

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 15.02.2011  
 Planning Application Report of the Planning and Development Manager

<b>Application address:</b> Unit K, West Quay Road, Southampton, Hampshire			
<b>Proposed development:</b> Application for removal of condition 1 of planning permission 07/01214/Vc to allow permanent use as a dance studio and variation of condition 4 to extend opening hours from 19.00 - 00.00 (Midnight) to 19.00 - 03.00 on Fridays and Saturdays and additional day time use of 08.00 - 19.00 Monday - Friday during school holidays.			
Application number	10/01472/FUL	Application type	FUL
Case officer	Bryony Giles	Public speaking time	5 minutes
Last date for determination:	30.12.2010	Ward	Bargate
Reason for Panel Referral:	Departure from the local plan.	Ward Councillors	Cllr Bogle Cllr Damani Cllr Willacy

<b>Applicant:</b> Mr Rees	<b>Agent:</b> Ian Donohue  Southern Planning Practice Youngs Yard Churchfields
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning approval subject to criteria listed in report</b>
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**Reason for granting Permission**

The application constitutes a departure from the Development Plan ('saved' Policy REI 1 (xiii) of the City of Southampton Local Plan March 2006 and CS7 of the Core Strategy January 2010), but is compliant with the other relevant Policies of the Development Plan set out below. However, on the basis of the low demand for industrial and warehouse use within this centre at this present time and the intention to create a major development quarter to expand the defined city centre boundary under policy CS2 of the Core Strategy it is considered appropriate to this location and to securing the future of the business for full consent to be granted.

Policies - SDP1, SDP5, SDP7 and REI10 xiii of the City of Southampton Local Plan Review (March 2006) and CS3, CS7, CS13, CS19 and CS24 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies		

## **Recommendation in Full**

Delegate to the Planning and Development Manager to grant planning approval subject to

1. The applicant entering into a Section 106 Legal Agreement to Secure:
  - i. The continued implementation and monitoring of a travel plan to address the impact of the development;
  - ii. The use, in the evening, of car parking areas of nearby properties for the benefit of the patrons of the dance studio; and,
  - iii. A financial contribution towards site specific transport demands, namely a contribution towards Late Night Bus Services.
2. That the Planning and Development Manager be authorised to refuse permission if the Section 106 (Deed of Variation) Agreement has not been completed within 28 days of this meeting on the ground of failure to secure the provisions of the Section 106 Agreement.

### **1. The site and its context**

1.1 The site is located in the middle of three industrial type units on the south side of a cul-de-sac service road off the main West Quay Road. It is situated between a car hire business to the east and a car repair workshop to the west.

1.2 The unit comprises 615sqm floor space with a private forecourt to road frontage which contains 4 car parking spaces in a double banked arrangement. There is a common service yard to the rear of the site. The surrounding users are wholly commercial in character. A private pay and display car park to the Leisure World Entertainment complex is located some 300m to the north of the site.

1.3 Unit K, West Quay Road is occupied by Mo' Jive, a dance venue which offers modern jive, dance, bollywood and ballroom classes as well as roller skate lessons and roller skate social events. The aim of Mo' Jive is to appeal to a range of different community groups and provide family orientated events.

1.4 The premises currently operates between 19.00 to 23.00 Monday to Thursday, 19.00 to Midnight Friday and Saturday and 19.00 to 23.00 with day time uses for dance workshops and young persons dance classes between 13.00 and 18.00.

### **2. Proposal**

2.1 Unit K West Quay Road is currently in operation as a Dance Studio which was granted a temporary planning permission which is to expire in 2013. In the interest of securing the long term use of the site, the applicant seeks consent to remove condition 1 of consent 07/01214/VC to allow permanent use of the site as a dance studio.

2.2 In addition, the applicant seeks relief of condition 4 to extend closing time on Friday and Saturday to 3am and to allow daytime opening during school holidays from 8am to 7pm.

2.3 There are no proposed changes to the external appearance or layout of the site.

### **3.0 Relevant Planning Policy**

3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

3.2 The policies of the South East Plan, Southampton’s Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

3.3 The site is safeguarded for light industrial, general industrial and storage and distribution uses under REI10 of the local plan review. It is the intention of this policy to safeguard opportunities for industrial and warehouse development within the city, but to ultimately ensure the city retains a broad employment base as well as a supply of sites and premises that provide a variety of opportunities for industrial and warehouse development.

