

R08

F/TH/24/0335

PROPOSAL: Variation of condition 1-8 of planning permission F/TH/19/1157 for the "Part-retrospective application for the erection of 2no. three and four storey buildings containing 14no. 2-bed apartments, with basement storage and cycle parking, and surface parking with landscaping" to allow changes to design to include alterations to roof shape, dormer windows, fenestration, balustrading, roof height, terrace areas, and materials; together with erection of additional floor to glazed link (Retrospective application)

LOCATION: 47 - 49 Sea Road Westgate On Sea Kent CT8 8QN

WARD: Westgate-on-Sea

AGENT: Mr Matthew Gerlack

APPLICANT: Mr Jason Richardson

RECOMMENDATION: Refuse Permission

For the following reasons:

1 The development, by virtue of its materials, and the roof design of block 3, has resulted in a poor quality development that has materially diminished in its design and materials when compared to the previously approved schemes, whilst incorporating a dominant and intrusive form of development at roof level that is out of keeping with, and unsympathetic to, the surrounding traditional character and appearance of the conservation area. The development is therefore considered to be contrary to Policy QD02 of the Thanet Local Plan, Policy WSNP3 of the Westgate Neighbourhood Development Plan, and paragraphs 135 and 140 of the NPPF.

2 The development has resulted in the loss of 14no. parking spaces when compared with the previously approved scheme, for which no justification has been submitted, and which fails to achieve minimum parking standard provision. The site is located on the seafront, and the development as proposed will result in the need for future occupiers to park on-street due to the lack of off-street parking for the 32no. flats (in total), which is likely to result in highway and pedestrian safety issues (once the site is fully occupied) from vehicle movements impeding the free flow of traffic, and the demand for on-street parking at peak periods. The site also fails to offer the 3no. electric vehicle charging points previously secured, the loss of which will reduce the sustainability of the development by failing to support alternative forms of transport. The development is therefore considered to be contrary to Policies SE05 and TP06 of the Thanet Local Plan, Policy WSNP3 of the Westgate Neighbourhood Development Plan, and paragraphs 116 and 140 of the NPPF.

SITE, LOCATION AND DESCRIPTION

The site is located on the southern side of Sea Road in Westgate. The site has recently been developed, and now contains four buildings, two original buildings (no. 45 and 51) that have been converted to self-contained flats, and then nos. 47-49, which are two new build properties containing self-contained flats. The front of the site provides a parking area to serve the development, with a small area to the rear for shared amenity space. Opposite the site to the front is an informal amenity space adjacent to the seafront. The area of land to the rear of the site has been sold, and is under construction for 4no. dwellings.

RELEVANT PLANNING HISTORY

The application site has had a long history. The original application was approved in 2010, for 40no. units of accommodation, including 33no. flats, and 7no. terraced houses to the rear. Parking spaces for 48no. dwellings were provided. A viability assessment was submitted with the initial application to justify a lack of financial contributions towards affordable housing and community facilities.

Following the initial approval a variation to the application was submitted in 2016 that sought the partial removal of basement parking, resulting in an overall provision of 11no. underground parking spaces and 30no. forecourt parking spaces for the 33no. Self-contained flats, and 6no. carports for the 7no. terraced dwellings.

Development commenced under the 2016 consent, but when close to completion it was brought to the Council's attention that the development had not been built in accordance with the approved plans, with differences to the roof form of the new builds, changes to materials, the insertion of a balcony at roof level, and changes to balustrading and fenestration design. The changes to blocks 1 and 4 were considered to be less material in their appearance, being that they were existing buildings that had been converted rather than new builds. A non-material amendment for the changes to blocks 1 and 4 was therefore submitted and approved (NM/TH/19/1154), and the design of these buildings is therefore considered to be acceptable.

