

A01

F/TH/23/0502

PROPOSAL: Change of Use from Assisted Living home (+ 55 year olds)

with no living-in staff Home (Class C3) to a 16 bed House in

LOCATION:

Multiple Occupation (HMO) (Sui Generis)

6 - 6A Luton Avenue BROADSTAIRS Kent CT10 2DH

WARD:

Viking

AGENT:

Tony Michael

APPLICANT:

Mr S Mayhew

RECOMMENDATION:

Approve

Subject to the following conditions:

1 The proposed development shall be carried out in accordance with the submitted application and the approved drawings numbered TMC 002A, TMC 005A, TMC 006, LA/21/7/1.

GROUND

To secure the proper development of the area.

2 No more than sixteen persons shall occupy the property as principal or main residence at any one time.

GROUND

In the interests of neighbouring amenity, in accordance with Policy QD02 and HO19 of the Thanet Local Plan.

3 Within one month of the date of the decision, the cycle storage facilities as shown on approved drawings no. TMC 002A and LA/21/7/1 shall be provided and thereafter maintained.

GROUND

To promote cycling as an alternative form of transport, in accordance with Policy TP03 and SP43 of the Thanet Local Plan.

4 At no time shall the rear garden to the property be used for the parking of vehicles.

GROUND

In the interests of neighbouring amenity, in accordance with Policy QD02 and HO19 of the Thanet Local Plan.

5 Within one month of the date of the decision, the refuse storage facilities as shown on approved drawing no. TMC 002A shall be provided and thereafter maintained.

GROUND

To safeguard the residential amenities currently enjoyed by the occupiers of nearby residential properties in accordance with Policy QD03 of the Thanet Local Plan.

6 Within three months of the date of the decision, full details of both hard and soft landscape works, to include

- species, size and location of new trees, shrubs, hedges and grassed areas to be planted
- the treatment proposed for all hard surfaced areas beyond the limits of the highway
- the timetable for implementation of the works

shall be submitted to, and approved in writing by, the Local Planning Authority.

All hard and soft landscape works, shall be carried out in accordance with the approved details.

Following completion of the landscape works, photographic evidence of implementation shall be submitted to and approved in writing by the Local Planning Authority in order to verify the works have been completed in accordance with the approved plans, and to enable the full discharge of this condition. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species as those originally planted, unless written approval to any variation is provided by the Local Planning Authority.

GROUND

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

7 Within one month of the decision date, a plan shall be submitted for the written approval of the Local Planning Authority indicating the height, design and materials of the boundary treatment to the side of no.6A adjacent to the fire exit to be erected, and a timetable for implementation. The boundary treatment shall be constructed in accordance with the approved details and thereafter maintained.

GROUND

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

8 A landscape management plan (including long term design objectives), management responsibilities and maintenance schedules for all landscape areas, other than small,

privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its approved use. The amenity areas shall be managed in accordance with the approved landscape management plan in perpetuity.

GROUND

In the interests of the visual amenities of the area and to adequately integrate the development into the environment in accordance with Policies QD02 and GI04 of the Thanet Local Plan

9 The ground floor side elevation fire escape door shall be fitted with a mechanism to only allow opening in the event of activation of the fire alarm, details of which shall be submitted for the written approval of the Local Planning Authority within one month of the decision, to also include a timetable for installation. The mechanism shall be fitted in accordance with the approved details and maintained in good working order, with the door to be only used in the event of an emergency and at no other time.

GROUND

In the interests of the amenities of the locality and the living conditions of the neighbouring property, in accordance with the principles of the NPPF and Policy QD02 of the Thanet Local Plan.

SITE, LOCATION AND DESCRIPTION

The site is located on the western side of Luton Avenue in Broadstairs. Whilst previously two properties the building is now one two storey building, with a small infill extension providing the link between the two. No. 6 is traditional in style with two bay windows at ground floor and a central front door with windows above these openings to create a well balanced and pleasing front facade. The property is enclosed to the road by a small wall. No. 6A is more modern in age with a mono pitch ground floor front projection and no front entrance as it is now conjoined with no. 6.

Luton Avenue is residential in character with a mix of styles and ages of properties.

RELEVANT PLANNING HISTORY

F/TH/21/0552 - Change of Use from Residential Care Home (Class C2a) to HMO Refused 22nd September 2021, for the following reasons:

The proposed change of use, by virtue of the increased demand for parking, number of residents and restricted parking area, would result in additional parking pressure in an area where there is reduced on-street parking provision, causing significant harm to parking amenity in the area, contrary to policies HO19, QD02 and TP06 of the Thanet Local Plan, Policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan and paragraphs 111 and 130 of the National Planning Policy Framework.