3.4 Planning Policy Statement 4 (PPS4) advocates the importance of promoting the vitality and viability of town centres (as well as the delivery of sustainable patterns of development and reduced need to travel) through the provision of innovative and efficient shopping leisure, tourism and local services in town centres (section 10 refers).

### **4.0 Relevant Planning History**

4.1 281/1188/80 – Construction of warehouse with office purposes. Approved 5 December 1960.

880149/23793/E – Change of use from warehouse and offices to general industry and storage in Units ‘J & K. Approved 17 November 1988.

940586/23793/E – Change of use to Class B1 (light industry) or Class B8 (storage and distribution) purposes. Approved 23 June 1994.

02/01315/FUL – Change of use to Class D2 dance centre. Refused planning permission 11 November 2002 for the following reasons;

- The proposed change of use to create a dance venue, would result in a significant loss of available land for industrial development. The proposal is thereby contrary to Policy RE19 of the City of Southampton Local Plan Initial Deposit Version (March 2001) which safeguards the area for light industrial, general industrial and storage and distribution uses.
- The applicant has failed to demonstrate how the proposal seeks to fully address the transportation needs associated with the occupation of the development and the need, in particular, to secure improvements to the pedestrian realm adjoining the site. The proposal is thereby considered to be contrary to the provisions of the City of Southampton Local Plan, policy T2 and the Initial Deposit Version of the City of Southampton Local Plan Review, policies SDP2 and SDP3.

03/01474/FUL – Change of use to Class D2 dance centre. Refused Planning permission 3 December 2003 for similar reason as above.

- The proposed change of use to create a dance venue, would result in a significant loss of available land for industrial development. The proposal is thereby contrary to Policy REI 11 of the City of Southampton Local Plan Revised Deposit Version (February 2003) which safeguards the area for light industrial, general industrial and storage and distribution uses.
- The applicant has failed to demonstrate how the proposal seeks to fully address the transportation needs associated with the occupation of the development and the need, in particular, to secure improvements to the pedestrian realm adjoining the site. The proposal is thereby considered to be contrary to the provisions of the City of Southampton Local Plan, policy T2 and the Revised Deposit Version (February 2003) of the City of Southampton Local Plan Review, policies SDP2 and SDP3.

04/01900/TEMP - Temporary change of use from B1 (light industry) to D2 (Assembly and leisure) – Approved 10<sup>th</sup> May 2007. Temporary consent granted until 2 October 2013.

07/00848/VC - Variation of Condition 04 of previous planning consent 04/0190/TEMP to extend opening hours from 19:00-23:00 to 19:00-0:00 on Fridays. Refused on 31<sup>st</sup> July 2007 for the failure to enter into a S106 agreement.

07/01214/VC - Variation of Condition 04 of previous planning consent 04/00190/TEMP to extend opening hours from 19:00-23:00 to 19:00-00:00 (midnight) on Fridays (Resubmission). Approved 27<sup>th</sup> September 2007.

## **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (13.01.2011) and erecting a site notice (02.12.2010 & 03.02.2011). At the time of writing this report, **0** objections had been received.

5.2 **SCC Highways** – No objections raised.

5.3 **SCC Planning Policy** – No objection raised.

## **6.0 Planning Consideration Key Issues**

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

- i. The appropriateness of use
- ii. The appropriateness of extended opening hours

### **6.2 The appropriateness of use**

6.2.1 The use is in a highly accessible location and compliments leisure and recreational facilities in the city centre, most notably the Leisure World facility ½km further north of this site. Within recent years, the development of Ikea has further enhanced the site's

connections with the city centre, particularly pedestrian access, which further improves the site's links to public transport within the city centre.

6.2.2 The continued use of the site for leisure purposes retains and increases employment opportunities within the city and enhances the ability of the city's residents to access jobs within the city as advocated by policy CS24 of the adopted Core Strategy.

6.2.3 There are no residential properties within the area, which is commercial and industrial in character. Therefore, the use of amplified music associated within this activity and the traffic and noise generation related to customers entering and leaving the site will not impact on amenity of surrounding land use.

6.2.4 At the time of considering the temporary change of use, it was recognised by the local planning authority that the unit had been vacant for some time and bringing it back into use had clear benefits for the vitality of the area as well as employment. The applicant has identified that at this present time, at least three other units within the West Quay Road Industrial Estate are vacant. As such, should another business wish to locate to the Industrial Estate there is opportunity for them to do so.

6.2.5 It is noted that other non-industrial uses have emerged in close proximity to the application site such as Jungle Jeans, a children's play centre which is located to the south west of the application site.

