

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 29th May 2018
Planning Application Report of the Planning and Development Service Lead

Application address: 14 The Broadway, Portswood Road, Southampton, SO17 2WE			
Proposed development: Proposed change of use from coffee shop (A1 use) to drinking establishment (micro pub)(Class A4) - submitted in conjunction with 18/00036/ADV			
Application number	18/00035/FUL	Application type	FUL
Case officer	Amber Trueman	Public speaking time	5 minutes
Last date for determination:	5 th June 2018	Ward	Portswood
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors	Cllr Savage Cllr O'Neill Cllr Claisse
Referred to Panel by:	N/A	Reason:	N/A

Applicant: Mr N Davis	Agent: Paul Ashton Ltd
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Recommendation Summary	Conditionally approve
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012).

Policies - SDP1, SDP7, SDP9, SDP10, SDP16, CLT15, REI4, REI5, REI7 and REI8 of the City of Southampton Local Plan Review (Amended 2015), CS3, CS19 and CS24 of the Local Development Framework Core Strategy Development Plan Document (Amended 2015) and the relevant sections of the Parking Standards Supplementary Planning Document (2011).

Appendix attached	
1	Development Plan Policies

Recommendation in Full

Conditionally approve

1 The site and its context

- 1.1 The site is located on the corner of Portswood Road and Westridge Road in the heart of Portswood District Centre. The site comprises a 2 storey building which fronts Portswood Road. The ground floor was formerly occupied (until late 2017) as a coffee shop but it is unclear whether the use of the upper floor space was linked with this business. The entire property is currently vacant.
- 1.2 The main access to the property is situated on the corner of the building adjacent to the junction with Westridge Road. The property also benefits from rights of access over a small strip of land to the rear of the site which enables use of the rear servicing track that runs parallel to the rear of the site and is accessed from Westridge Road.
- 1.3 The area surrounding the site comprises a mix commercial and residential uses. More specifically, Portswood Road features a mix of two and three storey properties with a selection of different uses at ground floor level including shops, betting shops, cafes, restaurants, hairdressers, banks, takeaways, bars and pubs. It should also be noted that a lot of these properties have residential uses on the floors above. Westridge Road however, is a residential street predominantly made up of two storey dwelling houses.

2 Proposal

- 2.1 The proposal seeks to change the use of the ground floor of the property from a coffee shop (Use Class A1) to a drinking establishment (micro pub) (Use Class A4).
- 2.2 The application was submitted in conjunction with application ref. 18/00036/ADV for the 'installation of 1 x externally illuminated hanging sign, 5 non illuminated awnings and 7 non illuminated window vinyls', which was granted conditional approval on 27/04/2018.

3 Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the "saved" policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

4 Relevant Planning History

4.1 Objection was raised to an application for prior approval for a change of use of the first floor of the building from office use (Class B1) to 3 x one bed flats (Class C3) (Ref. 17/02589/PA56) on 14/02/2018 for the following reason:

01. Lack of evidence to demonstrate class B1a use

The evidence submitted does not adequately demonstrate that the prior use or authorised use of the building was B1(a) office and therefore the proposed conversion of the building does fall under permitted development in accordance with the requirements of Class O of the GPDO (2015 amended).

4.2 It is also noted that at the time of this application the first floor remains vacant and there have been no subsequent application submitted to change the use of the first floor.

4.3 The current application was submitted in conjunction with application reference 18/00036/ADV which was determined on 27/04/2018. The application comprised the installation of 1 x externally illuminated hanging sign, 5 non illuminated awnings and 7 non illuminated window vinyls and was granted approval subject to conditions.

5 Consultation Responses and Notification Representations

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report **15** representations have been received from surrounding residents, **1** in support, **13** in objection to the proposal and **1** which is not applicable to the current application as it refers solely to application reference 17/02589/PA56, for the conversion of the first floor into three one-bed flats, which was determined on 14/02/2018. The following is a summary of the points raised by objectors and responses from the Case Officer:

5.2 **The proposal, including the division of the first floor into three flats, is an over-development.**

Officer Response: The application refers to the ground floor of the property only. The division of the first floor is a separate application by a different applicant and has already been determined as stated above (refer to section 4). With regard to overdevelopment, this is a change of use to the property to bring it back into use, the proposal includes no extensions, major building works or subdivision of the unit or site and the original property will be retained. The proposal is not considered to represent an overdevelopment.

