

City Centre Action Plan

The Night Time Economy Background Paper

August 2013



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This background document accompanies the Submission Document and outlines some background in relation to the section on the Night Time Economy. This document is not on deposit for consultation and is background evidence.

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1. Introduction

1.1 Purpose of the document

1.1.1 Policy AP 8 in the City Centre Action Plan sets out the policy for city centre night time economy uses. This paper provides evidence to support the approach to this topics and how this is applied to the Royal Pier site.

1.2 Structure of the document

1.2.1 The paper is set out as follows:

- National guidance
- Core Strategy & Local Plan Review
- Other plans and surveys
- How the policy has emerged
- Specific topics:
 - Need for a policy
 - Planning and licensing
 - Zones and hubs
 - Large casino
 - Planning contributions

1.2.2 This document is a background document to the LDF City Centre Action Plan.

2. The policy framework

2.1 National guidance

2.1.1 PPS 4 Planning for Sustainable Economic Growth (2009) was the guidance in place when the CCAP Issues and Options and Preferred Approach papers were produced. PPS 4 identified leisure and entertainment, arts, culture and tourism uses as main town centre uses. The objectives for PPS 4 included focusing main town centre uses in existing centres and promoting competition and consumer choice to meet the needs of the entire community.

2.1.2 Policy EC 4 in PPS 4 stated that local authorities should manage the evening and night time economy to encourage a diverse range of uses and set out the number and scale of leisure developments, taking into account their potential impact.

2.1.3 The National Planning Policy Framework (NPPF) replaced policy PPS 4 in March 2012 as part of streamlined Government planning policy. Although national guidance no longer contains specific reference to managing the night time economy, the definition of 'main town centre uses' in the NPPF includes more intensive sport and recreation uses (including cinemas, night-clubs, casinos) and arts, culture and tourism development (including theatres, museums, galleries and concert halls).

2.1.4 The NPPF states that local planning authorities should allocate a range of sites to meet the scale and type of development needed in town centres including leisure, tourism and cultural uses (para 23). Local authorities should also apply a sequential test to planning applications for main town centre uses not in an existing centre and not in accordance with an up to date Local Plan (para 24).

2.2 Key Core Strategy policies

2.2.1 The Core Strategy includes a strategic objective to create a vibrant, high quality regional city centre that is the focus for major tourism, leisure and cultural uses (amongst other uses). The spatial strategy sets out the quantum of development in the city centre including at least an additional 20,000-30,000 square metres floorspace of food and drink uses (A3/A4/A5). Core Strategy policies support this approach at a strategic level:

CS 1 City Centre Approach:

- development to include leisure/cultural/hotel development
- the creation of a cultural quarter in Northern Above Bar

CS 2 Major Development Quarter - to include leisure, hotel, cultural or tourist uses

2.3 Saved Local Plan Review Policies (LPR)

2.3.1 The LPR also included support for leisure uses in the city centre and detailed policies on night time uses and food and drink uses to focus these on particular areas and address amenity issues:

CLT 1 Location of Development:

This states that, for proposals for cultural, leisure and tourism development which serve a local need, or are secondary to other uses or are dependent on a specific location, the site should be highly accessible by a range of modes of travel.

CLT 15 Night Time Uses in Town, District and Local Centres – applied to St Marys (as a former local centre) and permits food and drink uses (A3-A5) but not night clubs.

REI 7 Food and drink uses – acceptable in principle in the city centre (and other centres) if criteria are met to prevent noise, disturbance, smells and litter

MSA policies - Policies for major sites include leisure and cultural uses as part of mixed use schemes.

