

Planning and Rights of Way Panel

Tuesday, 11th July, 2023
at 4.00 pm

PLEASE NOTE TIME OF MEETING

Conference Room 3 and 4 - Civic Centre

This meeting is open to the public

Members

Councillor Savage (Chair)
Councillor Beaurain
Councillor Mrs Blatchford
Councillor Cox
Councillor A Frampton
Councillor Powell-Vaughan
Councillor Windle

Contacts

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ADDITIONAL INFORMATION AND PRESENTATIONS

4 PLANNING APPLICATION - 23/00418/FUL - AZZERA HOUSE, CENTENARY QUAY
(Pages 1 - 4)

Amended Conditions and Plan

5 PLANNING APPLICATION - 23/00674/FUL - 24 WILTON AVENUE (Pages 5 - 10)

Statements of objectors and supporters

Monday, 3 July 2023

Director – Legal, Governance and HR

Briefing Note – Amended conditions for Azera, Unit 3

The conditions have been updated to require compliance with the proposed arrangement of tables and chairs should panel be minded to support the officer recommendation

01. Full Permission Timing (Performance)

The development hereby permitted shall begin no later than three years from the date on which this planning permission was granted.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

02. Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below. Not more than 20 tables and 60 chairs shall be provided on the external terrace at any one time. Notwithstanding the approved amended plan (which appears to include the existing landscaping within the defined 2m easement) no tables and chairs, heaters or any other equipment associated with the use shall be located within 2m from the inside kerb edge of the existing landscaping to be retained around the external terrace for public use.

Reason: For the avoidance of doubt and in the interests of proper planning. To ensure retention of existing landscaping and a 2m wide public waterfront access route to remain unobstructed and kept clear at all times.

03. External Noise Restrictions

No live or amplified equipment/music shall be used outside of the building.

Reason: In the interests of the amenities of neighbouring occupiers.

04. Public Access to the Waterfront

Prior to the first use of the extended terrace hereby approved further details of a clear marker between the tables and the walkway, and also details of additional signage confirming public access to the water's edge shall have been agreed in writing with the Local Planning Authority and installed. These features shall be retained as agreed for the lifetime of the development.

Reason: To ensure public waterfront access is retained

05. Hours of use (Outside)

Notwithstanding the permitted hours of use for the premises under condition 09 of 15/01985/REM, no food and drink shall be consumed outside of the building beyond the following hours in accordance with the applicant's supporting Statement:

Monday to Saturday	11.00 to 23.00 (11.00am to 11.00pm)
Sundays and public holidays	12.00 to 23.00 (12.00pm to 11.00pm)

Reason: In the interests of the amenities of neighbouring residents.

06. **External Heaters**

No additional external heaters beyond the 2 no. existing shall be installed on the external terrace hereby approved.