For blocks 2 and 3 a part retrospective application was submitted (F/TH/19/1157). A site meeting took place and whilst some of the design changes were considered to be acceptable, others were not, so amended plans were submitted for a proposal that was considered to be acceptable. This included the removal of the roof balcony within block 3, the addition of tile hanging to a number of elevations, and the removal of the blue and green cladding to the front elevation at roof level, along with the provision of 30no. off-street forecourt parking spaces to serve the 32no. self-contained flats (a reduction of one unit when compared to the previous schemes).

Following the approval of the part-retrospective application in March 2020, no attempts were made on site to comply with the approved scheme. As such, an enforcement notice was served on the 15th December 2022 requiring the owners to regularise the development by either complying with the approved 2016 scheme or the approved 2020 scheme, with a compliance period of 12 months. The applicant appealed the enforcement notice, with their

case for non-compliance relating to the completion dates of the development, which they advised had taken place at least 4 years prior to the enforcement notice being served. With no evidence to the contrary the Council withdrew the enforcement notice, with the intention of serving a new breach of condition enforcement notice on the grounds that the development had not complied with condition 1 of the 2019 consent (which has a ten year enforcement period). Prior to the serving of the new enforcement notice, this application has been submitted, seeking retrospective planning consent for the development as it stands, and therefore it is the retention of the design and layout of blocks 2 and 3, and layout of the forecourt, as viewed on site, that members are considering through this application.

F/TH/19/1157 - Part-retrospective application for the erection of 2no. three and four storey buildings containing 14no. 2-bed apartments, with basement storage and cycle parking, and surface parking with landscaping

Granted - 20th March 2020

NM/TH/19/1154 - Application for a non material amendment of planning permission F/TH/16/0280 for the change of use and extension of 45 Sea Road to 9 No. two bed flats and 2 No. one bed flats; Change of use and extension of 51 Sea Road to 7 No. two bed flats; Erection of 2 No. three and four storey buildings containing 14 No. two bed flats and 1 No. one bed flat; Erection of 7 No. three storey houses fronting St. Clements Road (together with basement parking), following demolition of 47 and 49 Sea Road, without compliance with the plans condition attached to F/TH/10/0525 to allow retrospective alterations of materials and fenestration.

Granted - 29th January 2020

F/TH/16/0280 - Change of use and extension of 45 Sea Road to 9 No. two bed flats and 2 No. one bed flats; Change of use and extension of 51 Sea Road to 7 No. two bed flats; Erection of 2 No. three and four storey buildings containing 14 No. two bed flats and 1 No. one bed flat; Erection of 7 No. three storey houses fronting St. Clements Road (together with basement parking), following demolition of 47 and 49 Sea Road, without compliance with the plans condition attached to F/TH/10/0525 to allow for alterations to design and layout.

Granted - 29th July 2016

F/TH/10/0525 - Change of use and extension of 45 Sea Road to 9 No. two bed flats and 2 No. one bed flats; Change of use and extension of 51 Sea Road to 7 No. two bed flats; Erection of 2 No. three and four storey buildings containing 14 No. two bed flats and 1 No. one bed flat; Erection of 7 No. three storey houses fronting St. Clements Road (together with basement parking), following demolition of 47 and 49 Sea Road.

Granted - 16th September 2010

PROPOSED DEVELOPMENT

The proposal is for the retention of the buildings and site layout as constructed, for the erection of 2no. three and four storey buildings containing 14no. 2-bed apartments, with basement storage and cycle parking, and 16no. parking spaces, with landscaping (for further details see 'relevant planning history' above).

DEVELOPMENT PLAN POLICIES

Thanet Local Plan 2020

SP01 - Spatial Strategy - Housing
SP02 - Implementation
SP14 - General Housing Policy
SP22 - Type and Size of Dwellings
SP23 - Affordable Housing
SP29 - Strategic Access Management and Monitoring Plan (SAMM)
SP30 - Biodiversity and Geodiversity Assets
SP35 - Quality Development
SP41 - Community Infrastructure
HO1 - Housing Development
GI04 - Amenity Green Space and Equipped Play Areas
QD01 - Sustainable Design
QD02 - General Design Principles
QD03 - Living Conditions
QD04 - Technical Standards
QD05 - Accessible and Adaptable Accommodation
HE01 - Archaeology
HE02 - Conservation Areas
CC02 - Surface Water Management
SE05 - Air Quality
SE08 - Light Pollution
TP01 - Transport Assessments and Travel Plans
TP02 - Walking
TP03 - Cycling
TP06 - Car Parking