5.3 **The proposal would result in oversaturation of licensed premises in the area.**

Officer Response: The property is located within Portswood District Centre. Licensed premises are characteristic of these types of areas which provide a variety of services to the public. Licenced premises are permitted within District Centres (policy CLT15 specifically permits A4 uses within Portswood District Centre). The proposed micro-will help to maintain the vitality and viability of the District centre by bringing this vacant unit back into use. Policy CS3 encourages active commercial use of buildings in Portswood District Centre.

5.4 The hours of operation are excessive.

Officer Response: The hours of operation (11:00 to 23:59 7 days per week) as stated on the application form are incorrect. The applicant has recently confirmed that the hours proposed for opening the micro pub are 11:00 to 23:00 7 days per week, these amended hours are considered to be appropriate for a drinking establishment located within a District Centre. The operational hours of surrounding late opening premises have been assessed and the proposed establishment is judged to be in keeping with opening hours in the local area. Cumulative impact has also been considered.

5.5 The proposal would result in more antisocial behaviour and noise and disturbance in what is a predominately residential area.

Officer Response: The proposal features no outdoor courtyard or outdoor seating therefore the only people likely to be occupying the street surrounding the premises are those smoking. All other activity will be confined to the indoor area and given the existing background noise experienced in the District Centre, the noise generated as a result of the proposal is not thought to be significant or detrimental to neighbouring residents. It should also be noted that the area is characterised by a mix of commercial and residential uses of which the proposed Class A4 use is in keeping with.

5.6 The proposal has the potential to cause increased litter in the area.

Officer Response: Appropriate bins and bin storage will be provided at the venue and an appropriate servicing plan will be enforced by condition in order to eliminate the risk of litter at the site.

5.7 There is no parking provision at the site and the proposal will result in further parking pressure in the area.

Officer Response: The site is located within the highly accessible area of Portswood District Centre therefore on-site parking is not deemed necessary to access the site. Given that the property will be a drinking establishment it is unlikely that many will opt to drive to the venue therefore the addition to parking pressures in the area is thought to be negligible. However, there is restricted parking available along Portswood Road for those wishing to utilise it and a disabled bay directly adjacent to the site.

5.8 The signage is out of character.

Officer Response: The current application is not considering the advertisements on the premises. These have already been considered under application reference 18/00036/ADV which was conditionally approved on 27/04/2018.

5.9 The awnings will impede pedestrians.

Officer Response: The proposed awnings will be set at a height of 2.4m which is deemed acceptable in highway safety terms and will not cause any harm or obstruction to pedestrians.

5.10 Delivery vehicles will cause highway safety issues

Officer Response: As stated in the highways comments below, the previous use would have required servicing and deliveries. As such, it is judged that deliveries can take place without causing any harmful to highway safety however, further details will be required to better understand the servicing requirements of the premises and to agree appropriate timings for deliveries given the restricted loading and disabled bays surrounding the site. These details can be adequately

controlled via a pre-commencement condition.

Consultation Responses

5.11 SCC Highways

There are parking and loading restrictions on Westridge Road and also disabled bays on Portswood Road. Beyond that are further parking restrictions, the nearest unrestricted parking is Tennyson Road. Parking bays along Portswood Road would be available outside of time restrictions.

5.12 In terms of trip generation, overspill in the immediate area where highway safety is concerned would be unlikely due to the parking restrictions. Furthermore, a micropub this size may not generate a significant increase in vehicular trips – the evening opening hours would be the main increase but traffic levels would generally be lower at this time.

5.13 In terms of servicing, further details are required to identify the units requirements however it is anticipated that by restricting servicing hours to times of the day which are outside of peak traffic hours the servicing arrangements will be satisfactory in terms of highways safety and congestion.

5.14 As long as there is 2.4m ground clearance, the proposed awnings are acceptable. Add informative: over sailing licence will need to be obtained (separate process to planning).

5.15 The application is to be recommended for Approval subject to the following condition:

- Servicing management plan.

5.16 SCC Environmental Health (Pollution & Safety)

No objection.

6 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

- Principle of development;
- Impact on local character;
- Impact on neighbouring and local amenity (noise, disturbance and visual impact); and
- Highways, parking and servicing.

Principle of Development

6.2 The site located within the heart of Portswood District Centre and is defined as a 'secondary retail frontage' meaning that under policy REI4 development at ground floor will only be permitted if it is within A1 (retail), A2 professional services, A3 food and drink use, A4 drinking establishments, A5 hot food and takeaway and uses that offer a direct service to the public. Businesses must also ensure that an active shopfront is provided.

