
PLANNING AND RIGHTS OF WAY PANEL

MINUTES OF THE MEETING HELD ON 11 JULY 2023

Present: Councillors Savage (Chair), Mrs Blatchford, Cox (excepted minute numbers), A Frampton and Windle

Apologies: Councillor Beaurain and Powell-Vaughan

16. **PLANNING APPLICATION - 23/00418/FUL - AZZERA HOUSE, CENTENARY QUAY**

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that the application be conditionally approved subject to criteria listed in the report.

Application for additional external seating not in accordance with details agreed under condition 31(External Seating & Umbrellas restriction) of planning permission ref: 08/00389/OUT to allow additional external tables (from 10 to 20) and seating (from 40 to 60), seasonal dependant.

Sarah Ryles (representing local residents objecting), Mike Lawrence (applicant) and Councillors W Payne and Ugewome (ward councillors) were present and with the consent of the Chair, addressed the meeting.

The presenting officer reported that a set of amended conditions had been circulated and posted online prior to the meeting. In addition 24 further objections were passed to the planning officer at the meeting from Councillor Ugewome. It was noted that the letters were duplicated and reflected the concerns of the residents raised at the meeting.

During discussion on the item, Members raised concerns over the materials used for the additional seating noting that the residents had specifically complained about the moving of the metal chairs used currently for the Bistro tables. Members also were concerned that there appeared to be a break down in relationships with the restaurant and residents and suggested that consent should be granted for a temporary period in order to assess whether any new formalised arrangements mitigated the concerns of the public. Concern was also raised about the use of the terrace for outdoor cooking directly under the flats of residents

During discussions on the item, two motions to amend the recommendation by adjusting the proposed conditions were considered, voted on and carried by the Panel: (i) to grant temporary permission and (ii) to prevent external cooking. Following the course of discussion by panel members, officers also agreed to amend their recommendation by the amendment of other conditions as set out in full below.

Upon being put to the vote the recommendation as amended was carried.

RECORDED VOTE

FOR: Councillors Savage, Windle and A Frampton
ABSTAINED: Councillor Blatchford

Note: Councillor Cox had to leave the meeting prior to the vote.

RESOLVED that planning permission be approved subject to the conditions set out below.

Agreed Conditions

1) Temporary Planning Permission until 30 September 2024

The development hereby permitted shall be discontinued and returned to the arrangement of not more than 10 tables/40 chairs (as approved under 20/01080/DIS) on or before the period ending on 30 September 2024.

REASON: To enable the Local Planning Authority to review a trial run to assess the effect of the development on the area.

Note to Applicant:

A fresh planning application would be required ahead of 30 September 2024 should the additional tables/chairs be required after this date.

2) Approved Plans (Performance)

The development hereby permitted shall be carried out in accordance with the approved amended 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 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.

No food and drink sold/purchased from this premises shall be consumed within the public route or outside the demise of the terrace associated with this premises as shown on drawing No. ASP.20.059.002.

No table or chairs shall be located between the entrance to the existing bar/restaurant and the neighbouring residential entrance.

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 and in the interests of neighbouring residential amenities.

3) 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.

4) Public Access to the Waterfront

Prior to the first use of the extended terrace use/additional seating hereby approved further details of a barrier/screen 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. The barrier/screen/signage shall be installed as agreed prior to the first use of the additional seating. These features shall be retained as agreed for the lifetime of the development.

REASON: To ensure public waterfront access is retained and to prevent encroachment

5) 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.

6) 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.

7) No hot food to be cooked outside

No preparation or cooking of hot food to be sold from the premises shall take place outside.

REASON: In the interests of the amenities of neighbouring residential occupiers.

Notes to Applicant:

Failure to install and arrange the tables and chairs in accordance with the requirements of conditions 2 and 4, and the plan hereby approved, within 3 months from the date of this decision will likely result in planning enforcement action being taken for the existing unauthorised arrangement, which is a breach of planning control and prevents unfettered public access to the waterfront.

On a separate matter it is recommended that you explore alternatives to the metal bistro tables and chairs proposed, or (at least) some form of mitigation to avoid future noise disturbance to your nearest neighbours.

17. PLANNING APPLICATION - 23/00674/FUL - 24 WILTON AVENUE

The Panel considered the report of the Head of Transport and Planning in respect of an application for planning permission for the proposed development at the above address recommending that authority be delegated to the Head of Transport and Planning to grant planning permission subject to criteria listed in the report.

Change of use from a house in multiple occupation (HMO) (class C4) to a large HMO for 7 persons (sui generis) and installation of enlarged rear dormer (resubmission 21/00871/FUL)

Mrs Barter (local resident objecting) was present and with the consent of the Chair, addressed the meeting. In addition the Panel noted that statement had been received, circulated and read by the Panel and posted online from Mr S Morris and Mr C Miell.

Upon being put to the vote the Panel confirmed the Habitats Regulation Assessment.

The Panel then considered the remaining recommendations. Upon being put to the vote the recommendations were carried unanimously.

RESOLVED

1. The Panel confirmed the Habitats Regulation Assessment set out in Appendix 1 of the report.
2. That authority be delegated to the Head of Transport and Planning to grant planning permission subject to the conditions in the report and the completion of a S.106 or S.111 Legal agreement to secure either a scheme of measures or a financial contribution to mitigate against the pressure on European designated nature conservation sites in accordance with Policy CS22 of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
3. That the Head of Transport and Planning be given delegated powers to add, vary and /or delete conditions as necessary, and to refuse the application in the event that item 2 above is not completed within a reasonable timescale.