

Planning and Licensing Committee

Held at:	Remote Meeting
Date	Tuesday, 15 December 2020
Present	Councillors Danny Brook, John Collier, Gary Fuller, Clive Goddard (Chairman), Mrs Jennifer Hollingsbee, Nicola Keen, Jim Martin, Philip Martin (Vice-Chair), Jackie Meade, Terence Mullard (In place of Ian Meyers), Georgina Treloar and David Wimble
Apologies for Absence	Councillor Ian Meyers
Officers Present:	Robert Allan (Principal Planning Officer), Kate Clark (Case Officer - Committee Services), Claire Dethier (Strategic Sites Lead Specialist), Ewan Green (Director of Place), Emma Hawthorne (Principal Planning Officer), Miss Isabelle Hills (Planning Trainee), Llywelyn Lloyd (Chief Planning Officer), Lisette Patching (CIL and Enforcement Team Leader), Helena Payne (Strategic Sites Team Leader) and Jemma West (Committee Service Specialist)
Others Present:	None

48. **Declarations of Interest**

There were no declarations of interest.

49. **Minutes**

The minutes of the meeting held on 17 November 2020 were submitted and approved. The Chairman's signature will be added to these minutes as approval.

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

The minutes of the meetings held on 10 November and 23 November 2020 were submitted and approved. The Chairman's signature will be added to both sets of minutes.

51. **FH/20/0690 - Sandbanks, Coast Road, Littlestone, TN28 8RY**

Conversion of the existing care home to 13no.1 and 2-bed residential flats; erection of a new building to contain 6no.2-bed flats and associated landscaping works.

The Chairman, Councillor Clive Goddard, gave the following statement to members of the committee:

Members will note that this item has been withdrawn from tonight's agenda at the request of the Chief Planning Officer. Members will have noted that the reports reference to flood risk and the need for more information – in anticipation of this matter being addressed. Unfortunately the information sought has not addressed the request sufficiently and as such the Chief Planning officer considers that further time is required to explore these issues.

I consider that that this is appropriate having considering the advice of the Chief Planning Officer. This item will be considered by the committee in the new year.

52. **20/1295/FH - 5 Castle Avenue, Hythe. CT21 5HD**

Section 73 application for removal/variation of Condition 2 (submitted plans) of Y19/0766/FH (Erection of a two storey side extension, single storey front and side extension and single storey rear extension along with the rendering of the first floor elevations).

Members were reminded that a further email had been received which had been circulated to the committee prior to this meeting. Many of the points raised are included in the report, however certain aspects of the email were pointed out to members again.

Mr Julian Saunders provided a recorded speech which was played to members consisting of a statement against this application.

Mrs Paula Triffitt, applicant, provided a video speech also played to members.

Proposed by Councillor Mrs Jenny Hollingsbee
Seconded by Councillor John Collier; and

RESOLVED:

That planning permission be granted subject to the conditions set out at the end of the report and any others that the Chief Planning Officer deems to be necessary.

(Voting: For 9; Against 1; Abstentions 0)

53. **20/0531/FH - 3 Tanners Hill, Hythe, Kent, CT21 5UE**

Demolition of existing dwelling and garage. Removal of conifer trees along north eastern site boundary. Proposed construction trees along north eastern site

boundary. Proposed construction of three storey block of six apartments with parking, amenity spaces, bin & cycle stores.

Mr Mark Powell, local resident, provided a recorded speech against the application.

The applicant's agent provided a written speech which was read out to members.

Proposed by Councillor David Wimble
Seconded by Councillor Philip Martin; and

RESOLVED:

That planning permission be granted subject to the conditions set out at the end of the report and any others that the Chief Planning Officer deems to be necessary.

(Voting: For 7; Against 5; Abstentions 0)

54. **20/0983/FH - Tesco Car Park, Cheriton High Street, Folkestone, CT19 4QJ**

Erection of a freestanding restaurant with drive-thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD), goal post height restrictor and play frame. Relocation of the existing recycling area, click and collect and trolley bays.

Members were advised six additional letters of objection had been received, however no new points had been raised in these.

Councillor Rebecca Shoob, ward member, spoke against the application, she had been contacted by many residents with their objections. Points raised included heavier traffic in a residential area which also impacts on the climate emergency; increased litter; 24 hour fast food outlet which does not promote healthy eating and this proposal discourages the support of local existing businesses.

The applicant's agent statement was read out and conveyed that the applicant had worked closely with the Planning Officers to bring together an application for which approval is sought from members.