6.2.6 Mo' jive has attracted an established customer base in recent years, providing an alternative leisure choice which promotes exercise and healthy living for all ages.

6.2.7 The manager of the premises has demonstrated a clear commitment to improving the site's facilities to ensure customer safety through the provision of CCTV and encourages car shares and sustainable modes of travel as encouraged by policies SDP1 of the Local Plan and CS19 of the adopted Core Strategy. Adequate cycle storage facilities are provided adjacent to the site to accommodate those wishing to travel by bike, on road parking and city centre car parks are available as necessary and late night bus services are available from nearby leisure world.

6.2.8 As the use primarily operates during the evening it is possible for customers to park within the forecourts of neighbouring businesses without issue.

6.2.9 The continued use of Mo' Jive in this location retains a popular leisure venue which adds to the vitality of the immediate area and retains and increased employment opportunities within the as supported by policy SDP1 of the Local Plan Review and CS23 of the adopted Core Strategy.

### 6.3 The appropriateness of extended opening hours

6.3.1 The council's Night Time Economy Briefing Paper (Guidelines for opening hours relating to policies CLT14 and CLT15 of the Local Plan Review) identifies Leisure World, Bargate and Below Bar as being areas suitable for late night opening until 3am.

6.3.2 West Quay Road Industrial Estate is located a short walking distance from Leisure World. The late night opening of Leisure World means that there is already a significant degree of late night activity within the area. The extension opening hours on Fridays and Saturdays will add to the existing late night economy without adversely affecting the amenity of surrounding land uses.

6.3.3 The extend use of the premises during the school holidays is considered acceptable. Other uses within the Industrial Estate will be in operation at these times; however, this has not proven to be an issue for Jungle Jeans which provides a play space for toddlers and young children and is located to the rear of Mo' Jive.

6.3.4 As previously mentioned within this report, sufficient parking is available within the Industrial Estate and the wider city centre area, as well as good public transport links.

6.3.5 Safe and lit pedestrian footpaths are provided to and from the site.

6.3.6 Increase leisure opportunities for children during the school holidays is supported by the Local Planning Authority.

## **7.0 Summary**

7.1 The use provides a well used leisure facility within the city centre that compliments surrounding leisure and recreational facilities.

## **8.0 Conclusion**

8.1 The application is therefore recommended for delegated approval to the Planning and Development Manager.

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

1 (a) (b) (c) 2 (b) (c) (d) 3 (a) 6 (c) (i) 7 (a) (f)

### **BG for 15/02/2011 PROW Panel**

## **PLANNING CONDITIONS**

### 01. Approval Condition – (Performance Condition)

Permission is hereby granted for the use of the premises as a dance studio within Use Class D2 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) and shall not be used for any other use within that Class.

Reason:

In recognition of the limited parking facilities available on the site and in order to avoid congestion on the adjoining highway for other forms of use within the same use class given the intended periods of use (after normal business hours) of the building within this commercial and industrial area.

### 02. Approval Condition – Restricted pedestrian access (Performance Condition)

No pedestrian access to the premises shall be provided for customers and patrons from the rear access to the building (from the service road area).

Reason:

In the interests of highway and pedestrian safety.

### 03. Approval Condition - Hours of operation (Performance Condition)

Unless the Local Planning Authority agree otherwise by the submission of a further planning application the premises shall only be used for the purpose hereby approved (that is as a dance studio) between the hours specified below and at no time on Sundays or recognised Public Holidays.

Monday to Thursday : 19.00 hours to 23.00 hours

Friday & Saturday: 19.00-03:00 hours (the following day)

Sunday: 19.00 hours to 23.00 hours with day time use for dance workshops and young person dance classes between 13.00 hours and 18.00 hours

Public Holidays (except for Christmas Day and Easter Sunday): 19.00 hours to 23.00 hours.

School Holidays (Not including individual school insert days and training days) Monday to Friday 08.00 and 19.00.

Reason:

To protect the amenities of surrounding areas.

### 04. Approval Condition – Additional facilities (Performance Condition)

The existing changing and washroom facilities provided within the building for the benefit of staff, customers and patrons shall be retained at all times unless otherwise agreed in writing by the local planning authority.

Reason:

To encourage cycling as an available alternative sustainable transport and in the interest of hygiene safety.

### 05. Approval Condition –Refuse storage, Lighting, Soundproofing and CCTV (Performance Condition)

The existing refuse storage, external lighting and CCTV to the car park area and internal sound proofing as detailed in the applicants letter dated 17th January 2011 shall be retained and maintained at all times unless otherwise agreed in writing by the local planning authority.

