

Planning and Licensing Committee

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| Held at: | Council Chamber - Civic Centre, Folkestone |
| Date | Tuesday, 29 May 2018 |
| Present | Councillors Alan Ewart-James, Clive Goddard (Chairman), Miss Susie Govett, Mrs Jennifer Hollingsbee, Mrs Claire Jeffrey (In place of Dick Pascoe), Len Laws, Michael Lyons, Damon Robinson, Russell Tillson and Roger Wilkins (Vice-Chair) |
| Apologies for Absence | Councillor Philip Martin, Councillor Dick Pascoe and Councillor Paul Peacock |
| Officers Present: | Kate Clark (Committee Services Officer), Claire Dethier (Development Management Team Leader), Ben Geering (Head of Planning), Paul Howson (Senior Planning Officer), Lisette Patching (Development Manager) and Jemma West (Senior Committee Services Officer) |
| Others Present: | Councillor Mrs Mary Lawes |

1. **Declarations of Interest**

Councillor Ms Susie Govett declared a voluntary announcement with regard to planning application Y17/1637/SH as she is the ward councillor for this area.

Councillor Damon Robinson declared a voluntary announcement with regard to Y16/0623/SH as he had met the applicant in person.

2. **Minutes**

The minutes of the meeting held on 24 April 2018 were submitted, approved and signed by the Chairman.

3. **Minutes of the Licensing Sub-Committee**

The minutes of the meetings of the Licensing Sub Committee held on 17 April and 14 May 2018 were submitted, approved and signed by the Chairman.

4. **Y16/0623/SH Little Densole Farm, Canterbury Road, Densole**

Siting of 12 holiday lodges, and erection of a reception building and a store building, together with formation of a fishing lake, a car park area, tennis courts, a children's play area, and a putting green, to create a tourism site.

Paul Howson, Senior Planning Officer and Claire Dethier, Team Leader, presented the application to Members.

Mr Tim Steer, local resident, spoke against the application. He said that Councillors must have regard to the development plan unless material considerations indicate otherwise and also referred to the Countryside and Public Rights of Way Act and paragraphs 115 and 116 of the (National Planning Policy Framework (NPPF)). He said that the definition of major development is not linked to site area but is about local context. His concerns were the size of the development, inconsistencies between the two officer reports and the close proximity to MOD land which is used for military practice. He said the Council will face another judicial review if the application is approved, the applicant has a right of appeal and as Rule 6 party he would fund an expert witness to support the Council if permission is refused.

Councillor Stuart Peall, ward councillor, spoke on behalf a local constituent, Robert Hailey, who is also Vice Chairman of the local branch of the CPRE. He said it was not a finely balanced case, that the development is not appropriate in this location and that it is contrary to policies CSD3 and CSD4 at the heart of the development plan and that no material considerations justify going against the development plan.

Mr David Westgarth, applicant, said that the Area of Outstanding Natural Beauty (AONB) Unit comments were at odds with their own management plan and the EIA screening opinion was a fair assessment of the harm. Development would not have a significant or material impact on the AONB, the buildings would be less than 2.5% of the total site area and that although a proposal for holiday lodges in an AONB is not unlawful or unprecedented. He went on to say that Hoseasons and Disabled Holidays were in favour of the application which would provide accommodation that would be accessible to all and it would encourage employment, investment and sustainability. He said he has lived in the area 40 years and this will create a long lasting and successful holiday destination.

Members discussed the application and officer's report in detail, referring to the High Court judgement, the findings of Justice Lang and the case law set out within the judgement. Further discussion comprised of the following:

- This is a complex application and planning policies often point in different directions
- Paragraphs 115 and 116 are important in the consideration of the application

- If this is major development, as defined by Para. 116 exceptional circumstances are needed to grant planning permission. The officer's report concludes in paragraphs 9.8-9.10 that the development is not major, as defined by the NPPF Para. 116 and this view was not surprising, given the application site is of a small scale compared to the vast AONB.
- Importance of the requirements of policy CSD4 and Para.115 in terms of conserving and enhancing the AONB and whether economic benefits outweigh this. Sections 9.12 and 9.13 of the officer's report identify that the site is not visually prominent (within the AONB) and that significant landscaping has already been undertaken. Over 14,000 trees and shrubs are proposed by the scheme. The landscaping undertaken changes the open character but will also screen the development.
- The new and proposed planting not only conserves but enhances the AONB and therefore the development meets policies SD1, CO1, CO4, CO11 (nature conservation and habitat) and CSD4 by ensuring the high level of protection for ancient woodland and scenic beauty of the AONB is achieved
- Paragraph 28 of the National Planning Policy Framework supports rural tourism. The proposal is highly distinctive and will increase the tourism offer and provide year round employment, multiplier effect etc.
- Reference was made to policies VC6 and VC7 of the AONB Management Plan which allow for sustainable tourism development.
- Carefully designed eco holiday park and accessible to disabled. Kent Downs Management Plan places huge emphasis on access by socially excluded groups and recognises the needs of excluded groups. However no reference in the report of these benefits. Council has a duty to support DDA compliance, equality for all.
- Diversity is key feature of sustainable development. The National Planning Policy Framework seeks to ensure sustainable development is approved without delay and this is a sustainable development that meets paragraph 115 of the NPPF, other sections of the NPPF and local plan policies.
- The National Planning Policy Framework requires local planning authorities to look for solutions rather than problems.