The agent's statement listed the advantages of this proposal and the nature of the applicant's business, which will be locally franchised. An international company which offers its staff extensive training, development and apprenticeships with good prospects for promotion. The company is keen to promote and invest in Folkestone. Other initiatives include sponsorship of local sports activities and the promotion of litter picks. The staff at the proposed restaurant would carry out three litter picks per day.

Members gave consideration to all aspects of the application making the following comments and views:

- Job creation of approximately 35 full time and 30 part time positions.
- Not just a drive-thru, a restaurant is planned with adequate parking.
- The applicant actively promotes healthy eating as a choice for customers.
- Folkestone is a vibrant town and some members felt the proposal was a good option especially due to the increased development in the area.
- 24 hour operation could affect nearby residential areas.
- Increase in traffic to the site from all directions, including the M20, which would have an effect on emissions. The biggest emitters of carbon come from personal car use.
- The junction from the M20 through to the Tesco car park has a tendency to congest which can mean delays in entering and leaving the car park at present, this could worsen with a 24 hour drive-thru.
- Similar smaller businesses could suffer and a large multi-national company discourages entrepreneurial spirit.

Proposed by Councillor David Wimble
Seconded by Councillor Philip Martin; and

RESOLVED:

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

(Voting: For 5; Against 7; Abstentions 0)

This Vote was LOST.

Proposed by Councillor Gary Fuller
Seconded by Councillor Georgina Treloar; and

RESOLVED:

That planning permission be refused for the following reason as members considered it would be unsustainable development due to the majority of customers using private cars and have an unacceptable impact on neighbouring residential due to the increase in noise and disturbance from the additional vehicle movements and lighting and the 24 hour operation:

The proposed development would, due to the car dependent nature of the operation, constitute unsustainable development, which due to the level of additional vehicle movements generated, the hours of operation and the additional lighting, would be detrimental to the residential amenity of local residents.

Delegated authority was given to the Chief Planning Officer to include the relevant policies.

(Voting: For 7; Against 5; Abstentions 0)

55. **Y19/0546/FH - 9 Victoria Grove, Folkestone, Kent, CT20 1BX**

Retrospective application for change of use to a seven bed HMO (House in Multiple Occupation).

Proposed by Councillor Mrs Jenny Hollingsbee
Seconded by Councillor Philip Martin; and

RESOLVED:

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

(Voting: For 9; Against 3; Abstentions 0)

56. **Y19/0016/FH - Land adjoining 86-88 Tontine Street, Folkestone, Kent**

Erection of part 3-storey and part 5-storey building comprising 45no.studio apartments with associated access, parking and communal garden.

Members were reminded by the presenting Officer that this application was considered in detail at the October 2020 Planning & Licensing Committee where it was resolved to grant planning permission subject to conditions and a S106 agreement. However, following this resolution it came to light that the Viability Report, which has been submitted with the application, had not been made publically available. Members were advised that the National Planning Policy Guidance requires all Viability Assessments to be publically available. This matter has now been rectified, with full reconsultation having now been carried out and, in the interests of transparency, is the sole reason for returning to Committee. The application remains unchanged from that previously considered in its entirety, including matters of viability.

Proposed by Councillor David Wimble
Seconded by Councillor Philip Martin; and

RESOLVED:

That planning permission be granted subject to the conditions set out at the end of the report and the applicant entering into a S106 legal agreement securing payments towards Folkestone's GP provision, community services and off-site contributions towards affordable housing

and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and the legal agreement and add any other conditions that he considers necessary.

(Voting: For 7; Against 4; Abstentions 1)

57. Formal Enforcement Action and Complaints Update Report

The purpose of report DCL/20/41 was to provide the Committee with an update on formal action taken by the Council in respect of breaches of planning control where the committee had authorised officers to take formal enforcement action.

The Chief Planning Officer had delegated authority to serve many of the formal notices that were issued but the majority of Enforcement Notices required the authorisation of the Planning and Licensing Committee. Councillors had request an update on the enforcement notices that they have authorised the Chief Planning Officer to serve.

The report also included an update on the other formal notices that the Council can serve in exercising its planning enforcement powers and on the number of enforcement complaints that had been received and closed since 1 April 2019.

Members thanked officers for the useful and informative report.

Proposed by Councillor John Collier
Seconded by Councillor Jim Martin

RESOLVED:

- 1. That report DCL/20/41 is received and noted.**
- 2. That Appendix 1 is received and noted.**

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