

## Planning and Licensing Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 26 February 2019
Present	Councillors Clive Goddard (Chairman), Miss Susie Govett, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Paul Peacock, Mrs Carol Sacre (In place of Damon Robinson), Russell Tillson and Roger Wilkins (Vice-Chair)
Apologies for Absence	Councillor Alan Ewart-James, Councillor Mrs Jennifer Hollingsbee and Councillor Damon Robinson
Officers Present:	Louise Daniels (Senior Planning Officer), Sue Lewis (Committee Services Officer), Llywelyn Lloyd (Chief Planning Officer), Lisette Patching (Development Management Manager) and Jemma West (Senior Committee Services Officer)
Others Present:	

### 60. **Declarations of Interest**

There were no declarations of interest.

### 61. **Minutes**

The minutes of the meeting held on 18 December 2018 were submitted, approved and signed by the Chairman.

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

There were no Licensing Sub-Committee minutes to approve at the meeting.

### 63. **Y18/0196/SH - The Cottage, Hillside, Sandgate, Folkestone**

Erection of a four-storey building containing 6 No. 2 bedroom apartments and a two-storey building containing 1 No. 2 bedroom apartment together with car parking, cycle and bin storage following removal of the existing

house and garage.

Oliver Allen spoke against the application and suggested that members visit the site to see the concerns of the local residents. He raised the following issues:

- The road had not been tested for stability
- Access issues had not been addressed, particularly in respect of safety of residents whilst construction vehicles come and go from the site.
- The entrance is far too narrow onto the site for this type of construction.
- There is a loss of privacy for residents
- The design and character is not in keeping with the area.

Mr Tim Prater, spoke against the application on behalf of Sandgate Parish Council. He raised the following issues:

- No form of consultation has been done on the Ground Investigation Report
- The retaining wall has not been amended
- Sandgate Parish Council views have not been considered
- Access and traffic flow should be considered, as it stands it is too tight and far too dangerous for local residents.

Councillor Rory Love, ward member spoke against the application. He commended officers on a very detailed and fair report. He raised a number of issues as follows:

- A report should be brought back on stability issues already raised
- Members should analyse all aspects of the build not just the design
- Sandgate design Statement must be considered
- Not enough parking on the site for the required number of units, far more is needed
- The design is not in keeping with the area and the Council should preserve the character of the area and hillside.

Giles Taylor, applicant's agent spoke in support of the application informing Members that he had worked closely with the Council and the application was fully compliant with planning policies. He informed Members that the land stability issue was addressed and therefore the application should not be rejected on this. The scale and design sits well within the site and surrounding properties. Highways have no objection to the access to the site and therefore the Council should approve the application.

Members noted a number of points for and against the application and these are summarised below:

**For**

- Although there are a large number of objections to the application it is very difficult for members to reject it on planning grounds
- The report has addressed the issues surrounding land stability since the application first came to committee
- Planning Law should be adhered to
- Planning policies have been followed
- Highways have raised no issues.

### **Against**

- Land stability – conditions must be adhered to
- Traffic management of construction vehicles – a condition should be added if the application is approved
- Width of road is far too narrow and residents' concerns are justified as there will be an increase in car movements in a very small area
- Overbearing and out of keeping with the area
- Damage to existing properties because of construction
- Emergency vehicle access
- Number of dwellings is far too many and would have an adverse impact on existing residents

Proposed by Councillor Dick Pascoe  
Seconded by Councillor Roger Wilkins and

Resolved: That planning permission be granted subject to the conditions set out at the end of the addendum report and that delegated authority be given to the Development Management Manager to agree and finalise the wording of the conditions and add any other conditions that she considers necessary.

(Voting: For 3; Against 7; Abstentions 0)  
Upon being put this vote was LOST.

Proposed by Councillor Russell Tillson  
Seconded by Councillor Ms Susie Govett and

**Resolved: That planning permission be refused on the following grounds:**

- 1. The additional vehicular activity associated with the provision of 7 units on this site, in an area characterised by detached single dwellings, would have an unacceptable detrimental impact on the amenity of neighbouring residents due to the constrained access to the site. As such the development would be contrary to saved policy SD1 of the Shepway District Local Plan Review and policy HB1 of the Places and Policies Local Plan Submission Draft which seek to ensure that proposals do not lead to an adverse impact on the amenity of neighbours.**
- 2. That delegated authority be given to the Development Management Manager to finalise the wording of the refusal.**

(Voting: For 7; Against 3; Abstentions 0)

64. **Y18/1077/FH - Chapel Cottage, Lymbridge Green, Stowting Common**

Erection of two holiday lets together with access and parking.