6.3 The change of use of this premises, to provide an 'A4' use drinking establishment, is considered to offer a direct service to the public which is appropriate within the District Centre location as detailed in Local Plan Policy REI5.

6.4 It is hoped that the proposal will bring the currently vacant commercial unit back into use so that the facilities with the District Centre continue to serve the day to

day needs of the local population This approach is required by policy CS3 within the 'promoting successful places' section of the Local Development Framework Core Strategy which states:

"The Council will support the role of the town and district centres in providing shops and local services in safe, accessible locations. New development should make a positive contribution to the centre's viability and vitality, promote and enhance its attractiveness."

- 6.6 The council also seeks to encourage and support small local businesses wherever possible and it is clear from the National Planning Policy Framework that planning decisions should give weight to the economic benefit of development. As aforementioned, the unit is currently disused therefore the proposed change of use would both help to remedy this and offer a new use that has the potential to be more frequently used by the public and help to boost local economy. As such, the proposal is judged to comply with the NPPF in this regard.
- 6.7 Policy RE17 identifies that proposals involving food and drink uses (including A4 uses) are permitted in city, town, district and local centres providing that appropriate measures can be taken to adequately control noise and disturbance, cooking fumes and litter. In light of the fact that the establishment is located in a district centre, the proposed use is not considered to generate a significant increase in noise and nuisance, noticeable above background noise levels. Moreover, there will be no on-site cooking or frying and appropriate bin storage has been incorporated into the plans. As such, and with reference to the relevant consultation responses above, it is judged that the proposed establishment is acceptable in principle and can be supported subject to conditions to control the opening hours, noise and servicing.
- 6.8 The proposed site is a good location for such a facility as it is well served by public transport and is in a short walking distance of many residential properties, thus the scheme would be supported by sustainable modes of transport.

Impact on local character

- 6.9 The application proposed no changes to the built frontage in terms of its physical structure other than the installation of 5 awning, the advertisements on those awning have already approved under application ref. 18/00036/ADV. The installation of the awnings is deemed appropriate as they will not harm the character of the area. Other commercial properties within the area also have awnings. The proposed awning will also not detract from the character of the host property. It is also considered that the awnings will provide a visually interesting feature for the largely visible frontage which runs from Portswood Road round to Westridge Road. As such, an appropriate and active shopfront will be maintained in line with Policies RE14 and RE18, and the changes proposed to the shopfront will have a negligible impact to the character of the area. The proposal is therefore deemed compliant with Policies SDP1 (Quality of development), SDP7 (Context) and SDP9 (Scale, massing and appearance).
- 6.10 Furthermore, by granting permission the activity associated with the premises will also contribute to local character and strengthen the vitality of the District Centre area.

Impact on neighbouring and local amenity

- 6.11 It is accepted that there is the potential for the development to have an impact upon occupiers of neighbouring properties with regard to noise. The Council acknowledge that customers may stand outside in order to smoke, however there is no formalised outdoor seating therefore the number of people gathering at the

front of the property is thought to be minimal. All other activity will be confined to inside the establishment and the food to be served will be snack foods only heated via a domestic scale oven. As such no excessive fumes will be created and no commercial extraction is required.

- 6.12 Owing to the sites location, background noise is higher than in wholly residential areas where there are no commercial uses. Due to the small scale nature of the use, it is unlikely that the micro pub will accommodate large numbers of customers on a regular basis each night of the week and it is also worthwhile noting that the Environmental Health Team have raised no objection to the development on noise grounds. In light of the above, it is considered that the noise generated as a result of the proposal would not seriously affect residential amenity. Furthermore conditions are recommended to restrict amplified noise so that it is not audible at the closest residential property. In addition Environmental Health Legislation can be used to control noise nuisance.
- 6.13 The previous coffee shop use would also have generated some moderate noise also there appears to be no relevant planning history restricting the hours of operation associated with the coffee shop. The surrounding units are primarily occupied by retail (A1 use) opening in the day therefore the evening use is unlikely to have a notable impact upon these premises. Furthermore, the first floor unit of the host property is currently unoccupied however, the same considerations have been applied and it is judged that the noise impact is likely to be similar to that of the previous use with the noise during evening hours unlikely to have a significantly harmful impact upon the first floor unit. It is judged that the proposal will have an acceptable impact upon neighbouring uses.
- 6.14 It is acknowledged that customers may create some noise and disturbance when they travel to and from the premises and that this is a concern raised by local residents. The use however is acceptable in this location given the District Centre location and it is the proposed hours of operation that will mostly determine the impact on surrounding residents, along with the behaviour of the customers when leaving the premises and walking home.
- 6.15 Cumulative impact with other uses nearby and their closing hours are also important to consider. The preferred method of reducing this impact is to stagger closing times across areas of stress. The proposed hours listed on the application form are 11:00 – 23:59 however this is an error and the applicant has confirmed with officers that the proposed hours should have stated 11:00 to 23:00 which would match the permitted licencing hours (granted May 2018).
- 6.16 It is also noteworthy that there are also other evening uses close by which generate activity, some of those uses stay open later than the proposed opening hours of the micro pub owing to historic planning permissions or through the benefit of lawful existing use, or indeed through imposed planning conditions; appendix 2 refers.
- 6.17 The assessment has also taken account of the controls that are available to the Council through the management of licensing agreements as managed by the environmental health and the police licensing teams.
- 6.18 The hours proposed are deemed to be fairly modest in terms of closing hours when taking account of closing times of other local evening use establishments within and close to Portswood District Centre. Accordingly Officers are minded to support the proposed hours of operation.

