

This Report will be made public on 31 May 2023

Report Number **A/23/02**

**To:** Councillor Jim Martin, Leader of the Council and Otterpool Park and Planning Policy Portfolio Holder

**Date:** 8 June 2023

**Status:** Non key decision

**Responsible Officer:** Susan Priest, Chief Executive

**Cabinet Member:** Councillor Jim Martin, Leader of the Council

**SUBJECT:** PRINCES PARADE PROJECT

**SUMMARY:** In December 2022 Cabinet agreed to pause the Princes Parade Project and agreed to just do the necessary works to implement the planning permission (report C/22/73). This report gives an update on progress since that Cabinet decision. In conclusion this report seeks approval to submit a Non-Material Amendment to the Local Planning Authority (LPA) to amend condition 3 relating to the implementation date.

**REASONS FOR RECOMMENDATIONS:**

The Leader is asked to consider the matters raised in this report to extend the implementation date by 3 years through the submission of a non-material amendment application to the LPA to allow time for the new Administration to consider options and allow engagement with the community and their representatives on the future use of the site before formal decisions are made.

**RECOMMENDATIONS:**

1. To receive and note report A/23/02.
2. To agree that Officers apply for a non-material amendment to the Local Planning Authority to extend the implementation date by 3 years.
3. To authorise spend from the existing Princes Parade project budget to allow for the non-material amendment application to be submitted.
4. To note that a further report will be prepared for cabinet consideration on the future use of the site.

## **1. BACKGROUND**

- 1.1 On 14<sup>th</sup> December 2022 cabinet agreed that option B in report C/22/73 be pursued to “do just the necessary works to implement the planning permission”. Budget was made available, and works have been progressing in line with that direction, with officers working towards an implementation date of the 17<sup>th</sup> July 2023.
- 1.2 Since the last decision, works on site including further ground investigation and gas monitoring to inform the ‘Land Contamination Assessment and Remediation Strategy’, and the ‘Remediation Implementation Plan’ for the site have been completed. Consultants have prepared both reports and submitted them to the Council. An application to discharge Conditions 25b and c is due to be submitted imminently to the LPA.
- 1.3 The status of the site itself is that hoarding remains in place and is being maintained to ensure ongoing site security and public safety, but no further activities on site are being progressed at this time.
- 1.4 The current planning permission has an implementation date of the 17<sup>th</sup> of July 2023, after which the planning permission will expire.

## **2. NEXT STEPS**

- 2.1 The new administration has asked that time is made available to conduct meaningful engagement with the community and their representatives on the future use of the site. In order for additional time to be granted, an application for a non-material amendment to condition 3 relating to the implementation date would need to be made to the LPA.
- 2.2 Permission is being sought from the Leader to authorise officers to submit a non-material amendment to the Local Planning Authority to amend condition 3 relating to the implementation date. The extension of the implementation date by 3 years will provide additional time to consider future options and their wider implications, to make formal decisions including the budget required, and to deliver the necessary works on site. A further report will be prepared for cabinet on these next steps as soon as practicable.

## **3. OPTIONS/RESOURCES & TIMELINE**

- 3.1 Budget will be required for the non-material amendment application and any further input from the Council’s consultants to achieve this submission. This can be met from the current budget contingency allocated for the Princes Parade implementation works contained within the council’s 2023/24 budget.
- 3.2 It is anticipated that following submission, the application will have to be determined by the 17<sup>th</sup> July 2023 after which the current planning consent will expire.

#### 4. RISK MANAGEMENT ISSUES

4.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
If decision not determined by 17 <sup>th</sup> July, Planning Permission will expire.	High	Medium	Timely decision is needed to ensure sufficient time and opportunity for meaningful debate and discussion with the community.

#### 5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

##### 5.1 Legal Officer's Comments

External legal advice has been sought in relation to extension of the implementation date to ensure that such an extension would be lawful.

##### 5.2 Finance Officer's Comments

The estimated cost of a non-material amendment to the Local Planning Authority to amend condition 3 relating to the implementation date by 3 years is £234. The cost of this can be met from the existing budget for the Princes Parade project.

##### 5.3 Diversities and Equalities Implications

There are no equality and diversity implications directly arising from this report. When public consultation is undertaken on the future of the site, the consultation should be made available in a variety of formats to allow for maximum participation with the community.

#### 6. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting.

Susan Priest, Chief Executive

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Email: [Susan.Priest@folkestone-hythe.gov.uk](mailto:Susan.Priest@folkestone-hythe.gov.uk)

The following background documents have been relied upon in the preparation of this report:

*None*