The Planning Officer read out a statement from Councillor Mrs Hollingsbee, Ward Member as follows:

1. Sustainability - The North Downs is a very popular holiday destination and there are a number of successful holiday lets within the vicinity of this application. This is confirmed by Visit Kent Deputy Chief Executive who states:

**“there are visitor benefits to be derived from the accommodation as planned. With a growing demand for high quality self-catering accommodation we would encourage investment in a development such as this”**

The North Downs Trail Manager of the AONB is that:

**“The trail follows the ancient Pilgrims Way – one third of worldwide tourism is currently driven by tourism, as a result we are seeing growing numbers along the trail.”**

Mulberry Cottages believe there is a growing need for this type of accommodation in the Rural area.

There are a large number of tourists, particularly from abroad for rural accommodation and that they also like to visit adjacent towns (not always stay in them).

The George Public House on Stone Street is the closest, and the six mile garage caters for fuel and general needs. There is a regular bus service to Canterbury, Ashford and Folkestone.

Should the application be approved, a S106 agreement could ensure that the accommodation is part of Chapel Cottage and could not be sold separately.

2. Regarding insufficient internal floor space- policy HB3 requires a floor area of 50 sqm for a two person single storey dwelling, however the proposal is for holiday lets and not permanent accommodation. As this is a new emerging policy, the use of a Mezzanine area could be interpreted as meeting the policy.

3. Regarding the design and scale and materials – it would fit well within the site and would not be harmful to the setting and character of the AONB or the SLA.

I therefore conclude that this application falls within policy and should be approved.

Philippa Hawley, the applicant spoke in support of the application informing the Committee that she had lived in Stowing 30 years and had witnessed visitor numbers increasing year on year. The holiday lets proposed are of high quality which would replace existing run-down buildings.

There is support from the Parish Council, Ward Councillor and Kent Leader Programme who have all identified a need for this type of accommodation to encourage rural tourism.

She informed the Committee that the floor space is adequate and urged the Committee to support the application.

A number of Councillors spoke in support of the application giving their reasons as follows:

- The floor space is adequate for this type of accommodation
- Should welcome the change of building from run down to high quality holiday lets
- The Council should encourage this type of venture.
- Redundant buildings would be removed and other high quality accommodation should be welcomed.
- Conditions could be included to control the use if the application is approved.

A number of Councillors spoke in support of the officer recommendation to refuse with the reasons set out in the report and the comments by members below:

- access is insufficient
- no facilities such as shops/eating establishments nearby
- the area is in an AONB
- the application is contrary to planning policy

Proposed by Councillor Len Laws  
Seconded by Councillor Philip Martin and

**Resolved: That planning be granted contrary to the Officer recommendation as Members considered:**

- 1. The location is sustainable and there is sufficient demand for this type of facility, such that it will not result in unnecessary development in the countryside.**

**2. The floor area is sufficient for tourism accommodation.**

(Voting: For 5; Against 5; Abstentions 0)

The Chairman used his casting vote to vote FOR. Therefore the application was approved.

**65. Appeals Monitoring information - 2nd & 3rd QUARTER 01.07.18 - 31.12.18**

Members noted the Appeals Monitoring information - 2nd & 3rd QUARTER 01.07.18 - 31.12.18 with the addition of updated information as follows:

162 Sandgate Road, Folkestone - Claim for costs dismissed.

65 Radnor Cliff – this was a Committee decision to approve following an officer recommendation for refusal.

**66. Planning Contributions secured through Section 106 agreements and Community Infrastructure Levy**

Some planning decisions are subject to Section 106 (S106) legal agreements that require developers to make financial contributions to the Council and Kent County Council (KCC) to provide for on and off site infrastructure to mitigate the impact of the development.

Some developments for which planning permission is granted are also subject to the Community Infrastructure Levy (CIL). Although separate to the S106 process the purpose of CIL payments is also to ensure developers make an appropriate financial contribution to mitigate the impact of the development on local infrastructure.

The adequacy and effectiveness of the procedures and controls relating to S106 agreements was reviewed by the East Kent Audit Partnership in 2014 the resulting report recommended that the position regarding planning obligations that involve financial contributions should be reported to members on an annual basis. With the introduction of CIL in 2016 the report now also includes CIL contributions.

Proposed by Councillor Dick Pascoe

Seconded by Councillor Russell Tillson and

**Resolved:**

- 1. To receive and note report DCL/18/33**
- 2. To receive and note Appendix 1.**

(Voting: For10; Against 0; Abstentions 0)