Highways, parking and servicing

- 6.19 The site is easily reachable by public transport and given the location and intended use of the building as a drinking establishment it is reasonable to expect most customers to arrive on foot, by public transport or by taxi. Restricted parking is available on Portswood Road including directly in front of the site. Whilst it is acknowledged that the business may lead to a small amount of parking pressure within areas close to the development the impact is not judged to be significantly harmful or sufficient to justify refusal.
- 6.20 Highways Development Management have also confirmed that there are no associated highways safety concerns with the scheme. The location is highly accessible by public transport and it is envisaged that acceptable delivery and servicing arrangements can be achieved thus with appropriate conditions to secure a servicing management agreement the proposal is considered to be acceptable in terms of highways impact.

7 Summary

- 7.1 Overall the scheme is judged to bring life back into a currently inactive shopfront within Portswood District Centre and provide a desirable service to members of the public. The change of use is thought to be appropriate for the area and presents no significantly harmful impact to neighbouring residents or commercial occupiers. Access to the restaurant is deemed acceptable considering the accessible location, public transport links and that it is in easy walking distance for many. Furthermore, servicing and delivery arrangements can be achieved. In light of the above the proposal is deemed acceptable and is recommended for approved subject to appropriate conditions including hours of operation.

8 Conclusion

- 8.1 A careful assessment of the material planning considerations and public representations, discussed above, has been made. Despite the level of local objection, the proposal is not judged to present significant harm to the character of the host property, the character of the local area, residential amenity or highway safety. As such, it is recommended that the scheme is approved subject to appropriate conditions to control the development, where needed, in the interest of local amenity.

Local Government (Access to Information) Act 1985
Documents used in the preparation of this report Background Papers

1(a), 1(b),1(c), 1(d), 2(b), 2(d), 4(vv), 6(a), 7(a)

AT for 29/05/18 PROW Panel

PLANNING CONDITIONS

1. APPROVAL CONDITION - Full Permission Timing Condition - Change of use
The use hereby permitted shall begin not 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).
2. APPROVAL CONDITION - Approved Plans
The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.
3. APPROVAL CONDITION - Control of Amplified Equipment [Performance Condition]
At no time shall sound amplifying equipment or acoustic instruments be used or installed which would generate noise audible from the boundary of the nearest residential property to the building to which the consent hereby granted relates unless otherwise agreed in writing with local Planning Authority.

Reason: To protect the amenities of the occupiers of nearby residential properties.
4. APPROVAL CONDITION - Hours of Operation [Performance Condition]
The A4 'drinking establishment' to which this permission relates shall only operate in accordance with the following hours:

Customers will only be permitted on the premises between the hours of 11:00 – 23:00 on any day.

Reason: To protect the amenities of the occupiers of nearby residential properties.
5. APPROVAL CONDITION - CCTV system [Pre-Occupation condition]
Before the first occupation of the development details of a scheme for a CCTV system to cover the inside and outside areas of the establishment shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully installed and operational prior to the approved use of the development first commencing. It shall be maintained in working order and operated at all times when the premises is open. Recorded images shall be held for a 1 month period after being made on a daily basis for use by the Police as required.

Reason: In the interests of crime reduction and customer/staff safety.
6. APPROVAL CONDITION, Servicing [Pre-Occupation Condition]
Prior to the commencement of the development hereby approved a servicing management plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved the development shall be carried out in full accordance with the approved servicing management plan.

Reason: To protect the amenities and privacy of occupiers of the adjoining properties, to protect the highway surface and in the interests of highways safety.

