

## Planning and Licensing Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 19 December 2017
Present	Councillors Alan Ewart-James, Clive Goddard (Chairman), Mrs Mary Lawes, Len Laws, Michael Lyons, Dick Pascoe, Damon Robinson (In place of Miss Susie Govett), Russell Tillson and Roger Wilkins (Vice-Chair)
Apologies for Absence	Councillor Miss Susie Govett, Councillor Mrs Jennifer Hollingsbee, Councillor Philip Martin and Councillor Paul Peacock
Officers Present:	David Campbell (Development Management Team Leader), Kate Clark (Committee Services Officer), Claire Dethier (Development Management Team Leader), Beth Lennon (Planning Officer), Lisette Patching (Development Manager) and Jemma West (Senior Committee Services Officer)
Others Present:	

### **38. Declarations of Interest**

Councillor Russell Tillson made a voluntary announcement with regard to Y17/1264/SH as he knows the applicant.

Councillor Michael Lyons made a voluntary announcement with regard to Y17/1264/SH as he knows the applicant.

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

### **39. Minutes**

The minutes of the meeting on 28 November 2017 were approved and signed by the Chairman.

### **40. Report from the Head of Planning**

Report DCL/17/28 set out the planning application that were considered by the Planning and Licensing Committee.

**Y17/1201/SH LAND ADJOINING ORCHARD COTTAGE THE STREET  
POSTLING KENT**

This application was withdrawn from the Statutory Register and was not considered at this committee meeting.

**Y17/1264/SH PEDESTRIAN PRECINCT SANDGATE ROAD  
FOLKESTONE KENT**

Use of land as a street market

Mrs Viv Kenny, resident, spoke against the application.  
Mr Richard Wallace, Folkestone Town Council, spoke on the application.  
Mr Ben Sharp, applicant's agent, spoke on the application.

It was noted that there is a maximum of 104 days of markets per year and this to be added as part of the conditions.

Proposed by Councillor Michael Lyons  
Seconded by Councillor Dick Pascoe and

**RESOLVED:**

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

- 1. Development to begin within 3 years**
- 2. Layout / number of stalls (as shown on submitted plans) with stalls facing outward.**
- 3. Days of operation . other than December, each market event to last no more than 7 consecutive days with a minimum of 5 days between market events. Maximum 104 days of markets per year.**
- 4. Stalls to be removed at the end of each market event**
- 5. Refuse and recycling to be cleared at the end of every day the market is in operation**
- 6. All market stalls should be uniform in appearance and maintained in good condition by the operators of the market.**

(Voting: For 6; Against 3; Abstentions 0)

Councillor Mrs Mary Lawes requested her vote against this application was recorded.

**Y17/1434/SH 20 MINTER AVENUE DENSOLE FOLKESTONE KENT**

Demolition of existing free standing garage and timber porch and erection of single storey attached garage (resubmission of Y17/0688/SH).

It was noted that Councillor Philip Martin had contacted the planning officer advising his support that permission should be granted. He was not present at this committee meeting.

Councillor Tony Hutt, Swingfield Parish Council, spoke against refusal of this application.

Mr Paul Kegos, applicant's agent, spoke on the application.

Members noted the design and position of the proposed development.

Proposed by Councillor Dick Pascoe  
Seconded by Councillor Michael Lyons

That planning permission is granted as the development is not considered to adversely affect the streetscene, it fits within the plot and will not appear out of character with other buildings; and that delegated authority be given to the Head of Planning to impose necessary conditions.

(Voting: For 2; Against 7; Abstentions 0)

Upon being put to the vote to grant permission for this application the MOTION was LOST.

Proposed by Councillor Russell Tillson  
Seconded by Councillor Damon Robinson and

**RESOLVED:**

**That planning permission be refused for the following reason(s):**

- 1. The proposed extension is of a poor design featuring a large flat-roof and odd form which would fail to relate to the existing character of the dwelling. In addition, the proposal would project forward of the principle elevation of the dwelling, resulting in a prominent development that is unsympathetic and incongruous to the character and appearance of the street scene. The proposal is therefore considered to be unsustainable development that constitutes poor design and is therefore contrary to saved policies SD1, BE1 and BE8 of the Shepway District Local Plan Review and policy DSD of the Shepway Core Strategy.**

(Voting: For 7; Against 0; Abstentions 2)

**Y17/1370SH 17 SANDGATE HIGH STREET SANDGATE KENT**

Change of use of ground floor and basement from retail (Class A1) to self-contained flat and associated alterations to the facade, together with installation of a rear dormer and other external alterations in connection with alterations to internal layout of existing upper floor flats, and installation of weatherboarding.

Proposed by Councillor Roger Wilkins  
Seconded by Councillor Michael Lyons and

**RESOLVED:**

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

- 1. Standard Three Year Condition.**
- 2. Approved plans.**
- 3. Details to be submitted to and approved prior to commencement of development for the following;**

**- Colour/ materials of proposed weatherboard to rear elevation**

- 4. Provision and retention of refuse/recyclables storage**
- 5. The new windows/ doors on the front elevation shall be timber.**  
**Joinery details for them to be submitted and approved.**

(Voting: For 8; Against 0; Abstentions 1)

**UNRESTRICTED MINUTES**

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

The minutes of the meeting held on 27 November 2017 were approved and signed by the Chairman.

**42. Unauthorised use of land**

Report DCL/17/29 considers the appropriate action to be taken regarding the unauthorised use of a piece of land adjoining 76-78 High Street, Dymchurch for the storage cars for 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 but this has been refused.

David Campbell, Development Management Team Leader, presented this report along with a series of photos showing land use over the past ten years.

Proposed by Councillor Roger Wilkins  
Seconded by Councillor Dick Pascoe and

**RESOLVED:**

- 1. To receive and note the report DCL/17/29.**
- 2. That an Enforcement Notice be served requiring the unauthorised use of the land for the storage and parking of vehicles to cease and all vehicles be removed from the land together with the removal of associated fencing, hard-standing and all associated structures and the site returned to grass.**
- 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 (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 8; Against 1; Abstentions 0)

#### **43. Unauthorised development of land**

Report DCL/17/30 considers the appropriate action to be taken regarding the unauthorised development at land adjoining 3 Millfield Folkestone. The report recommends that delegated authority is giving to the Head of Planning to serve an Enforcement Notice requiring the unauthorised development to be demolished if there is no successful appeal against the refusal of planning permission Y17/0886/SH

Proposed by Councillor Russell Tillson  
Seconded by Councillor Michael Lyons and

**RESOLVED:**

- 1. To receive and note the report.**
- 2. That delegated authority be given to the Head of Planning to serve an Enforcement Notice requiring the removal of the terrace of 3 x 3 storey houses after 6 months following the date of refusal of planning permission Y17/0886/SH if no valid appeal against the decision is submitted or, if an appeal is submitted, following the Inspector's decision on the appeal if the appeal is dismissed.**
- 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.**
- 6. That if an appeal against the refusal of planning permission is allowed, no Enforcement Notice be served and no other formal action be taken by the Council in respect of this particular breach of planning control.**

(Voting: For 8; Against 1; Abstentions 0)

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