The proposed use, by virtue of the location and proximity of the parking area and side entrance door to the boundary with 8 Luton Avenue, would result in a significant increase in noise and disturbance to the neighbouring residential property, causing significant harm to the living amenity of the occupiers, contrary to policies HO19 and QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.

Subsequently dismissed at appeal earlier this year. In relation to noise and parking the Inspector noted:

'This is a residential area mostly of individual homes. The proposed HMO, which would be for 17 residents, would occupy two conjoined houses which are currently used as a care home. The noise generated by a care home would normally be expected to be reasonably subdued, but the introduction of 17 independent individuals in an HMO in this quiet street would be likely to generate significantly more movement to and from the premises, as well as noise and disturbance from the house and garden, which would unacceptably affect the living conditions of the residents of neighbouring properties and the character of the area.

The proposed HMO would include a new parking area in the back garden reached by a narrow drive along the side of the house adjacent to 8 Luton Avenue. This has been partially constructed. The parking arrangement satisfies the highway authority, but it is unneighbourly. The drive would run immediately to the side of 8 Luton Avenue, and vehicle movements along the drive and manoeuvring within the car park would take place excessively close to both No 8 and its garden. The result would be an unacceptable increase in noise and disturbance to the residents of No 8.

The drive and parking area would significantly reduce the amount of greenery in the back garden and would introduce a harsh visual element into this area. There is no room for planting along the boundary with No. 8. The fence around the car park cuts across very close to the rear of part of the appeal premises. The scheme would erode the character and appearance of this part of the street and the living conditions of nearby residents both as a result of noise and disturbance and visual impact.'

This appeal decision is appended to this report at Annex 1.

OL/TH/21/0319 Outline application for the erection of a 3 storey building containing up to 10 units following demolition of existing buildings to include layout and scale. Refused 4th June 2021 for the following reasons:

The amended proposal, by virtue of its location, height, scale and footprint, would introduce a built form which would appear significantly out of keeping with the traditional form of the two storey detached and semi-detached dwellings within the street scene, to which the application property forms a part, and the wider character and appearance of the area, severely detrimental to the visual amenities of the locality contrary to policies SP35, and QD02 and of the Thanet Local Plan, policy BSP9 of the Broadstairs and St Peter's Neighbourhood plan and paragraphs 127 and 130 of the National Planning Policy Framework.

The applicant has failed to submit a Preliminary Ecological Appraisal or Bat Scoping Survey that assesses the impact of the development upon biodiversity and any mitigation measures to deal with these impacts. As a result of the lack of information submitted to demonstrate that the application would not have an adverse impact on ecology, the proposal is considered to be contrary to policies SP28 and SP30 of the Thanet Local Plan and paragraphs 170, 175 and 176 of the National Planning Policy Framework.

The proposed development will result in increased recreational pressure on the Thanet Coast and Sandwich Bay Special Protection Area (SPA), and Sandwich Bay and Hacklinge Marshes Site of Special Scientific Interest (SSSI), and in the absence of an acceptable form of mitigation to relieve the pressure, the proposed development would be contrary to Policy SP29 of the Thanet Local Plan, Paragraph 176 and 177 of the NPPF and the Habitats Directive.

An appeal against the Council's refusal was subsequently dismissed at appeal.

TH/80/0610/A - Alterations and extensions to convert premises to annexe to existing hostel for the elderly. Granted 27 July 1981

TH/80/0610 - Change of use from residential dwelling to warden controlled residential scheme as annexe to adjoining premises. Granted 07 January 1981

ES/3/64/8 - Change of use to Abbeyfield House Granted 6 June 1972

PROPOSED DEVELOPMENT

The proposed development is the change of use of Assisted Living home (+ 55 year olds) with no living-in staff to a 16 bed HMO (sui generis). The application is in part retrospective as the use has commenced and seeks to address the previous reasons for refusal.

The proposed changes from the previous application are summarised below:

Reduction in the number of beds from 17 to 16.

Removal of all off-site parking, including parking area to the rear.

Side door now fire door - restricted entry/exit

Provision of landscaping at front and rear

No external alterations to the building are proposed, although internal alterations will be required to remove partition walls.

