

**Planning Application F/TH/17/0592 – 97 Kingsgate Avenue,
Broadstairs**

Planning Committee – 20th September 2017

Report Author **Helen Johnson, Planning Officer**

Portfolio Holder **Cllr Lin Fairbrass, Community Services**

Status **For Decision**

Classification: Unrestricted

Previously Considered by **Planning Committee 16th August 2017**

Ward: **Kingsgate**

Executive Summary:

This report results from the deferral by Members of the above application, at 16th August 2017 meeting, to consider a potential reason for refusal, following Officer recommendation to approve the application.

The following report puts forward a potential reason for refusal Members may wish to consider.

Recommendation:

Members refuse the application for the reason set out in paragraph 2.5.

CORPORATE IMPLICATIONS

**Financial and
Value for
Money**

The Planning Committee is not bound to follow the advice of Officers. However, should Members decide not to accept the advice of Officers it should be mindful of the potential cost implications in doing so.

The advice from Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.

The advice outlines is that if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be

	awarded against the authority with these costs needing to be found from within Service.
Legal	<p>The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.</p> <p>The reasons for any decision must be formally recorded in the minutes and a copy placed on file.</p> <p>If members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.</p> <p>The advice from Government within the National Planning Practice Guidance sets out the circumstances in which costs may be awarded against either party in planning appeals. Costs may be awarded where a party has behaved unreasonably; and the unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense in the appeal process. Costs may be awarded following an application by the appellant or unilaterally by the Inspector. An authority is considered to have behaved unreasonably if it does not produce evidence to substantiate each reason for refusal.</p>
Corporate	The delivery of new housing through the Local Plan and planning applications supports the Council's priorities of supporting neighbourhoods ensuring local residents have access to good quality housing, and promoting inward investment through setting planning strategies and policies that support growth of the economy.
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <p>In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.</p>

1.0 Introduction

- 1.1 At the Planning Committee meeting on 16th August 2017, it was resolved that the proposal for the change of use of existing single dwellinghouse into 2no. 3 bedroom and 1no. 4 bedroom terrace houses with erection of single storey ground floor extension to side elevation, alterations to fenestration, installation of balcony at second floor level to front elevation, raised rooflights to main roof and new vehicular access onto Kingsgate Avenue at the above-mentioned site should be brought before Members to be considered for potential reasons for refusal.

2.0 The Current Situation

- 2.1 At the previous Planning Committee, Members raised concerns about the creation of 3no. terraced properties at the scale proposed and during discussion placed weight on the harmful impact this would have on the special character of the Area of High Townscape Value.
- 2.2 This application is therefore reported back to Planning Committee for Members to consider a potential reason for refusal, based on the concerns raised during the meeting of 16th August 2017.
- 2.3 Whilst there are a mix of properties in this area, with semi-detached properties, detached dwellings and a block flats in the vicinity of the application site there are no terraced dwellings at the scale proposed. The width of the dwellings that would be created through the change of use would be smaller than the semi-detached ones in this area. Whilst the visual changes to the front of the property arising from the development would be minimal, the alterations would result in the creation of additional entrances, visible from the public realm, resulting in the building being read as three dwellings. This could be considered to be out of keeping with the layout and form of individual dwellings that is characteristic of this area. The block of flats adjacent to the application site, whilst comprising a number of units, has a single entrance point. Whilst officers assess that the proposed development would preserve the character and appearance of the building and Area of High Townscape Value, it could be considered that the change of use would have a harmful impact on the streetscene and special character of the Area of High Townscape Value by virtue of the type and size of dwellings.
- 2.4 There are no new build standards of accomodation, it is the Officer's view that the proposed standard of accommodation is acceptable.
- 2.5 Should Members be minded to refuse planning permission, they may wish to consider the following reason for refusal:

'The proposed development, by virtue of the type and size of the dwellings would result in an incongruous development within the street scene, failing to complement and respect the layout and form of individual dwellings in the Area of High Townscape Value, detrimental to the special established local character of Kingsgate Avenue, contrary to saved Thanet Local Plan Policies D1 & D7 and Paragraphs 17, 56, 58 & 64 of the National Planning Policy Framework.'

3.0 Options

- 3.1 Members have the option to either refuse the application for the reason set out in paragraph 2.5 above, approve the application in accordance with the report to Planning Committee on 16th August 2017 or propose an alternative motion.

4.0 Recommendations

- 4.1 Members refuse the application for the reason set out in paragraph 2.5.

Contact Officer:	<i>Helen Johnson, Planning Officer</i>
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Reporting to:	<i>Iain Livingstone, Planning Applications Manager</i>
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Appendix List

<i>Appendix A</i>	<i>Planning Committee Schedule item 16th August 2017</i>
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Corporate Consultation

Finance	Matthew Sanham, 11 th September 2017
Legal	Tim Howes, 11 th September 2017