Westgate-on-Sea Neighbourhood Development Plan 2021-2040

WSNP2 - Protection of Seafront Character in the West Zone
WSNP3 - Design Guidelines
WSNP7 - Conservation areas

NOTIFICATIONS

Neighbouring occupiers have been notified and a site notice posted. One letter of objection has been received raising the following concerns:

Scale of development has increased considerably when compared to the original approval;
Roof shape should be lower;

Proposed elevations are unrecognisable to what was previously approved;
No justification for the changes has been provided;
Scaffolding and boards have become a permanent feature to the back of one of the apartments, which is now being used as a balcony.

Westgate Town Council - No comments received.

CONSULTATIONS

TDC Conservation Officer -

Following a review of the proposed variation of condition I would make the following comments. Reviewing the variation submitted no attempt has been made to justify the reasoning behind the change of multiple elements of the proposed development. Under application F/TH/19/1157 which was approved, it was determined that unauthorised elements of these schemes could be balanced as long as some aspects were amended or removed from Sea Road. This application looks however to further retain those details considered imperative to adapt.

The colour introduced to the upper levels has no relevance to the street scene which is formed of traditional sea fronting properties or modern simplistic dwellings.

Elsewhere qualities of the development have been diluted by the alterations to form or materials. For example, reduction in tile hangings, removal of bay window projection, introduction of a mixed style balustrading. Cumulatively these features contributed to a well balanced quality scheme which cohesively blended into the surrounding street scene, changing these features to the properties detriment.

White metal railings are proposed to the basement which are an isolated element of the scheme which are somewhat jarring against the timber proposed elsewhere.

The scale of the proposed has increased considerably compared to the approval which is further exacerbated through the change of roof shape which ideally should be lowered. The proposed elevations are almost unrecognisable to what was originally approved.

This application looks to vary the bike store but no information has been provided regarding what or where it was or proposes to be. There appears to be a timber shed at the forefront of the site which I believe is serving as a bike store. This looks at odds with the main building and appears out of place.

This application looks to vary handstanding but again no details have been provided what was approved vs what is proposed. Tarmac appears to have been used through looking at the site which is considered harmful to the setting and appearance of the conservation area given its utilitarian appearance.

In conclusion, the proposed variation of the development presents numerous deviations from the initially approved application F/TH/19/1157, with no clear justification provided for these changes. The alterations, including changes to the upper level colors, reduction in tile hangings, removal of bay window projections, and the introduction of mixedstyle

balustrading, detract from the originally cohesive and balanced design. Additionally, the proposed white metal railings and the increased scale and modified roof shape exacerbate the discord with the surrounding street scene and conservation area. The lack of detailed information regarding the bike store and handstanding variations, along with the inappropriate use of tarmac, further diminishes the development's alignment with the area's aesthetic and historical context. Therefore, this substantial change is considered detrimental, and I object to the variation.

KCC Highways and Transportation -

(Final comment)

I refer to the above planning application and I recommend that this application be refused on highway grounds for the following reason(s):-

The proposals do not provide adequate vehicle parking facilities within the site and this is likely to lead to vehicles being parked on the highway, to the detriment of highway safety.

(Initial comment)

It appears that the parking arrangements are proposed to be reconfigured and significantly reduced, and to the best of my knowledge no reference to nor justification for this has been provided within the list of changes. It is also unclear if the access arrangements are to be amended.

I would be grateful therefore if you would forward any amended plans or additional information to me for my further consideration.