Reason:

To protect the amenities of the surrounding area and in the interests of crime prevention given the remote location of the premises from regular foot passage during the hours of operation of this use.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS1	City Centre Approach
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS24	Access to Jobs
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP10	Safety & Security
CLT14	City Centre Night Time Zones and Hubs
REI10	Industry and Warehousing

Supplementary Planning Guidance

Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

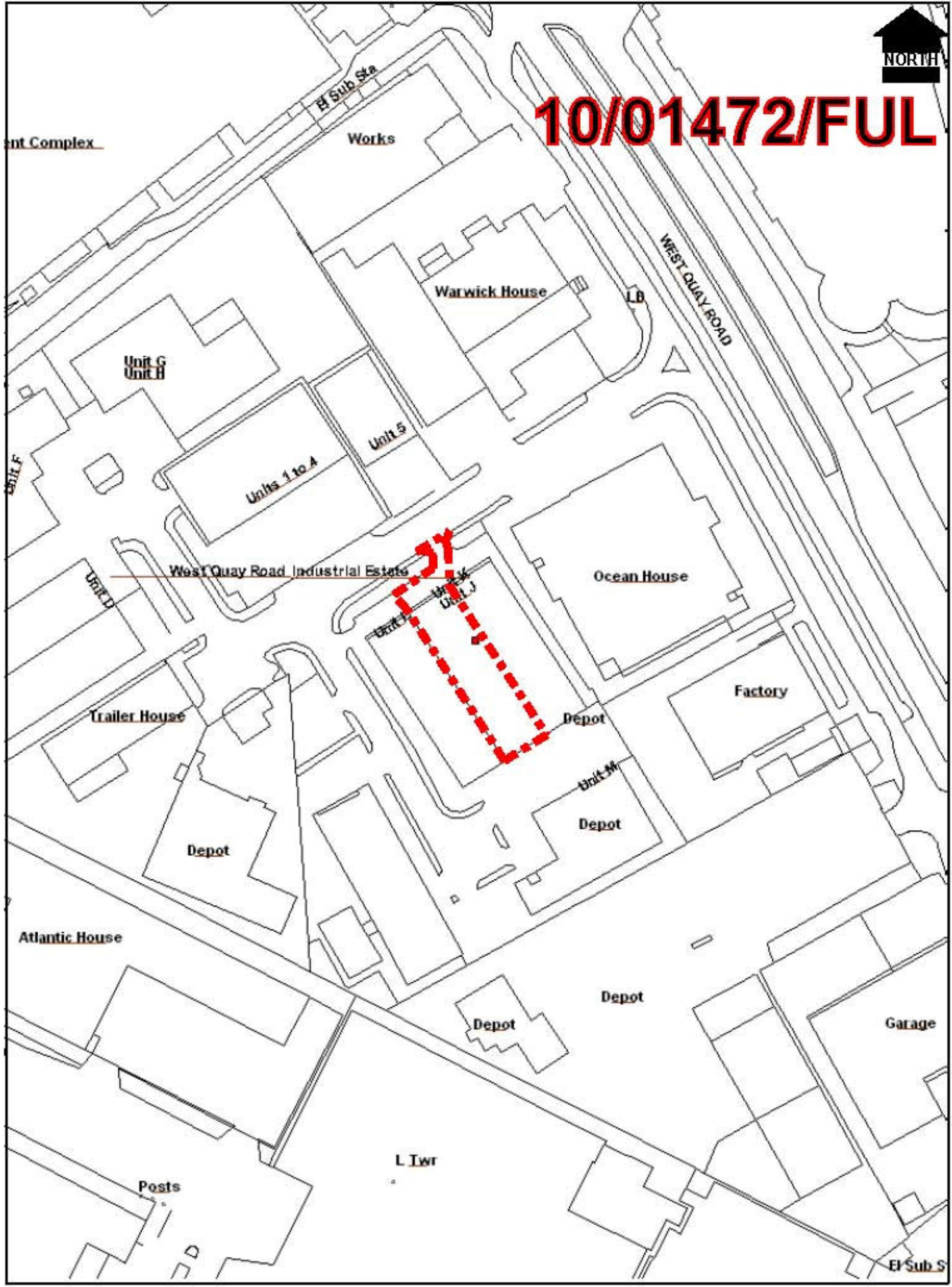
Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)

PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)





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