

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I am unfortunately out of the country for this meeting, though I confirm that I have withdrawn the motion relating to Y17/1099/SH that I successfully proposed at the last meeting following developments since that meeting.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