7. APPROVAL CONDITION, Glass Storage [Performance Condition]
Except for on bin collection day no storage of glass (for recycling purposes) shall take place outside of the building. Glass collection shall also not take place between the hours of 20:00 and 9:00.

Reason: To protect the amenities of occupiers of the adjoining property.

8. APPROVAL CONDITION - Ancillary Snack Foods [Performance Condition]
The development hereby approved shall only serve snack foods as an ancillary service to the drinking establishment. The food may be heated via a domestic scale oven only and all food must be for consumption on the premises. The food must not be prepared, cooked or fried on site and the kitchen must not be installed with any equipment requiring ventilation unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbours and the wider environment.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS4	Housing Delivery
CS19	Car & Cycle Parking
CS24	Access to Jobs

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP16	Noise
CLT15	Night Time Uses in Town, District and Local Centres

REI4	Secondary Retail Frontages
REI5	District Centres
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts

Supplementary Planning Guidance

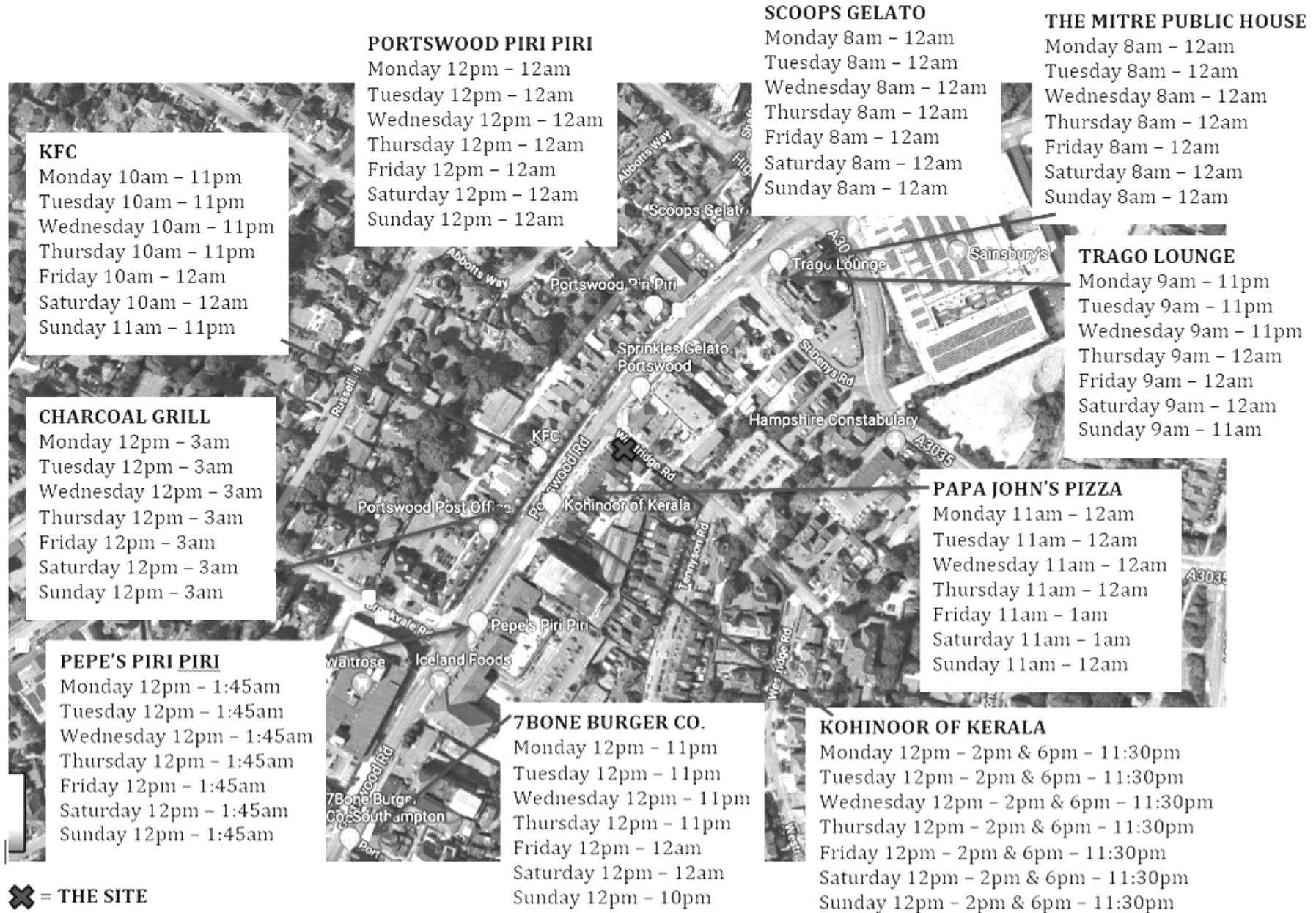
Parking Standards SPD (September 2011)