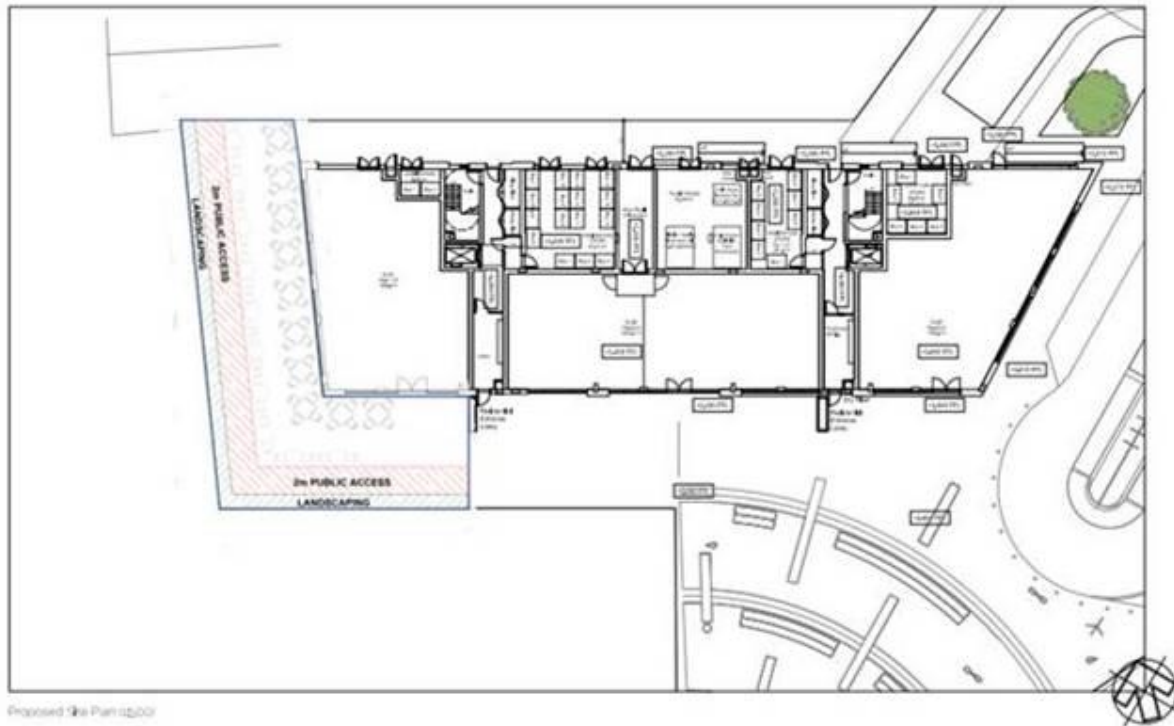
Reason: To reduce the likelihood of the outdoor area being occupied late into the evening or outside the summer season in the interests of neighbouring residential amenities.

Note to Applicant:

Failure to install and arrange the tables and chairs in accordance with the requirements of conditions 02 and 04 and the plan hereby approved within 3 months of the date of this decision will likely result in planning enforcement action being taken for the existing unauthorised arrangement of external tables and chairs, which is a breach of Planning control.

Agenda Item 4

Appendix 3



Proposed 1st Floor Plan 02/2007

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Agenda Item 5

1. Since the onslaught of HMOs in the Polygon area since early 90s it has been Plainly obvious that residents have repeatedly reported noise and ASB from HMOs .
2. The main problems raised are:
3. The negative impacts on amenity from the transient nature of the occupiers living within a family home orientated community and upsetting the balance and mix of the households within the community, disturbance arising from the intensification of use of a home by the greater comings and goings associated with occupiers living independently of each other in comparison to a typical a family unit;
4. Why was policy SDP 1 and H4 used to refuse this last time but not now for this second application ?
5. Also note that a sound proofing condition can now be imposed on any NEW HMO room.
6. Are the Panel aware that Noise Nuisance will NOT accept noise complaints from within any HMO, meaning that quite housemates need to be protected from noisy ones by sound proofing.

My further research shows that the house numbers go from 2 - 96 on the south side and from 1 - 115 on the north side meaning about 105 houses ,of those 65 are HMOs, averaging about five people in each, which makes 325 people , and the 40 flats or family homes would average about 5 occupants in each. (120 people ?)

It is not easy for me to know which houses are converted to flats to know the exact number but it (the Polygon and Wilton) is obviously already an Unbalanced Community and you need to check if there is nationwide policy against that.

It may be part of the National Planning Policy Framework.

Stewart Morris
42 Harborough Road
Southampton
SO15 2FY

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RE: 24 Wilton Avenue, Southampton SO15 2HJ – LPA Ref: 23/00674/FUL

Good Afternoon Members and thank you for the opportunity to the address the panel prior to the determination of my client's planning application.