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing

SP22 - Types and Sizes of Dwellings

SP28 - Protection of the International and European Designated Sites

SP29 - Strategic Access Management and Monitoring Plan (SAMM)

SP30 - Biodiversity and Geodiversity Assets

SP35 - Quality Development
SP43 - Safe and Sustainable Travel
GI04 - Amenity Green Space and Equipped Play Areas
HO18 - Care and Supported Housing
HO19 - Houses in Multiple Occupation
QD01 - Sustainable Development
QD02 - General Design Principles
QD03 - Living Conditions
CM02 - Protection of Existing Community Facilities
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Broadstairs and St Peter's Neighbourhood Plan

BSP9 Design in Broadstairs & St. Peter's

NOTIFICATIONS

Letters were sent to adjoining occupiers and a site notice posted close to the site.

89 representations were received, 23 of these support the application and 66 objections.

- The concerns can be summarised as follows:
- Adversely affect living conditions
- Significant increase in cars parked on the road which would negatively affect highway safety
- Increased pollution from additional traffic
- Noise from vehicles
- Scheme conflict with policy H019 in the Local Plan and BSP9 of the Broadstairs and St. Peters Neighbourhood Plan
- Planting removed from the site providing a harsh environment
- Anti social behaviour
- Car parking on pavements/inconsiderate parking
- Amenities can not support this type of use
- Concerns about accurate and independence of the Parking Survey The previous use had 17 residents not as stated - question the impact on the traffic survey
- Currently operating without planning permission
- Out of character with the area
- The grant of a HMO licence should not be considered a material consideration
- Traffic movements a danger to school children
- Will result in a concentration of high-density accommodation with limited indoor and outdoor recreational space.
- Fails to provide suitable arrangements for the storage and collection of waste
- Side fire door is being used
- Light pollution from side external light
- Delivery drivers adding to vehicle movements

- Noise from shift workers leaving at the same time and their cars
- Concern rooms could be used by more than 1 person
- Planting plan are insufficient/loss of planting at the front of the property
- Loss of privacy to neighbours
- Overdevelopment of the site

The letters in support outline:

- Improvements made to the property
- Mature employed professional people living at the premises
- Brings economic benefits to the area
- Ample parking
- Creates inclusive and sustainable living spaces
- Due to increased property prices this is a good way to get people living independently, affordably and safely
- No recorded complaints
- Similar planning applications approved elsewhere in the District
- Question photographic evidence of cars parked by objectors

Broadstairs Society: Whilst not going so far as to express support, the Society is impressed with the developers reasoning behind the desire to change it to an HMO and the effort it has made to persuade both their neighbours and the District Council.

Broadstairs Town Council: The Committee recommends REFUSAL as previous reasons for the refusal of the past application have not been addressed. The application does not comply with local policies HO19, QD02, TP06, Broadstairs & St Peter's Town Council's Neighbourhood Plan BSP09 and paragraphs 111 and 130 of the NPPF. (Majority - one abstention).

CONSULTATIONS

Environment Agency: We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.

KCC Highways

Final comment: Following prior comments the applicant has submitted an additional parking survey conducted on a weekend date, evidencing that within 200m of the site on-peak the network has the capacity to accommodate the parking demand associated with proposals. It is reasonable to assume that every occupant of the HMO will not own or need a car, and this is aided by the sustainable location of the site. Broadstairs train station is an approximately 10 minute walk, and Swinburne Avenue bus stop is located 0.2 miles with regular services including The Loop arriving at a maximum frequency of 10 minutes.

It is acknowledged that the survey accounts for parking spaces situated in close proximity to junctions, and that these are unlikely to be utilised as formal parking spaces, however the

neighbouring streets remain sufficient in meeting demand. Parking demand for the existing use of the site as an assisted living home with both staff and visitors has historically been met on-street, and whilst this proposal may increase this demand and be considered to generate an impact on parking amenity in these streets it is unlikely to be a significant increase that has a material impact to road safety on the highway network.

Therefore, I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.

A series of standard informatives are also requested.

Initial comment: Application F/TH/21/0552, previously refused at this site, had a proposed parking provision of 6 spaces, and although grounds for refusal were partially the noise and disturbance caused by this parking area the first ground for refusal was the additional pressure in an area where there is reduced on-street parking provision.

The parking provision of the above application is unclear, as the application form states a provision of 2 bays however some site plans (Drawing No. TMC 002A) do not demonstrate these, and the Traffic Report also appears to indicate nil parking. This reduction from the previously proposed 6 bays will create an increased parking pressure on the reduced on-street parking and therefore additional assessment on the network is required and at this stage I would advise the 6 bays be reinstated.

I would also advise the applicant that bays should be a minimum of 2.5m wide by 5m in length, the width increased for any bays constrained by a hard boundary on one side as per Kent Parking Standards. There should also be a 10% Electric Vehicle Charging provision which would account to be 1 space at this site, with 100% passive provisions.