Environmental Health - Thank you for consulting Environmental Protection on the above planning application. It appears that no electric vehicle provision has been provided. There should be a minimum of 10% active provision within unallocated communal parking areas contrary to Policy SE05 - Air Quality

COMMENTS

The application is brought before members as a call in by Cllr Reece Pugh on the grounds that there is a need for new homes in coastal areas.

Principle

The proposal is for the retention of two new buildings containing 14no. self-contained flats. The site was previously pre-developed, and is located within the urban confines, and therefore the principle of development complies with Policies HO1 and SP01 of the Thanet Local Plan.

As the development also commenced works under the originally extant scheme, there is also a realistic fallback position for new residential development on the site.

The principle of development is therefore considered to be acceptable, subject to other material considerations, including the impact upon the character and appearance of the surrounding conservation area, the impact upon neighbouring living conditions, and the impact upon highway safety.

Character and Appearance

Policy QD02 of the Local Plan outlines that the primary planning 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.

The site also lies within the Westgate Conservation Area, so Policy HE02 is relevant, which requires development proposals to preserve or enhance the character or appearance of the area, whilst also responding sympathetically to the historic settlement pattern, plot sizes and plot widths, open spaces, streetscape, trees and landscape features; responding sympathetically to their setting, context and the wider townscape, including views into and out of conservation areas; and proportions of features and design details relating well to each other and to adjoining buildings. The policy concludes that new development which detracts from the immediate or wider landscape setting of any part of a conservation area will not be permitted.

Within the Westgate Neighbourhood Plan, Sea Road is separated into two zones. The East zone (which contains the application site) is mainly comprised of taller dwellings (often 3 storeys) which are often separated into flats. The Plan states that over massing, those moving forward of a neighbourly building line and out of character applications will not be supported. This view is reinforced through Policy WSNP2 of the Westgate Neighbourhood Plan, which states that proposals for development in the Seafront Character Zones should be planned and designed in accordance with the Design Guidelines set out in Section 11.2 of the Plan.

The guidelines within section 11.2 of the Plan for new large developments advise (and include) that development should not detract from the character and amenity of the nearby area; new builds should be in scale to the locality and height restricted (to include roof space) to scale with similar nearby properties; parking provision should be in accordance with the adopted parking standards of Kent County Council; and the density of new development should be in keeping with the character of the area and any relevant conservation areas. These guidelines are a requirement of Policy WSNP3, which states that 'proposals for new development in the plan area should take account of the Design Guidelines set out in Section 11.2 of the plan in the planning and design of such proposals'.

When planning application ref: F/TH/19/1157 was submitted, concerns were raised with the significant changes between what had been built and what had been approved through the F/TH/16/0280 planning application. The buildings differed to those previously approved, with variations particularly to the fenestration, materials, and roof form. The design as built does

not work as effectively as that approved, with fenestration of a less sympathetic form, balustrading at roof level and of a more solid form, a roof design that incorporates more gables and less pitched roofs, creating a bulkier and more obtrusive form of development, and a lack of interest through the use of solely painted render, rather than any additional material additions.

However, whilst the design has been watered down from that previously approved, it was considered that in terms of its visual impact the harm would be quite limited given its location on a bend, which restricts long distance views of the buildings. The changes to the design, which are concentrated mainly within the side elevations of the buildings, are likely to be viewed predominantly from the green area opposite the site, with very limited views by road when approaching the site from either direction along Sea Road.

There were a few areas, however, where the design was considered to be unacceptable and detrimental to the character of the conservation area. This included the use of materials, which consisted of all render of the same colour to block 2, other than the use of a bright blue at roof level. The original application had included tile hanging, which is characteristic of properties in this road. As such, amended plans were submitted which incorporated tile hanging back into the front and side elevations similar to that originally approved, helping to break up the elevations and incorporate a traditional material that is more sympathetic to the character of the area. The use of tile hanging to the gable ends also helped to reduce the perceived height of the building, which with the new roof design has been gabled rather than pitched, improving its appearance within the streetscene.

