

Planning and Licensing Committee

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| Held at: | Council Chamber - Civic Centre, Folkestone |
| Date | Tuesday, 24 April 2018 |
| Present | Councillors Miss Susan Carey (In place of Russell Tillson), Alan Ewart-James, Clive Goddard (Chairman), Miss Susie Govett, Mrs Jennifer Hollingsbee, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Paul Peacock, Damon Robinson and Roger Wilkins (Vice-Chair) |
| Apologies for Absence | Councillor Russell Tillson |
| Officers Present: | Kate Clark (Committee Services Officer), Claire Dethier (Development Management Team Leader), Ben Geering (Head of Planning), Sue Lewis (Committee Services Officer), Julian Ling (Senior Planning Officer), Lisette Patching (Development Manager) and Susan Priest (Head of Paid Service) |
| Others Present: | |

69. **Declarations of Interest**

Councillor Roger Wilkins declared a voluntary announcement with regard to Planning applications Y18/0011/SH Land Adjoining Jesson Court Caravan Park, Jefferstone Lane, St Marys Bay and Y17/1317/SH Hagueldands Farm, Burmarsh Road, Burmarsh in that he is the Ward Councillor for both.

Councillor Ms Susan Carey declared a voluntary announcement with regard to planning application Y17/1317/SH Hagueldands Farm, Burmarsh Road, Burmarsh in that she personally knows the applicant's family.

Councillor Mrs Jenny Hollingsbee declared a voluntary announcement on planning application Y18/0209/SH 31 Warren Way, Folkestone as she knows the applicant in her capacity as Cabinet Member for Communities.

All remained in the meeting and took part in discussions and voting on all items.

70. **Minutes**

The minutes of the Planning and Licensing Committee held on 20 March 2018 and 3 April 2018 were submitted, approved and signed by the Chairman.

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

The minutes of the Licensing Sub Committee held on 20 March 2018 were submitted, approved and signed by the Chairman.

72. **Y17/1099/SH Former Rotunda Amusement Park, Marine Parade, Folkestone**

Section 73 application for the removal of condition 41 (Provision of Sea Sports Centre) and variation of conditions 4 (Reserved Matters), 6 (Phasing), 7 (Reserved Matters Details), 15 (Public Realm), 16 (Play Space/ Amenity Facilities), 18 (Public Toilets), 21 (Wind Flow Mitigation), 23 (Heritage Assets), 25 (Bus Stop), 37 (Wave Wall); and 42 (Provision of Beach Sports Centre) of planning permission Y12/0897/SH (Outline planning application with all matters (access, scale, layout, appearance, landscaping) reserved for the redevelopment of the harbour and seafront to provide a comprehensive mixed use development comprising up to 1000 dwellings (C3), up to 10,000 square metres of commercial floorspace including A1, A3, A4, A5, B1, D1 and D2 uses as well as sea sports and beach sports facilities. Improvements to the beaches, pedestrian and cycle routes and accessibility into, within and out of the seafront and harbour, together with associated parking, accompanied by an Environmental Statement) to enable changes to the plot shapes, footprints, maximum height, changes to parameter plans, levels, parking arrangements, how the sea sports and beach sports facilities are provided, and alterations to the Environmental Statement.

This report considered whether the amendments to the parameter plans, design and landscape guidelines, changes to conditions and other alterations set out in the description of the Section 73 application should be approved.

The Chairman advised the committee that Councillor Russell Tillson had withdrawn his motion made at the last Planning and Licensing Committee meeting that the application be refused and this had been agreed by the seconder, Councillor Dick Pascoe.

Mr Ben Geering, Head of Planning, advised members that the Secretary of State had received a request to call in the application for determination and of the procedures with regard to the request for a call in.

Miss Lisette Patching, Development Management Manager read out a statement provided by Councillor Russell Tillson and reported further comments from Folkestone Town Council prior to her presentation. The full statement by Councillor Tillson is attached to these minutes.

Mr Mark Hourahane, local resident, spoke against the application.

Councillor Richard Wallace, Folkestone Town Council, spoke on the application.
Councillor Mrs Mary Lawes, spoke on the application.
Councillor Mrs Susan Wallace, spoke on the application.
Mr Trevor Minter, applicant, spoke on the application.

Proposed by Councillor Ms Susan Carey
Seconded by Councillor Alan Ewart-James and

RESOLVED:

That subject to the application not being called in for consideration by the Secretary of State:

- a) That that the Head of Planning Services be authorised under delegated authority to grant planning permission subject to:**
- Completion of a deed of variation legal agreement with the applicant that secures the social and physical infrastructure and financial contributions, including contributions towards the existing sea sports centre within the site, which are detailed within the main report and this addendum and which the Head of Planning Services considers to be acceptable.
 - The conditions set out at the end of the report and any additional conditions the Head of Planning Services considers to be necessary following detailed discussions with the applicant.

- b) That in the event that the legal agreement is not finalised by 1st June 2018 and an extension of time has not been entered into by the applicant, the Head of Planning be given delegated authority to refuse planning permission on the following ground:**

In the absence of a signed legal agreement there is no mechanism for ensuring the provision of the required the social and physical infrastructure and financial contributions, including contributions towards the existing sea sports centre. As such the development is contrary to policy SS6 of the Core Strategy Local Plan which requires that the development should provide, contribute to or otherwise address the identified infrastructure needs.