A parking survey has been submitted in support of the reduced provisions, however, with local knowledge of the area the network is often highly saturated on weekends and as such it would be preferable for a parking survey to be undertaken on a weekend both in the daytime and overnight in order to obtain a comprehensive picture of the surrounding network capacity.

As outlined within the Traffic Report, cycle parking is imperative to ensure the sustainability of the location and support the under-provision of parking per unit in comparison to the number of residents of the HMO. Therefore to also account for adaptive bicycles, at least one bay for non-standard cycles should be allocated at the end of the cycle stand, with this bay being a minimum of 1.5m wide in order to allow for dismounting.

TDC Private Sector Housing The premises is currently a licensed house in multiple occupation with a maximum permitted occupation of 17 persons, 17 households.

There are no licensed HMOs within 100m of the property. I have no information as to whether there are any smaller HMOs with shared accommodation (up to 4 persons) in the vicinity. As such smaller HMOs are not licensable, we have no records as to their whereabouts.

TDC Environmental Health The Inspector's comments (TH21/0552) regarding noise have been noted.

'The proposed use, by virtue of the location and proximity of the parking area and side entrance door to the boundary with 8 Luton Avenue, would result in a significant increase in noise and disturbance to the neighbouring residential property, causing significant harm to the living amenity of the occupiers, contrary to policies HO19 and QD03 of the Thanet Local Plan and paragraph 130 of the National Planning Policy Framework.'

This updated application has taken the inspectors comments into account and submitted an accompanying noise impact assessment. It is understood that the application has been amended to reduce rooms from 17 to 16 and remove rear parking altogether.

The noise assessment was undertaken by a competent acoustic consultant using appropriate guidance, assessment methodology and impact criteria. The conclusions are accepted. Noise impact to surrounding neighbours is not a ground for refusal.

COMMENTS

This application is referred to the Planning Committee at the request of Cllr Kristian Bright due to concerns that the development would be out of keeping with the surrounding area.

The main considerations in assessing the submitted scheme are the principle of development, the impact upon the character and appearance of the area, the impact upon living conditions of neighbouring property occupiers and the impact upon highway safety.

Principle

The site is located within the urban confines of Broadstairs. The history for the site indicates that approval was granted for use of the property as a warden controlled residential scheme, which is supported by recent Google Street View images which show the sign outside stating "Supported Housing (55+)". A statement has been submitted by the applicant's agent indicating a similar view, including that there were no permanent staff on the site and medical care was not provided. Policy CM02 of the Thanet Local Plan and BSP6 of the Broadstairs Neighbourhood Plan would therefore not apply as this use is therefore more likely to fall with a C3 class and not class C2.

Policy HO19 states that proposals for Houses in Multiple Occupation (HMO's), either through conversion of existing buildings or new built development, will not be permitted in those parts of the Cliftonville and Margate Central Wards as illustrated on the policies map.

Elsewhere proposals will be permitted where the development:

- 1) Does not give rise to an unacceptable impact on the living conditions of neighbouring residents through noise or general disturbance;
- 2) Does not result in an intensification or concentration of such uses which is detrimental to the amenity and character of the neighbourhood (having regard to the criteria set out in para 11.34 by way of guidance)
- 3) Provides suitable arrangements for car parking, or adequate on-street parking is available within the vicinity of the site and
- 4) Provides suitable arrangements for the storage and collection of waste

Policy HO21 of the Thanet Local Plan supports proposals to bring vacant property into residential use will be approved where:

- 1) It is compatible with nearby uses, and
- 2) the proposal would not conflict with any other policy.

The principle of development for an HMO is therefore considered acceptable if the development satisfies the criteria of Policy H019 and all other material considerations.

Character and Appearance

Policy QD02 of the Thanet Local Plan outlines that the primary aim of new development is to promote or reinforce local character and provide high quality and inclusive design that is sustainable in all other respects. Proposals should therefore relate to surrounding development, form and layout, be well designed, pay particular attention to context and identity of location, scale, massing, rhythm, density, layout and materials, and be compatible with neighbouring buildings and spaces. Any external spaces and landscape features should be designed as an integral part of the scheme.

Policy BSP9 of the Broadstairs and St Peters Neighbourhood Plan states that development proposals that conserve and enhance the local character and sense of identity of the Plan area will be encouraged.

This application makes no changes to the scale or external arrangement of the existing building on the site.