Block 3 is a taller building, and a balcony had been introduced at roof level that had not previously been approved, with doors inserted within the dormer windows to provide access to the balcony. Whilst balconies are a characteristic feature of properties in Sea Road, this is not the case at roof level. The balcony is considered to appear overly dominant at this level, and emphasises the 4-storey height of the building, a scale which is out of keeping with its immediate setting. This concern was raised with the 2019 application, and in order to resolve the concern amended plans were submitted showing the balcony removed, the doors changed to windows, and tile hanging introduced below the eaves level of the roof to reduce its perceived height, and appear more sympathetic to the conservation area.

This application seeks to retain the roof balcony and french doors in block 3 that are still considered to result in visual harm; whilst also failing to introduce the tile hanging back onto the front and side elevations, which was considered necessary to improve the appearance of the buildings.

Paragraph 140 of the NPPF requires that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used). It is considered that this proposal has diminished in quality, both from the originally approved 2010 and 2016 schemes, and then more recently to the 2019 scheme where these design concerns were raised and amendments forthcoming to improve the design, which were not subsequently carried out by the applicant.

Overall, the design of blocks 2 and 3 is poorer than the original 2010 and 2016 scheme, but in order to reach a compromise with the applicant due to the retrospective nature of the development, some elements were accepted through the 2019 scheme. Those that weren't accepted, and were instead amended, were considered to be necessary for improving the design quality of the buildings. The amendments were considered to consist of quite minor changes that would make significant improvements to the appearance of the buildings. It is disappointing that these works have not been completed within the lengthy time period made available to the applicant.

It is therefore considered that the building design, by virtue of the dominant roof balcony feature, which is at odds with the streetscene, and emphasises the 4-storey height of the building, a scale which is out of keeping with its immediate setting, significantly detracts from the special character and appearance of the surrounding conservation area, contrary to Policies QD02 and HE02 of the Thanet Local Plan, Policies WSNP2 and WSNP3 of the Westgate Neighbourhood Development Plan, and paragraphs 135 and 140 of the NPPF.

Living Conditions

Policy QD03 outlines that new development must not lead to unacceptable living conditions through overlooking, noise, vibrations, light pollution, overshadowing, loss of natural light or a sense of enclosure.

There are few differences between the approved and proposed plans when considering the impact upon neighbouring amenity. Whilst some changes have been made to fenestration, in some cases to omit windows and in other cases to enlarge them, there is not considered to be a significant impact upon neighbouring amenity as a result of these changes.

For block 2, the side facing windows have reduced in number, although they have enlarged in size. The windows face no.45, which is also within the applicant's ownership. A similar occurrence is seen at the rear

For block 3, the side facing windows have reduced in both size and number. The windows face no.51, which is also within the applicant's ownership. Whilst an additional window has been introduced at the rear within the roofspace, a window within the roof space was previously approved, so the additional window will result in no greater impact upon neighbouring residents than already exists from the approved rear window.

Overall it is not considered that the development, as exists on site, results in any significant impact upon neighbouring amenity.

In terms of the impact upon the occupiers of the development, the number of units within the buildings have not increased since the original application, and the floor plan shows that each of the units are large in size, and would meet the nationally described space standards.

There is limited external space to serve the development, but this does not differ significantly from the previously approved application.

The proposal is therefore considered to comply with Policy QD03 of the Thanet Local Plan.

Transportation

Policy TP06 of the Thanet Local Plan requires proposals for development to make satisfactory provision for the parking of vehicles. In considering the level of parking provision in respect of proposals for residential development (use class C3), the Council will have regard to the guidance provided in Kent Design Review: Interim Guidance Note 3 - Residential Parking or any subsequent guidance.

The 2016 application contained parking provision that included 11no. basement spaces and 30no. forecourt spaces for 33no self-contained flats, and 7no. dwellings to the rear (which have subsequently been removed from this development). Through the 2019 application this was reduced to 1no. basement space and 30no. forecourt spaces for 32no. self-contained flats, resulting in a reduction of 10no. parking spaces. The site is sustainably located within walking distance of Westgate District Centre, and the train station and bus stops, and there is also capacity for on-street parking within Sea Road. As such the reduction of ten spaces was approved, as this still provided approximately one space per unit (with the houses to the rear of the scheme omitted).

