

Application for Planning Permission F/TH/19/0663 – St Peter’s Presbytery 117 Canterbury Road Westgate

Planning Committee – 21st October 2020

Report Author **Duncan Fitt, Planning Officer**

Planning Reference: F/TH/19/0663

Site Address: St Peter’s Presbytery 117 Canterbury Road Westgate

Applicant: Kentish Projects

Status **For Decision**

Classification: Unrestricted

Ward: **Westgate**

Executive Summary:

This report concerns an application for planning permission (Reference F/TH/19/0663) for the erection of a four storey building for a mixed use development comprising 751 sq m of commercial office use on the ground floor (use class B1) together with 2No one-bedroom, 8No two-bedroom and 4No three-bedroom apartments on first, second and third floors (use class C3) with associated parking, access and landscaping following demolition of existing building.

The application was presented to members at the planning committee on the 5th August with a recommendation of approval. Members raised concerns about the loss of trees as a result of the proposed development and requested that the application was returned to officers to request amended plans, and then reported to members at a future meeting for a final decision on the application.

Amended plans have been submitted retaining a further four trees on the site and resulting in a total loss of four trees across the whole site with ten new trees planted.

It is considered that following the submission of the amended plan the proposed development should be deferred and delegated for approval subject to the recommended conditions and submission of the required legal agreement.

Recommendation:

Members defer and delegate the application for approval subject to the amended plans and the safeguarding conditions outlined in the planning committee report of 5th August 2020, appended at Annex 1, and submission of the required legal agreement.

CORPORATE IMPLICATIONS

Financial and Value for Money	No implications.
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.</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>
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 Background

- 1.1 The application site comprises St Peters Presbytery together with the attached residential bungalow to the east, located on Canterbury Road in Westgate, close to the junction with Minster Road and St Mildreds Road, within the Westgate Conservation area and adjacent to the grade II listed Summerlands Lodge.
- 1.2 Planning permission was granted in 2018 under reference F/TH/18/0005 for the change of use of the church and dwelling to Offices (Use Class B1) together with cladding to front elevation and alterations to fenestration by the Planning Committee in June 2018.
- 1.3 This application was reported to the planning committee on the 5th August 2020 with a recommendation of approval subject to the required conditions (Annex 1).

1.4 The motion to approve the application was lost and a motion requesting that the application was returned to officers for further work including the submission of amended plans to retain more trees on the site was carried.

2.0 Additional Information and Amended Plans Submitted by the Applicant

2.1 Officers contacted the applicant for amended plans to retain more trees on the site.

2.2 The applicant's agent has submitted an amended arboricultural report and site plan altering the layout of the site and indicating that only four trees are now proposed for removal.

2.3 T16, T19, T26 and T27 would be removed as part of the amended proposal. T18, T20, T21 and T22 were previously proposed to be removed, however would now be retained as part of the amended plan.

2.4 The amended arboricultural report includes a 'no-dig' construction methodology for the rearmost parking area to address the change in levels and to ensure that root protection areas of the retained trees are maintained.

3.0 Analysis

3.1 T16 is a Corsican Pine tree located to the front of the existing building. Whilst this tree has some visibility from the public realm, due to its small size and proximity to the existing building is not considered suitable for a TPO. T19 is located towards the rear of the site and has been identified as a category U tree with areas of decay in the base. T26 and T27 are located towards the rear of the site, behind the existing buildings and away from the boundaries with the highway. Their contribution to the character and appearance of the conservation area would be less than substantial, therefore whilst the loss of mature trees is regrettable, given their location the scale of the harm must be weighed against the wider benefits of the scheme.

3.2 No changes are proposed to the total number of parking spaces within the site with 47 spaces proposed.

3.3 The retention of four additional trees on the site and the changes to the layout of the car park as shown on the amended plan are considered to reduce the impact of the development upon the character and appearance of the conservation area. It is therefore recommended that the amended proposal is approved.

4.0 Options

4.1 Members defer and delegate the application for approval subject to the amended plans and the safeguarding conditions outlined in the planning committee report of 5th August 2020, appended at Annex 1, and the submission of a signed legal agreement securing the heads of terms.

4.2 Members propose an alternative motion.

5.0 Recommendations

5.1 Officers recommend Members of the Planning Committee to agree option 4.1.

Contact Officer:	<i>Duncan Fitt, Planning Officer</i>
Reporting to:	<i>Iain Livingstone, Planning Applications Manager</i>

Annex List

Annexe 1	<i>Planning Committee Report F/TH/19/0663 - 5th August 2020</i>
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