The Council's Housing Officer has confirmed that there are no licensed HMOs within 100m of the property and there is no planning history to indicate that there are any smaller HMOs within close proximity to the site.

The existing property has eighteen bedrooms, eight on the ground floor and ten on the first floor. This application proposes to alter one bedroom and storage area at ground floor to a dining room and kitchen, as such there would be seven beds at ground floor. At second floor level, two bedrooms will be knocked through into one creating nine bedrooms on this floor.

With regard to refuse storage at the property, the existing plans do not indicate the former location of the refuse storage area. The agent for the application has indicated on the submitted block plan that the refuse storage area would be located within the rear grassed garden in a designated enclosure. This would mean that it would not be visible from the public realm and therefore result in no visual harm. The refuse and recycling would then be put out on collection day in the usual manner. This arrangement is considered to be acceptable.

The current arrangement includes a vehicular access on the southern side of the property and a parking area to the rear. This was in situ at the time of a site inspection. The application proposes that this parking area would be removed, with soft landscaping installed and a gate at the side of the property.

There is a Tree Preservation Order (TPO) on the Walnut tree at the rear of the site and this is shown to be retained. This plan also shows that the existing wall and path at the front of the property would be retained and additional wall in front of 6A and wall as well as soft landscaping would be added to the front of the site. The side entrance to the ground floor of the property would also be only for use within an emergency situation. This deals with some of the points of concern raised by the Planning Inspector. The changes to the front amenity is considered to be of benefit to the overall appearance of the site as well as wider area, details of soft and hard landscaping including surfacing and boundary wall can be controlled by condition.

It is acknowledged that the previous use (assisted living for over 55's) of the property would have attracted various movements to and from the site from residents, staff and visitors and the use now proposed would also generate movements from residents and visitors. These in themselves are not considered to change the character of the area.

Given that there are no external changes, the decrease in number of proposed residents compared to the previous use and previous application, removal of the rear car parking area, it is considered, that the development would have no significant impact upon the character and appearance of the area, in line with policy QD02 and HO19 of the Thanet Local Plan, policy BSP9 of the Broadstairs and St Peter's Neighbourhood Plan, and the National Planning Policy Framework.

Living Conditions

Paragraph 119 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Local Plan policies QD03 and QD04 are also relevant to this application. Policy QD03 (Living Conditions) states that All new development should:

- 1) Be compatible with neighbouring buildings and spaces and not lead to the unacceptable living conditions through overlooking, noise or vibration, light pollution, overshadowing, loss of natural light or sense of enclosure.

- 2) Be of appropriate size and layout with sufficient usable space to facilitate comfortable living conditions and meet the standards set out in QD04.
- 3) Residential development should include the provision of private or shared external amenity space/play space, where possible.
- 4) Provide for clothes drying facilities and waste disposal or bin storage, with a collection point for storage containers no further than 15 metres from where the collection vehicle will pass.

The proposed change of use makes no alterations to the scale of the property or the number of openings. Therefore it is considered that this development would not result in any significant change in light, overlooking, sense of enclosure to the neighbouring properties

The proposed HMO would be used by up to 16 residents and this number could be controlled through the imposition of a planning condition. The property is detached with the main entrance to the property located towards the centre of no. 6 in the front elevation, with doors marked as fire exits to the rear elevations and on the southern side adjacent to no. 8. One bedroom at the rear of the property also has a door onto the rear amenity space. The communal lounges would be located on the ground floor towards the centre of the rear elevation and both of these rooms have adjacent kitchens. One further kitchen is located on the northern side of the first floor. All bedrooms would have an ensuite..

It is acknowledged that the previous use of the property would have attracted various movements to and from the site from residents, staff and visitors and the proposed use would also generate movements from residents and visitors throughout the day/night. The number of residents in relation to the previous use is disputed by the agent and neighbouring properties. Regarding the planning history; planning application TH/80/0610A, in connection with the use of 6A, the approved proposed floor plans show seven residents rooms. As such there could have been up to 7 residents in this smaller part of the property plus that within no. 6. A restrictive condition was attached to the consent that required that the premises shall be used as a Warden Controlled Residential dwelling in association with no. 6 and for no other purpose.