At this point Councillor Ms Susie Govett asked for a recorded vote. The Constitution states that if five councillors present demand it, the names for and against the motion or amendment, or abstaining from voting, will be taken down in writing and entered into the minutes. This was not achieved.

In general members were appreciative of the proposed development commenting that Hawkinge Parish Council and Swingfield Parish Council did not have any objections to this application. Densole is considered sustainable with good bus routes, a shop and pub.

Comments averse to the development included questions around viability of project, suitability of site, limited economic benefits, manmade lake which would not be suitable for angling, development in an AONB and the risk of a further Judicial Review and the costs involved.

Members felt that they had a good knowledge and understanding of the planning policies and acknowledge that they make decisions based on behalf of the whole district. Any decision made should be with an open mind and not be affected by threatening emails or the possibility of a further judicial review.

Officers summarised Members' discussion and their reasons for recommending approval contrary to the Officer recommendation and Members agreed with the summary.

Proposed by Councillor Russell Tillson
Seconded by Councillor Mrs Jenny Hollingsbee and

RESOLVED:

That planning permission be granted for the reasons set out below, with delegated authority given to the Head of Planning to determine the necessary conditions, to include those referred to in the reasons for granting planning permission below:

It is considered that the economic and social benefits that will result from the development carry significant weight and this is supported by paragraph 28 of the National Planning Policy Framework.

Members agree with the conclusion of the LVIA submitted with the application that the proposal will cause negligible short term harm and that longer term this can be mitigated to an acceptable level, subject to conditions requiring the implementation and long term maintenance of the proposed landscaping scheme and details of lighting to mitigate impact on the night sky. As a result of the proposed landscaping scheme the development will conserve and enhance the AONB character and scenic beauty as required by Core Strategy policy CSD4 and paragraph 115 of the National Planning Policy Framework.

Members consider that the location is sustainable and within a short walking/cycling distance of facilities which will meet needs of holiday makers in that it is close to a main road and bus routes, with a shop and public house nearby and is close to Hawkinge.

Members agree with the Officers' report that this does not constitute major development within the AONB as set out in paragraph 116 of the National Planning Policy Framework.

Members conclude that although the development constitutes a departure from Core Strategy policy CSD3, the departure is justified in this instance, as due to the specific nature of this type of tourism accommodation, a rural location in open countryside is necessary.

Members consider that the development will provide a fully accessible and inclusive facility and that this is a key feature of sustainable development and is an important material consideration and will be of benefit to all.

On balance Members consider that the limited harm to the AONB can be mitigated, that the development will result in the long term conservation and enhancement of the AONB and will be a sustainable development with significant benefits which warrants granting planning permission.

(Voting: For 8; Against 1; Abstentions 1)

(Councillor Ms Susie Govett asked that her vote against the application for approval be recorded.)

5. **Y17/1637/SH Varne Boat Club, Coast Drive, Greatstone TN28 8NR**

Change of use of the land to a boat storage area to enlarge the existing boat storage compound (moving boundaries 14m north into the current public car park).

Lisette Patching, Development Management Manager, presented the application.

Mr Mark Rose, Sailing and Sports Manager, Varne Watersports Club, spoke on the application.

Proposed by Councillor Roger Wilkins
Seconded by Councillor Ms Susie Govett and

RESOLVED:

That planning permission be granted subject to the conditions set out at the end of the report and any additional conditions the Head of Planning Services considers to be necessary.

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

6. **Y18/0139/SH 15 Highridge, Hythe**

Erection of single storey rear extension and two storey rear/side extension following demolition of garage, together with erection of a single storey outbuilding with raised deck.

Lisette Patching, Development Management Manager, presented the application.

Mr Paul Fleury-Watts, applicant, spoke on the application. His speech focussed on the similarity of this development to his next door neighbour's extension and that the height of the proposed development is the same as next door. He did not understand the reasons for the recommendation for refusal.

Miss Patching pointed out that the extension next door is effectively single storey with two dormer windows. The proposed development was essential two

storey, was deemed bulky and dominant and the property already had a large flat roof two storey addition.

Although there was a suggestion of deferral by members, it was made clear that the applicant could resubmit amended proposals at no extra cost.

Councillor Russell Tillson said he understood the recommendation for refusal on the three policy grounds, however did not see this proposal as overbearing and it met the requirements of BE1, SD1 and BE8 and considered the design scale and massing acceptable..

Proposed by Councillor Mrs Jenny Hollingsbee
Seconded by Councillor Alan Ewart-James and

RESOLVED:

That planning permission be granted as the development meets the requirements of policies SD1, BE1 and BE8 and it is acceptable in terms of design, scale and massing, with delegated authority given to the Head of Planning to impose relevant conditions.

(Voting: For 8; Against 1; Abstentions 1)