

# Planning Application F/TH/19/0874 - St Helens Poplar Road Broadstairs Kent

**Planning Committee – 17 March 2021**

Report Author                      Duncan Fitt, *Planning Officer*

Status                                      ***For Decision***

Classification:                      Unrestricted

Previously Considered by      **Planning Committee 18th December 2019 and 22 January 2020**

Ward:                                        ***St Peters***

## **Executive Summary:**

This report concerns an application submitted under reference F/TH/19/0874 for the change of use from a store room to a studio flat that was brought to Planning Committee on 18th December 2019 with a recommendation to Defer and Delegate the application for approval following receipt of a signed Unilateral Undertaking securing the SPA contribution. Members raised concerns regarding the provision of a window in the side elevation. The application was deferred back to Officer's to seek amended plans removing the side window. Amended plans were received and the application was reported back to the Planning Committee on the 22 January 2020 when members voted to defer and delegate the application under reference F/TH/19/0874 for approval following receipt of a signed Unilateral Undertaking securing the SPA contribution within 6 months of this resolution.

The Unilateral undertaking securing the SPA contribution was only received on the 9th February 2021 and therefore the application is reported back to members due to the time that has passed since the original decision.

There are no changes to the proposed development previously considered by members (see report within Annex 1) .

## **Recommendation:**

Members approve the application subject to safeguarding conditions.

## **CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	No implications.
<b>Legal</b>	The Planning Committee is not bound to follow the advice of Officers. However, if officers' professional or technical advice is not followed,

	<p>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>
<b>Corporate</b>	<p>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.</p>
<b>Equalities Act 2010 &amp; Public Sector Equality Duty</b>	<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 &amp; maternity. Only aim (i) of the Duty applies to Marriage &amp; 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 Members considered this application under planning reference F/TH/19/0874 for the change of use from a store room to a studio flat.
- 1.2 The application was brought to the Planning Committee on 18 December 2019 and Members deferred the application back to officers to negotiate the removal of the side window. The application was reported back to members on the 22 January 2020 with amended plans and members voted to defer and delegate the application under reference F/TH/19/0874 for approval following receipt of a signed Unilateral Undertaking securing the SPA contribution within 6 months of this resolution.

## 2.0 Analysis

- 2.1 The proposal relates to the plan condition attached to F/TH/19/0874 for the change of use from a store room to a studio flat that was brought to Planning Committee on 18 December 2019 and recommended to Members to defer and delegate for decision once the Council received a signed Unilateral Undertaking for contributions.
- 2.2 Members raised concerns regarding the appearance of the window in the side elevation and impact of cars parking adjacent to this window upon the living

conditions of the future occupiers of the flat. The applicant has amended the proposed plans to omit the window in the side elevation. No further amendments or alterations have been made to the proposal following the submission of the amended plan removing the window.

- 2.3 The amended application was then reported back to members on the 22 January 2020 and members voted to defer and delegate the application under reference F/TH/19/0874 for approval following receipt of a signed Unilateral Undertaking securing the SPA contribution within 6 months of this resolution.
- 2.4 The signed Unilateral Undertaking securing the required contribution was received on the 9th February 2021. As more than 6 months has elapsed since the resolution of the planning committee the application must be reported back to members for a decision to be issued. Whilst since the resolution of members the Council's Local Plan has been adopted, the adoption of the plan does not alter the assessment of the material planning considerations outlined in Annex 1.
- 2.5 As the legal agreement securing the SAMM contribution has now been received it is recommended that Members approve the application.

### **3.0 Options**

- 3.1 Members approve the application in accordance with the officer recommendation and safeguarding conditions as outlined at Annex 1 and Annex 2.
- 3.2 Members propose an alternative motion.

### **4.0 Recommendations**

- 4.1 Officers recommend Members of the Planning Committee to agree option 3.1.

Contact Officer:	Duncan Fitt, Planning Officer
Reporting to:	Annabel Hemmings, Principal Planning Officer

### **Background Papers**

Annex 1	Committee Report F/TH/19/0874
Annex 2	Agenda Item F/TH/19/0874