The 2019 application approved a layout that incorporated an 'in-out' access and 30no. off street forecourt parking spaces, with an additional basement car parking space. The layout that has been provided through this application differs significantly to this, with only 16no. off-street forecourt parking spaces now provided, and the omission of the basement parking space (although the agent has advised there are 6no. basement spaces, but these are not shown on the plans, and from visiting the site this access is not currently used, and therefore weight cannot be applied to this provision). The 16no. spaces are to serve a total of 32no. flats. The layout now proposed was originally submitted through the 2019 application, but following concerns raised by KCC Highways to the significant loss of parking spaces, an amended plan showing the provision of 30no. spaces was provided, but this has not been implemented.

The site has a suburban location, and therefore Interim Guidance Note 3 for 'residential parking' requires a minimum of one parking space per 1-bed and 2-bed flat be provided. The proposed layout is achieving only 0.5 spaces per flat, falling significantly short of the minimum requirement, and the 41no. spaces originally provided.

KCC Highways originally requested a justification for the loss of the parking spaces, but this has not been forthcoming, and the previously approved plan for 30no. forecourt spaces proves that the off-street parking required could be provided. Conditions 2 and 3 of F/TH/19/1157 required that the redundant crossing to Sea Road be removed, and parking be provided in accordance with the approved layout plan within 6 months of the date of the decision notice, but these changes have not been made on site. The reduction from 30no. spaces to 16no. spaces are likely to result in more on street parking, resulting in congestion and potential risk to pedestrian movement during summer months when visitors are using the adjacent beach and facilities. When visiting the site in October, outside of the peak season, on street parking outside the property in Sea Road was present, and it appeared that some of the units within the application site are still vacant, so the number of vehicles parking on street is likely to increase, putting pressure on the highway network. The proposal

does not comply with the minimum parking requirements, and is therefore contrary to Policy TP06 of the Thanet Local Plan, and Policy WSNP3 of the Westgate Neighbourhood Development Plan, with subsequent harm to highway safety and pedestrian movements in the area, which could be mitigated if the previously approved layout plan for the 30no. parking spaces were implemented. Whilst the site lies within a conservation area, the provision of the 30no. spaces is not considered to be harmful as this plan has previously been approved, and therefore there is no justification that the council are aware of as to why the applicant is unable to comply with these policy requirements. It is considered that paragraph 140 of the NPPF would again apply in this situation, as the loss of the parking has diminished the scheme when compared to the previous approval, resulting in a poorer quality development where residents are provided with reduced parking levels that impacts upon their amenity.

Cycle parking has been provided within the basement level of building 2 for all units, with the provision of 35no. cycle parking spaces for the 32no. residential units, exceeding the minimum requirements by three.

Overall, there is considered to be severe harm to highway and pedestrian safety through the reduction of parking spaces from 30no. spaces to 16no. spaces to serve the overall development of 32no. Units. There is a way for this harm to have been mitigated, with the provision of 30no. Off-street parking spaces, as previously approved, but this is not being offered through this application. As such, the proposal is considered to result in additional pressure on the highway network that could otherwise be avoided if the quality of the scheme had not been diminished through the amended parking layout. The additional pressure on the highway when the buildings are fully occupied is likely to result in highway safety issues during the peak months, and is therefore considered to be contrary to Policy TP06 of the Thanet Local Plan, and Policy WSNP3 of the Westgate Neighbourhood Development Plan, in addition to paragraphs 116 and 140 of the NPPF.