2.4 Policy CLT 14 & the Planning Policy Briefing Paper

2.4.1 City Centre Action Plan policy AP 8 is based on the previous Local Plan Review policy CLT 14 City Centre Night Time Zones and Hubs (which it will replace). This designated zones and hubs (see map 1) and states that:

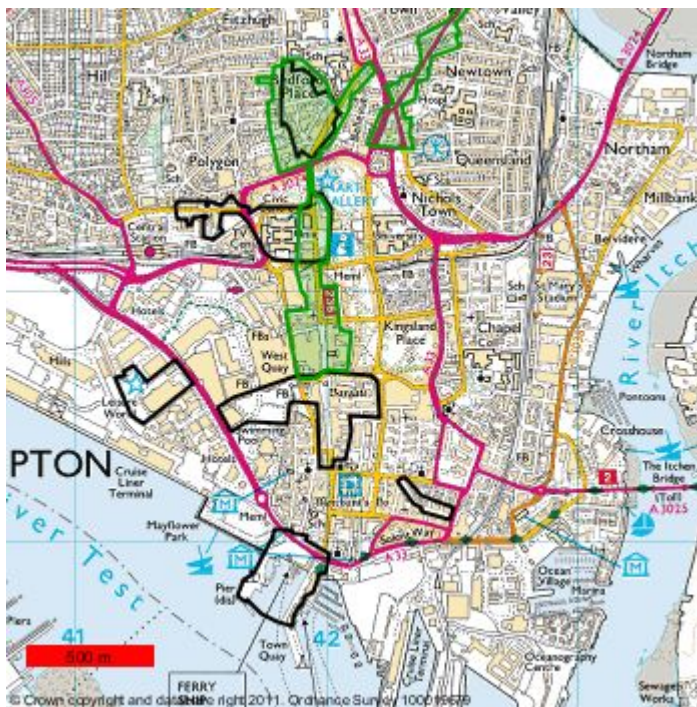
- new late night uses should be concentrated in hubs away from residential areas (hubs are designated at Leisure World; and the Bargate, Below Bar and Watermark West Quay area)
- applications for new nightclubs and other similar leisure uses (i.e. cinema, concert or bingo halls) should be refused in identified night time zones: Bedford Place/London Road, Oxford Street, Royal Pier/Town Quay and Northern Above Bar, which are areas suitable only for early/mid evening uses. (nb Ocean Village was not identified as a zone in the policy but was listed with latest opening hours in the briefing paper).
- food and drink uses are acceptable in principle in night time zones and hubs subject to policy REI 7 (see below)



2.4.2 To provide further details on policy CLT 14, a briefing paper ‘Night Time Economy Guidelines for opening hours relating to Policies CLT 14 & CLT 15’ was produced. This sets out guidance to development control officers on recommended opening hours for food and drink uses (A3-A5), other leisure uses (D2) and nightclubs as follows to ensure a consistent approach to decisions:

Recommended opening hours:	Designation:	Area:
12 am	Zones	Royal Pier/Town Quay, Oxford Street, London Road (Bedford Place). Other – Ocean Village (not designated as a zone)
1 am	Zone	Northern Above Bar
3 am	Hubs	Leisure World, Bargate and Below Bar
11 pm	-	Areas outside zones and hubs

Table 1 Existing recommended opening hours

Map 1 Planning and licensing designations



-  Local Plan Review restrictions - zones and hubs
-  Licensing restrictions - Cumulative Impact policy area (nb. Cultural Quarter to be excluded from this boundary)

3. Other plans and surveys

3.1 SCC NTE Scrutiny paper (2010)

3.1.1 The Environment and Sustainability Scrutiny Panel undertook an inquiry into Southampton’s night time economy and considered the major initiatives, plans and strategies impacting on its development and the experience of key stakeholders. The Panel felt that this was an area that needed more focus and investment.

3.1.2 Issues identified by the scrutiny panel included a lack of diversity of offer, limited events and poor links and signage. They also identified the potential for plans such as the CCAP and for developments including Watermark WestQuay, Cultural Quarter and Royal Pier to achieve the vision for the night time economy. The paper includes an action plan.