(Voting: For 7; Against 3; Abstentions 2)

73. Y18/0011/SH Land Adjoining Jesson Court Caravan Park, Jefferstone Lane, St Marys Bay

Change of use of agricultural land to the keeping of horses together with the erection of a stable block.

Miss Claire Dethier, Development Management Team Leader, presented the report

Mr Keith Pope, applicant, spoke on the application.

Proposed by Councillor Len Laws
Seconded by Councillor Damon Robinson 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 11; Against 0; Abstentions 1)

74. Y18/0066/SH Land At Park Farm Road, Park Farm Road, Folkestone

Redevelopment of the site to provide a hotel (4,979 sqm GIA) (Use Class C1), restaurant and café floorspace (847 sqm GIA) (Use Class A3) and two 'drive through' units (total 451 sqm GIA) together with a new vehicular and pedestrian access from Park Farm Road, parking, servicing and all hard and soft landscaping.

Miss Patching presented this report.

Councillor Richard Wallace, Folkestone Town Council, spoke on the application.
Peter Keenan, agent, spoke on the application.

Proposed by Councillor Michael Lyons
Seconded by Councillor Dick Pascoe and

RESOLVED:

a) That that the Head of Planning Services be authorised under delegated authority to grant planning permission subject to:

- **Completion of a legal agreement with the applicant that secures the travel plan and monitoring fee and which the Head of Planning Services considers to be acceptable.**
- **The conditions set out at the end of this report and any additional conditions the Head of Planning Services considers to necessary.**

b) That in the event that the deed of variation is not finalised by 1 June 2018 and an extension of time has not been entered into by the applicant, the Head of Planning be given delegated authority to refuse planning permission on the following ground:

In the absence of a signed legal agreement there is no mechanism for ensuring the provision and effective monitoring of a travel plan covering the development. The application is therefore contrary to saved policy TR13 of the Shepway District Local Plan which requires travel plans for major development that are likely to have significant transport implications.

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

75. Y18/0209/SH 31 Warren Way Folkestone Kent CT19 6DT

Erection of two storey side and rear extension with single storey rear element, following demolition of existing single storey garage.

Miss Dethier presented this report.

Jean Howlett, local resident, spoke against the application.
Emily Ghassempour, applicant, spoke on the application.

Proposed by Councillor Ms Susan Carey
Seconded by Councillor Roger Wilkins 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 12; Against 0; Abstentions 0)

76. Y17/1317/SH - Haguelds Farm, Burmarsh Road, Burmarsh TN29 0JR

Construction of detached restaurant/café building (Use class A3), construction of detached indoor play barn (Use Class D2), alterations to existing farm entrance, provision of new hard standing for disabled visitors, deliveries and fenced bin enclosure, relocation of existing parking to overspill car park with permeable surfacing to tracked routes.

Mr Julian Ling, Senior Planning Officer, presented the report and pointed out to members the concerns over access safety and lack of a detailed ecology survey.

Proposed by Councillor Dick Pascoe
Seconded by Councillor Philip Martin and

RESOLVED:

That planning permission be refused for the reasons set out at the end of the report by the Head of Planning.

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

77. Appeals Monitoring Information - 4th Quarter 1.1.2018 - 31.3.2018

Members noted the report.

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STATEMENT FOR THE PLANNING AND LICENSING COMMITTEE MEETING ON 24 APRIL 2018

I am unfortunately out of the country for this meeting, though I confirm that I have withdrawn the motion relating to Y17/1099/SH that I successfully proposed at the last meeting following developments since that meeting.

I have studied the Addendum very carefully, and it confirms that independent legal advice has been properly sought, received and acted upon. I accept that the legal advice confirms that the application can be lawfully determined under Section 73 of the 1990 Town and Country Planning Act., even though the definition used in the 2010 guidance, based upon consultants' research, does not constitute a statutory definition, as is acknowledged in Section 4.1. of the Addendum.

A number of cases, some of them very recent, are quoted in Section 4.6 of the Addendum, though in my judgement their collective effect is really to muddy the waters still further, as the distinction between what is minor and what is substantial is reduced to semantics and thus left largely up in the air.

I also have reservations about the significance of the various previous applications to both this and other planning authorities that are cited in the Addendum, since none of them appears to encompass a development on the scale of Marine Parade.

It has not escaped my attention that in Section 6.4 it is conceded that independent legal advice from LSR made it clear that it would have been preferable to consider the original amendments proposed under Section 70 rather than Section 73. Given this is the case, I am bound to remain of the view that there should have been appreciably greater consultation with residents over the amendment (be they minor or substantial), in addition to that provided for statutory bodies. I believe that much of the vocal protest would then have been avoided.

Nevertheless, much good has resulted from the discussion and voting at our last Planning and Licensing committee meeting. In Sections 6.2 and 6.3, the applicant has submitted significant and highly desirable changes to the application, which should find favour with objectors and which might not otherwise have materialised. Moreover, recommendation (b) appears to me to be an appropriate safeguard so far as the required contributions towards the existing sea sports centre are concerned.

Finally, I reiterate the point I made at the previous meeting that the planning authority should follow the example of other councils, and devise an explicit policy on Section 73, with a view to avoiding any repetition of recent events.

Cllr. Russell Tillson
19th April 2018

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