The planning history for no. 6 dates back to 1972, unfortunately there are no available records that details the floor plans or if there were restrictive conditions imposed. However the internal room layout and size of no. 6 would indicate it could have at least 8 bedrooms taking into account the need for a kitchen, communal lounge and or dining room, laundry area, staff room/office etc. These residents would also use the communal garden and leave the premises when they wished given that the age limitation was for over 55's and as such they would have potentially been mobile. As such taking into account the former use and numbers involved, this should be afforded weight in the consideration of the impact from this proposal

Previously it was considered that the residents of the HMO would not be living as one household and potentially have a greater variation in schedules than the residents of the previous use resulting in an increase in movements between the site and no. 8. It was considered that due to the number of proposed residents and the proximity of the access, parking area and side entrance door to the boundary this proposal would result in a

significant increase in noise and disturbance to number 8 Luton Avenue. This is detailed in the appeal decision within Annex 1 appended to this report

Since the appeal the number of bedrooms has been reduced by one, although not significant it is a decrease. The applicant has detailed that the residents that are currently residing at the property are professional people and due to the nature of their work some work shifts mean that not all residents are there on site all of the time. The type or profession of occupants, however, cannot be controlled through the planning process.

The side entrance door to the ground floor adjacent to no. 8 has been proposed in this application to remain locked shut by an electro-mechanical door mechanism and can only be opened in the event of a fire alarm activation. This is stated within the supporting statement with the application and on the ground floor plan. The rear parking area has also been removed from the proposal and this area would be landscaped, meaning that vehicles would not be driving past the side elevation of no.8. This removal overcomes the specific issues raised by the Inspector in paragraphs 4 and 5 of the appeal decision (Annex 1).

In addition the application is supported by a Soundscape Assessment. This concludes that the dominant noise element was vehicles travelling/using Luton Avenue. The report states that if residents of the application site and nearby existing residential properties chose to open windows, then the internal ambient noise level would likely exceed BS8233:2014 for daytime and nighttime periods, indicating that Luton Avenue is subject to regular passing traffic. The Council's Environmental Health officer reviewed the case including assessment and confirmed that the noise assessment was undertaken by a competent acoustic consultant using appropriate guidance, assessment methodology and impact criteria. The conclusions are accepted. Noise impact to surrounding neighbours is not a ground for refusal. It is therefore considered that the main source of noise within Luton Avenue is from road traffic generated noise and that the general activity through the comings and goings of residents associated with the HMO would not make a significant difference to the background noise levels.

Whilst the HMO can accommodate up to 16 unrelated people, there is no reason to assume that the occupants would cause more noise and disturbance or anti-social behaviour than people living in the property as a single household.

It is considered that the changes made from the modest reduction of one occupant, removal of rear car parking area and the restriction on use of the side access would limit the noise created by the proposed use. All of these matters would require the imposition of conditions to ensure that neighbouring amenities are protected. These conditions are considered necessary, reasonable, directly related to the development and enforceable.

It is appreciated that it is not possible to control noise from the use of the outside space, which could be particularly noticeable in the summer months, with less use in the spring, autumn and winter if the weather is inclement. It is acknowledged however, that residents of the former use would have also had access to and used the outside space in this way and as such, on balance the harm from noise and disturbance is not considered to be significant to result in material harm.

Taking account of the comments of Environmental Health in response to the noise report, and the changes to the proposal outlined above, it is considered that the impact of the development through noise and disturbance would not result in significant harm to the living conditions of neighbouring properties. The proposed development is therefore considered to be acceptable in terms of the living conditions of adjacent neighbouring properties, in accordance with Policy QD03 of the Thanet Local Plan and paragraph 130 National Planning Policy Framework.

Proposed accommodation

The Council's Private Sector Housing department have reviewed the application and have not raised any concerns; a licence under their legislation has all been permitted for up to 17 households at this site. Facilities such as cookers, fridges, fire extinguishers etc do not require planning permission, however, it would appear that adequate space is available for the required facilities for 16 residents. All habitable rooms would receive natural light and ventilation and an amenity area would be provided at the rear of the property. It is therefore considered that the proposed development would provide an acceptable standard of accommodation for the future residents.

The proposed development is therefore not considered to result in any significant change in the living amenity of the existing neighbouring property occupiers compared to the existing use to warrant refusal of the application and would provide an acceptable standard of accommodation for the future residents in line with policies HO19 and QD03 of the Thanet Local Plan and the National Planning Policy Framework.

Transportation

Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.

Paragraph 112 goes on to highlight that within this context, applications for development should: a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second - so far as possible - to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport; c) create places that are safe, secure and attractive - which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards; d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy SP43 of the Local Plan states that the Council will work with developers, transport service providers, and the local community to manage travel demand, by promoting and facilitating walking, cycling and use of public transport as safe and convenient means of transport. Development applications will be expected to take account of the need to promote

safe and sustainable travel. New developments must provide safe and attractive cycling and walking opportunities to reduce the need to travel by car.