Air Quality

Policy SE05 of the Thanet Local Plan requires all major development schemes to promote a shift to the use of sustainable low transmission transport to minimise the impact of vehicle emissions on air quality. Paragraph 116 of the NPPF advises that development be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The previous application approved 3no. electric vehicle charging points to the front of the site to serve the development, which condition 7 required should be provided within 6 months of the date of the decision. These have not been provided, and are not being offered through this application. Environmental Health has advised that a minimum of 10% active provision of electric vehicle charging should be provided in order to comply with Policy SE05 of the Thanet Local Plan. As such the proposal is considered to be contrary to Policy SE05 of the Thanet Local Plan, and paragraph 116 of the NPPF, as the development is failing to promote sustainable forms of transport, to the detriment of air quality and sustainability.

Special Protection Area Mitigation and Appropriate Assessment

Thanet District Council has produced the 'The Strategic Access Management and Monitoring Plan (SAMM)' 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. The proposed development is close to the Thanet Coast and Sandwich Bay SPA, Ramsar and SSSI. Therefore, to enable the Council to be satisfied that the proposed development will avoid a likely significant effect on the designated sites (due to an increase in recreation) a financial contribution is required to contribute to the district wide mitigation strategy.

A contribution of £7,260.53 was secured through the previous consent, which has been paid to the Council, and as such mitigation for this number of units on the site has been secured meaning that the Council has accorded with the Habitat Regulations. An appropriate assessment has also been undertaken.

Other Issues

Biodiversity

As the application is a variation of condition application, it is exempt from the requirements of the Environmental Act 2021 for Biodiversity Net Gain.

Drainage

Drainage has previously been approved, and is not affected through this application.

Waste and Recycling

The previously approved scheme provided an area between blocks 3 and 4 for the location of refuse storage. Condition 5 of F/TH/19/1157 required details of the screening to the refuse store to be provided and approved in writing by the Local Planning Authority. This has not been provided, and instead a detached timber shed has been erected to the front of the properties within the parking area. This does not have planning permission and will require removal due to its impact upon the conservation area.

Conclusion

The proposal is seeking to vary the design and layout of an extant consent, the principle of which has previously been accepted. The development has not been constructed in accordance with the approved plans, and therefore the application submitted in 2019 sought to regularise the development, with a number of the changes approved. The main concerns were the design of block 3 at roof level, which had introduced french doors and a balcony feature, which is considered to provide a dominant and intrusive form of development at roof level that is out of keeping with, and unsympathetic to, the surrounding traditional character and appearance of the conservation area. The materials were also considered to be unacceptable, as the tile hanging had been removed from the original scheme, and the buildings fully rendered (other than a brick fronted gable) with a light grey, and an uncharacteristic bright green and blue on the front elevation at roof level. The 2019 omitted these elements, and in replace approved tile hanging to the frontage on both buildings, and

the removal of the roof balcony and french doors in block 3, with tile hanging again introduced below eaves level.

This application seeks to approve the design of blocks 2 and 3 as built, without the amendments sought through the 2019 application. On the basis that the buildings maintain the materials, and french doors and balcony at roof level of block 3, previously considered to be unacceptable and detrimental to the character and appearance of the conservation area, it is considered that the proposal results in a poor quality development that has materially diminished in its design and materials when compared to the previously approved schemes.

Furthermore, the proposed layout has resulted in the loss of 14no. parking spaces when compared with the previously approved scheme, for which no justification has been submitted. The site is located on the seafront, and the development as proposed will result in the need for future occupiers to park on-street due to the lack of off-street parking for the 32no. flats (in total), which is likely to result in congestion and highway and pedestrian safety issues (once the site is fully occupied). The site also fails to offer the 3no. electric vehicle charging points previously secured, the loss of which will reduce the sustainability of the development by failing to support alternative forms of transport.

For these reasons, the proposed development is considered to be unacceptable, and contrary to Policies QD02 and TP06 of the Thanet Local Plan, Policy WSNP3 of the Westgate Neighbourhood Development Plan, and paragraphs 116, 135 and 140 of the NPPF.

Case Officer

Emma Fibbens

TITLE:

F/TH/24/0335

Project

47 - 49 Sea Road Westgate On Sea Kent CT8 8QN

