

Planning and Licensing Committee

Held at:	Council Chamber - Civic Centre, Folkestone
Date	Tuesday, 3 April 2018
Present	Councillors Alan Ewart-James, Clive Goddard (Chairman), Mrs Jennifer Hollingsbee, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Paul Peacock, Damon Robinson, Russell Tillson and Roger Wilkins (Vice-Chair)
Apologies for Absence	Councillor Miss Susie Govett
Officers Present:	David Campbell (Development Management Team Leader), Kate Clark (Committee Services Officer), Louise Daniels (Senior Planning Officer), Ben Geering (Head of Planning), Lisette Patching (Development Manager), Susan Priest (Head of Paid Service), Matt Rain (Communications Manager), Jemma West (Senior Committee Services Officer) and David Whittington (Planning Policy Team Leader)
Others Present:	Mr Matthew Hogben (Transport and Development Planner, KCC Highways and Transportation), Councillors Miss Carey, Mrs Sacre, McKenna, Mrs Lawes and Mrs Wallace

66. **Declarations of Interest**

Councillor Mrs Jenny Hollingsbee declared an Other Significant Interest with regard to Planning application Y18/1122/SH Land Rear Rhodes House, Main Road, Sellindge. She attended the opening of Elmsted Village Car Park which was constructed by the applicant's agent and she is the President of the Sellindge Sports and Social Club. Councillor Hollingsbee addressed the meeting and then moved to the public gallery prior to debate and voting on this item.

67. **Application Number: Y17/1099/SH Former Rotunda Amusement Park Marine Parade Folkestone**

Section 73 application for removal of conditions 41 (Provision of Sea Sports Centre) and 42 (Provision of Beach Sports Centre) and for the 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) and 37 (Wave Wall) 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 seasports 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, and alterations to the Environmental Statement.

David Campbell, Development Management Team Leader, presented this report and referring to paragraph 1.17 of the officer's report advised members that the Harbour Master's House is shown to be demolished, however a condition is proposed which will safeguard it until the Local Planning Authority is satisfied on details of what will replace it.

Mr Hourahane, local resident, spoke on the application. His concerns included insufficient parking, lack of public amenities and did not agree that the changes were minor.

Mr Richard Wallace, Folkestone Town Council, spoke on the application and said this development was a bonus and improvement for Folkestone, however his concerns were the building height amendments, affordable housing and infrastructure.

Councillor Mrs Mary Lawes, ward member, spoke on the application. Her concerns were increase in traffic congestion, vehicle accidents and employment factors.

Councillor Mrs Susan Wallace, ward member, spoke on the application and pointed out to members that this was a carefully thought out development, however she was concerned about the level of consultation, affordable housing and rental properties.

Mr Trevor Minter, applicant, spoke on the application. He pointed out this is a viable project and all challenges have been addressed. He was aware of the objections however he was satisfied that the process of the consultation plan had been followed.

Members noted concerns with regard to:

- Guidelines to the description of 'minor alterations'
- Building height adjustments
- Affordable housing
- Parking provisions
- Consultation process and the large amount of objections received
- Suitability of Section 73

Mr Campbell explained the Section 73 process and pointed out that planning permission had already been granted.

Miss Lisette Patching, Development Management Manager, assured members that she was satisfied that the consultation process had been carried out correctly.

Mr Matthew Hogben, Transport and Development Planner, KCC Highways and Transportation, advised members that underground parking would be provided. He noted that since the original plan in 2012, a Controlled Parking Zone had been implemented on Marine Parade which benefits residents and that the parking provision is identical to the 2012 submission and approval.

Proposed by Councillor Michael Lyons
Seconded by Councillor Alan Ewart-James and

RESOLVED:

That for the reasons set out in the report of the Head of Planning, the section 73 application should be granted subject to delegation being given to the Head of Planning for the detailed wording and finalisation of suitable conditions and a deed of variation to the section 106 agreement to deliver the requirements set out in the report.

(Voting: For 5; Against 6; Abstentions 0)

Upon being put the vote for approval was LOST.

A recess was requested by the Head of Planning and agreed by the Chairman, as members were proposing to table a motion to refuse the application on the grounds the s73 was not suitable.

Following the recess the Head of Planning advised members as follows:

- the application has been validated and consulted on in accordance with legislation and that the changes allowed under the S73 process are within the context of the development as a whole (officers having previously advised why they consider the S73 process is suitable)
- members are being asked to determine whether the changes proposed are acceptable in planning terms.
- If members do not consider the changes are in acceptable in planning terms they need to provide clear planning reasons why

- Alternatively, if members want independent legal advice to address concerns over whether the correct application process is S73 or should instead be dealt with under S70 of the Town and Country Planning Act the application can be deferred to get this advice and then brought back to committee.

Proposed by Councillor Dick Pascoe
Seconded by Councillor Russell Tillson and

RESOLVED:

That the Section 73 application is deferred to allow independent legal advice to be sought as to whether S73 is the correct process prior to this application being brought back to the Planning and Licensing Committee at a future date.

(Voting: For 9; Against 2; Abstentions 0)

68. Application Number: Y16/1122/SH Land Rear Rhodes House Main Road Sellindge Kent

Outline planning application for a neighbourhood extension for the creation of up to 162 houses including affordable, self-build and retirement housing, up to 929 square metres Class B1 Business floorspace, allotments, recreational ground and multi-use games area, nature reserve, and associated access, parking, amenity space and landscaping.

Louise Daniels, Senior Planning Officer, presented the report and advised members that since the publication of the supplementary information additional comments have been received from Sellindge Parish Council which include concerns about the Elec Link cable, high voltage cables and traffic congestion. Also four additional neighbour objection letters have been received.

Mr Bob Eddon, local resident, spoke on the application.

Linda Hedley, Parish Clerk at Sellindge Parish Council spoke on the application.

Councillor Miss Susan Carey spoke on the application.

Mr Mark Quinn, applicant's agent, spoke on the application.

Proposed by Councillor Russell Tillson
Seconded by Councillor Alan Ewart-James and

RESOLVED:

- **That, for the reasons set out in the report of the Head of Planning, the Head of Planning be authorised under delegated authority to grant planning permission, subject to the completion of a section 106 legal agreement with the applicant that secures the infrastructure and financial contributions detailed within this report**

and subject to conditions outlined within the report and any additional conditions which he considers to be necessary.

(Voting: For 8, Against 2, Abstentions 0)

Councillor Mrs Jenny Hollingsbee did not take part in the debate or voting of this application.