Notice;**
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: 11 for, 0 against, 0 abstentions).