Under Policy QD01, all developments are required to: provide safe and attractive cycling and walking opportunities to reduce the need to travel by car. Policy QD02 relates to general design principles and states amongst other principles that developments must incorporate a high degree of permeability for pedestrians and cyclists, provide safe and satisfactory access for pedestrians, public transport and other vehicles, ensuring provision for disabled access. Policy TP01 states that new development will be expected to be designed so as to facilitate safe and convenient movement by pedestrians including people with limited mobility, elderly people and people with young children.

The site is located within a sustainable location close to Broadstairs with its numerous facilities and public transport links. No vehicular parking will be provided on site, however, a cycle shed is proposed adjacent to the boundary with no. 4 Luton Avenue.

Third party representations have raised significant concerns regarding the impact of the current partial occupation of the property upon parking amenity and safety in the area. These concerns include vehicles parking on the kerbs, blocking pavements, parking close to junctions in addition to an increase in the number of vehicles parking in the area and the proximity of nearby schools.

Luton Avenue consists predominantly of individual single dwellings, with a mix of properties with single off-street parking spaces. From visits to the property the on-street parking is focused adjacent and surrounding the application site at the northern end of Luton Avenue and the junction with Seafield road, with more on-street parking available to the south of Luton Avenue.

In the previous application a highway matter formed a reason for refusal which stated that "the use, by virtue of the increased demand for parking, number of residents and restricted parking area, would resulting in additional parking pressure in an area where there is reduced on-street parking provision, causing significant harm to parking amenity in the area".

The Inspector felt that the parking on site would result in harm to neighbour amenity due to its location and that the vehicular access would pass by the side of an existing property in very close proximity. The appeal decision (appended at Annex 1) does not discuss parking provision in the local area.

This application removes the vehicular parking area on-site and provides an extension to the gardens for residents in line with the Inspectors comments. As a result of this however, KCC Highways initially advised that this will create an increased parking pressure on the reduced on-street parking and therefore additional assessment on the network was required. They also stated that the 6 bays be reinstated. Whilst a parking survey had been submitted in support of the reduced provisions, it was considered that on the basis of local knowledge of the area the network is often highly saturated on weekends and as such it would be preferable for a parking survey to be undertaken on a weekend both in the daytime and overnight in order to obtain a comprehensive picture of the surrounding network capacity.

KCC also considered that adaptive bicycles should be catered for; at least one bay for non-standard cycles should be allocated at the end of the cycle stand, with this bay being a minimum of 1.5m wide in order to allow for dismounting.

The agent was advised of KCC's concerns and has undertaken a further Traffic Survey, This survey was carried out on Saturday 8th July at both 00.30 and 14.00 hours. This looked at the availability of spaces on Luton Avenue, Seafield Road, parts of Swinburne Avenue, The Vale, Swinburne Avenue, St Mildreds Avenue and Osborne Road. It identified available empty parking spaces on each night amounting to 119, 136 and 133 on the night surveys and 146 for the daytime survey. The agent has detailed that the HMO was in full operation and fully occupied. As such it concludes that there is spare parking capacity in the area.

In response to the additional survey work KCC Highways have confirmed that the additional parking survey, conducted on a weekend date, evidencing that within 200m of the site on-peak the network has the capacity to accommodate the parking demand associated with proposals. KCC considers that It is reasonable to assume that every occupant of the HMO will not own or need a car, and this is aided by the sustainable location of the site. Broadstairs train station is an approximately 10 minute walk, and Swinburne Avenue bus stop is located 0.2 miles with regular services including The Loop arriving at a maximum frequency of 10 minutes.

They note that the survey accounts for parking spaces situated in close proximity to junctions, and that these are unlikely to be utilised as formal parking spaces, however, the neighbouring streets remain sufficient in meeting demand. They comment that the former use has historically had parking needs met on-street, and whilst this proposal may increase this demand and be considered to generate an impact on parking amenity in these streets it is unlikely to be a significant increase that has a material impact to road safety on the highway network. Accordingly KCC recommends a condition relating to cycle parking facilities.

The previous use of the property was likely to generate some vehicular movements to and from the site as a result of staffing/visitors. The submitted statement indicated that this use generated 37 trips per day. The potential for 16 individuals with cars parking in the vicinity of the site would result in an increase in parking on-street in the area. It is appreciated that it is unlikely that all occupiers would have access to a private vehicle, however this cannot be controlled through conditions to restrict use/ownership of occupiers, with occupiers of the HMO (and their respective need for vehicles) subject to change.