My name is Chris Miell and I'm an RTPI Chartered Town Planner and Associate Director of Pure Town Planning. My client's application seeks full planning permission for a change of use from a 6 bed house in multiple occupation ('HMO') to a 7 bed HMO and erection of rear dormer at 24 Wilton Avenue, Southampton.

The planning officer has comprehensively explained the full details of the proposed scheme within their report and opening presentation to you. Throughout this application process we have worked closely with your officers for which we thank them for their time and efforts in this regard.

This application has been called before the Planning Committee because of the number of objections from local residents. Many of the representations assert that the expansion of the existing HMO use would have a negative impact upon neighbouring amenity.

As set out within the officer's report, in June 2021 an identical application to the current proposal was submitted to the Council. Planning permission was refused by the Council and the sole reason for refusal related to the impact of the proposal upon neighbouring amenity.

The applicant challenged the Council's decision at appeal. The appeal was dismissed in July 2022. However, planning permission was only refused by the Inspector on the basis that the recreational impacts of the proposal may result in harm to protected habitat sites. This was not a reason for refusal put forward by the Council, but related to an issue raised at appeal by Natural England.

In respect of the local planning authority's sole reason for refusal, the Inspector found favourably for the appellant. Within his decision, the Inspector states:

34. This [the existing 6 person HMO use] is the starting point for considering the impact of the appeal scheme upon the living conditions of neighbouring property occupiers. I find that the addition of one extra bedroom within the existing 6-bedroom property would reasonably be expected to result in an associated small proportionate increase in the typical comings and goings connected with the existing occupants of the appeal property.

35. The existing communal kitchen/dining/lounge and rear outside garden would remain in the same positions within the appeal site, and, whilst these communal areas are positioned in close proximity to neighbouring properties, given the relatively high density back-to-back terraced nature of built development within the locality of the appeal site, I find that the proposed occupation of the building by one additional resident would be unlikely to result in a significantly discernible increase in noise and disturbance emanating from these communal areas, such that it would materially harm the living conditions of neighbouring occupants.

36. In addition, I have taken account of the prevailing conditions within the site locality, having regard to the location of the appeal site near the eastern end of Wilton Avenue, which is a wide, straight, well-trafficked road, with on-street parking on both sides and providing access to the nearby local community facilities and services along Bedford Place and the adjacent public car park.

37. In addition to being a busy road, the evidence before me is that a large number of properties within the road, including close to the appeal site, are within HMO use, so that existing occupancy within the street is of a largely transient nature, as opposed to comprising family houses. The evidence from the appellant and third parties in this respect is supported by what I witnessed on my site visit, including a preponderance of refuse bins located within front gardens and multiple door bells on properties.

38. Moreover, I have also taken account that, whilst the appeal property is terraced, both adjoining properties are occupied as two flats, thereby reducing the difference between the number comings and goings associated with their occupation and that of the proposal compared to if these properties were in use as family houses.

39. Taking all the above factors into account, I find that any increase in noise and activity arising from the appeal scheme would not be greatly discernible within the existing context of people and vehicular comings and goings within this busy, multi-household part of the street.

40. For the above reasons, on the basis of the information before me, I therefore conclude that the proposed development would not result in material harm to the living conditions of the occupiers of neighbouring properties in respect of noise and disturbance impacts.

***** END QUOTE****

The current proposal seeks planning permission for an identical scheme, which was assessed by the Planning Inspector at appeal. Given the Inspector's conclusions on the main issue related to neighbouring amenity, it would be wholly unreasonable for the Council to refuse planning permission on such grounds.

As set out within the officer's report, a suitable resolution is now in place to mitigate against the recreational impacts upon the protected habit sites. Consequently, there is no substantive reason to withhold planning permission for the proposal and the local planning authority are respectfully asked to grant planning without delay.

Thank you for your time and due consideration of my client's application.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'Chris Miell', is positioned below the 'Yours Faithfully' text.

Christopher Miell BA(Hons), MPLAN, MRTPI

Associate Director

chris@puretownplanning.co.uk

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