

Planning Application F/TH/21/0671 - Land To The North Of Fairlawn Road And The West Of Northwood Road Broadstairs

Meeting	Planning Committee – 19th June 2024
Report Author:	Emma Fibbens, Planning Officer
Planning Reference:	F/TH/22/0919
Site Address:	Land to the north of Fairlawn Road and the west of Northwood Road, Broadstairs
Applicant:	Mr Rizwan Ali
Status	For Decision
Classification:	Unrestricted
Previously Considered by	Planning Committee 15th November 2023
Ward:	Broadstairs and St.Peters

Executive Summary:

This report concerns an application submitted under reference F/TH/21/0671 for the erection of 4no. 1-bed flats, 4no. 2-bed dwellings, 8no 3-bed dwellings, and 17no 4-bed dwellings (single to 3-storey in height), and the erection of a part 2-storey, part 3-storey detached building accommodating 4no. 2-bed flats and 1no. 3-bed flat, together with associated access, parking and landscaping, that was brought to Planning Committee on the 15th November 2023 with a recommendation to “Defer and Delegate the application for approval following receipt of a signed S.106 agreement securing the financial contributions and obligations as set out within the report”. Members voted to agree the officer recommendation.

A S.106 agreement to secure the financial contributions and obligations has now been received and, therefore, the application is reported back to members due to the time that has passed since the original decision (which exceeds the 6 month period for submission originally imposed).

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

Recommendation:

Members approve the application subject to the safeguarding conditions as set out within the report contained within Annex 1.

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 Central 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 outlined 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. There are no funds allocated for any potential fines meaning cost awards will result in spend that is outside of the budgetary framework.

Legal

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.

The reasons for any decision must be formally recorded in the minutes and a copy placed on file.

If Members decide not to accept the advice of Officers it should be mindful of the potential for legal challenge and associated cost implications.

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

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.

Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy and maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

In the opinion of the author of this report the Public Sector equality duty is not engaged or affected by this decision.

1.0 Background

- 1.1 Members considered this application under planning reference F/TH/21/0671 for the erection of 4no. 1-bed flats, 4no. 2-bed dwellings, 8no 3-bed dwellings, and 17no 4-bed dwellings (single to 3-storey in height), and the erection of a part 2-storey, part 3-storey detached building accommodating 4no. 2-bed flats and 1no. 3-bed flat, together with associated access, parking and landscaping, following the demolition of the existing structures.
- 1.2 The application was brought to the Planning Committee on 15th November 2023 and members voted to defer and delegate the application under reference F/TH/21/0671 for approval following receipt of a signed S.106 agreement securing the necessary financial contributions and obligations within 6 months of this resolution.

2.0 Analysis

- 2.1 The application for the erection of 4no. 1-bed flats, 4no. 2-bed dwellings, 8no 3-bed dwellings, and 17no 4-bed dwellings (single to 3-storey in height), and the erection of a part 2-storey, part 3-storey detached building accommodating 4no. 2-bed flats and 1no. 3-bed flat, together with associated access, parking and landscaping, following the demolition of the existing structures, was brought to Planning Committee on 15th November 2023 and recommended to Members to defer and delegate for decision once the Council received a signed S.106 agreement for contributions.
- 2.2 Members voted to defer and delegate the application under reference F/TH/21/0671 for approval following receipt of a signed S.106 agreement securing the financial contributions and obligations within 6 months of this resolution.
- 2.3 The signed S.106 agreement securing the required contributions has now been received, but 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.
- 2.4 As the legal agreement securing the contributions has now been received it is recommended that Members approve the application.
- 2.5 There have been no changes to the assessment of the other material planning considerations set out in annex 1

3.0 Options

- 3.1 Members approve the application subject to safeguarding conditions as set out within the report contained within annex 1.
- 3.2 Members propose an alternative motion.

4.0 Recommendations

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

Contact Officer: *Emma Fibbens, Principal Planning Officer*
Reporting to: *Iain Livingstone, Planning Applications Manager*

Annex List

Annex 1: Committee Report F/TH/21/0671