Other Relevant Guidance

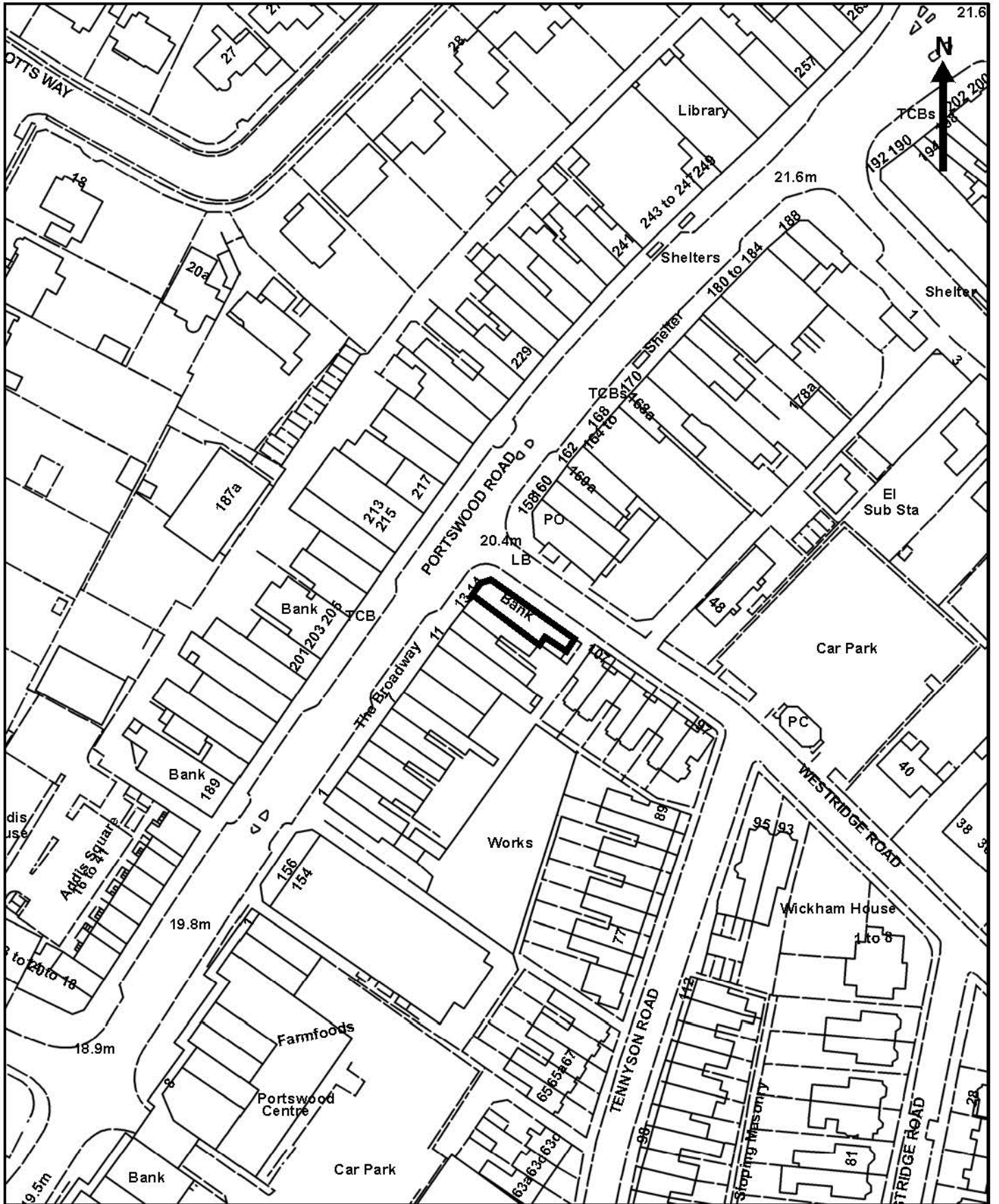
The National Planning Policy Framework (2012)

The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Map to show location and opening hours of nearby late night uses



18/00035/FUL



Scale: 1:1,250

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