A significant number of objections have been received during the application process from residents highlighting this impact upon parking amenity with the potential full occupation of the property, which is said not to have had these numbers when operating previously. The site is in a sustainable location and, based on the evidence of the traffic survey work with no substantive evidence to the contrary, it is considered on balance that the roads and streets around the site could absorb the cars generated from this use through on street parking with cycle parking would be provided within the site. On balance the use as proposed is not considered to result in significant harm to parking amenity in the area and would comply with policies HO19, QD02 and TP06 of the Thanet Local Plan, Policy BSP9 of the Broadstairs

and St Peter's Neighbourhood Plan and paragraphs 130 of the National Planning Policy Framework.

Ecology and biodiversity

Para 179 a) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

Thanet Local Plan Policy SP30 (Biodiversity and Geodiversity Assets) states development proposals will, where appropriate, be required to make a positive contribution to the conservation, enhancement and management of biodiversity and geodiversity assets resulting in a net gain for biodiversity assets. Sites should be assessed for the potential presence of biodiversity assets and protected species. For sites where important biodiversity assets, including protected species and habitats including SPA functional land, or other notable species, may be affected, an ecological assessment will be required to assess the impact of the proposed development on the relevant species or habitats. Planning permission will not be granted for development if it results in significant harm to biodiversity and geodiversity assets, which cannot be adequately mitigated or as a last resort compensated for, to the satisfaction of the appropriate authority.

The site comprises an existing residential use with a managed rear garden. It is therefore considered that the site would have limited potential for protected species. The Walnut tree at the rear of the site has been protected through a TPO and the submitted landscaping plan shows additional planting around the site. Subject to conditions securing this planting it is considered that the proposed development would have no detrimental impact upon biodiversity in the area.

Contributions:

Natural England has previously advised that the level of population increase predicted in Thanet should be considered likely to have a significant effect on the interest features for which the Thanet Coast and Sandwich Bay Special Protection Area (SPA) and RAMSAR have been identified.

Thanet District Council produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' to deal with these matters, which focuses on the impacts of recreational activities on the Thanet section of the Thanet Coast and Sandwich Bay Special Protection Area (SPA). The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPA. To enable the Council to be satisfied that proposed residential development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required for all housing developments to contribute to the district wide mitigation strategy. This mitigation has meant that the Council accords with the Habitat Regulations.

The changes internally would lead to a reduction in the amount of bedrooms compared to the previous use. Given the scale of the property and the previous lawful use as a form of

residential accommodation the proposed development is not considered to result in any significant change in recreational pressure upon the special protection area and therefore a contribution has not been requested in this instance.

Conclusion

Currently there is a need for housing in Thanet and policy HO19 of the Thanet Local Plan identifies that HMOs can provide a cheap source of rental accommodation. However the benefits of providing this accommodation must be weighed against the harm to parking amenity in the area and the living conditions of the neighbouring property occupiers (previous reasons for refusal). Residents have raised significant concerns about the capacity of Luton Avenue and the surrounding road for additional parking and the proposed use is of a significant scale.

Due to the Inspectors concerns at the most recent appeal, the car parking to the rear of the site has been removed, this means that parking for the development would rely on street parking. Parking surveys have been submitted with the application and these have been carried out at various different times, this found that there was capacity to accommodate parking for the development within the street. KCC Highways have assessed this information and, taking into account that the previous use created demand for parking which was met in the area, have stated that the development would be unlikely to result in highways safety issues with parking demand able to be met in the area. In regard to noise and disturbance, the number of residents has been reduced by 1 resident from the previous application and the side door adjacent to no. 8 Luton Avenue has been shown to be a fire door only. A specific condition has been recommended to ensure that use of this access, which was specifically cited by the Planning Inspectorate decision in Annex 1, is only used in an emergency, thereby not resulting in harm to the amenity of no.8 Luton Avenue. The previous use of the building as assisted living accommodation would have generated movements to and from the site, and the proposed use, now these movements would be from the main entrance to the building, would not significantly exceed the previous movements to result in noise and disturbance to the living conditions of neighbours. Environmental Health have assessed and accepted the conclusions of the acoustic report, stating that is not a ground for refusal of the application.

Taking this into account it is considered, on balance, that the reasons raised by the previous refusal and concerns from the Planning Inspector have been sufficiently overcome. It is therefore recommended that Members approve the application subject to safeguarding conditions.

Case Officer

Gillian Daws

Annex 1 – Appeal Decision Luton Avenue F/TH/21/0552

TITLE:

F/TH/23/0502

Project

6 - 6A Luton Avenue BROADSTAIRS Kent CT10 2DH