3.2 SCC Land use and NTE study (2010)

3.2.1 A survey was undertaken by Planning Policy in July 2010 of the leisure uses in the night time zones and hubs. St Marys was also assessed to consider whether it should be designated as a zone or hub. The uses surveyed were; A3 (restaurants and cafes), A4 (drinking establishments), A5 (takeaways), C1 (hotels), D1 (non-residential institutions), D2 (assembly and leisure) and Sui generis uses. The results are shown in table 2:

	Type	Number of units				
		Total	A3-A5 uses	D class uses	Sui Generis uses	Other night time economy uses
Bargate and Below Bar	Hub	23	20	0	1 table dancing club	2 C1
Leisure World	Hub	9	4	1 D2 (cinema)	1 casino 3 nightclubs	0
Bedford Place	Zone	41	36	0	5 nightclubs	0
Guildhall Square	Zone	28	22	1 D1 (Art Gallery) 1 D2 (music venue)	1 theatre 3 nightclubs	(nb. 2 also D2)
Oxford Street	Zone	14	14	0	0	(nb. 3 also C1)
Town Quay	Zone	6	4	0	1 casino 1 nightclub	0
St Mary Street / Northam Road	None	14	14	0	0	(nb. 1 also C1)

Table 2 Survey of night time zones and hubs (2010)

3.2.2 The results of the survey shows the limitations of the current policy in moving existing late night time economy uses out of the zones as existing nightclubs have remained in three of the zones. In addition, the Bargate and Below Bar hub has only one late night use (and limited later opening hours) despite a permissive policy. As residential proposals which are restricted in hubs have recently been submitted in this area (and restrictions on uses in zones have been removed), the emerging CCAP proposes to designate this as an evening zone.

3.3 SCC Statement of Licensing Policy (January 2011)

3.3.1 The Statement of Licensing Policy 2011-2014 identifies Above Bar, Bedford Place and Bevois Valley as stress areas that already suffer from cumulative impact due to the concentration of licensed premises / activities. In these areas there is a presumption that applications for new premises licences or substantial variations such as longer opening hours will be refused. Any applications within the Cultural Quarter will be treated as an exception to the cumulative impact policy and judged on its own merits.

4. Consultation responses

4.1 CCAP Issues and Options

- 4.1.1 Three options for culture, leisure, tourism and the night time economy were put forward in the Issues and Options paper. The highest ranked preference was to implement a broad range of measures (instead of focusing on one area in part or full).
- 4.1.2 Other comments made during the formal consultation included support for a mix of leisure, tourism and cultural uses and for continuing and developing Southampton's regional role as a leisure destination. A need was identified for variety in the night time economy that broadens the range of people out on the streets in the evening and makes a less threatening place at night. It was proposed that planning obligations should be used to reduce the cumulative impact of the night time economy.
- 4.1.3 Suggestions for specific areas included extending the Ocean Village night time area eastwards; delivering cafes and bars on the waterfront; the promotion of Leisure World as the preferred location for a casino; and the redevelopment of Royal Pier/Town Quay for leisure and night time economy.
- 4.1.4 In addition to comments received during the formal consultation period, comments were also made as part of informal consultation. The importance of Southampton's 'offer' and the need for variety with visitor attractions, events, arts, culture and the night time economy drawing people into (and around) the city centre, not just West Quay, was a key message from a number of people and groups. However the impact of late night uses was also raised and its negative impact on Bedford Place.
- 4.1.5 The Planning Southampton to 2026 internal officer group supported the continuation of hubs and zones, whilst noting that new development will have an emphasis on early evening activity. They also drew attention to existing plans and groups affecting the night time economy.

4.2 CCAP Preferred Approach

- 4.2.1 Comments received on the Preferred Approach paper about the night time economy included the:
- need to balance staging the Boat Show and delivering a world class waterfront
 - importance of night time economy and support for restrictions on uses and closing times
 - need to 'police' opening hours and get contributions for policing and a late night bus service
- 4.2.2 There was an objection that the designation of Watermark WestQuay restricts leisure uses. Concerns were also raised about the small size of the night time hub, issues of connectivity and lack of public transport. Suggestions were made for new cultural and leisure developments – a theatre, auditorium / music venue, large entertainment venue (for conferences and exhibitions) and cafés with extended opening hours.

5. Specific issues

5.1 Need for a policy

- 5.1.1 The National Planning Policy Framework (NPPF) recognises the importance of a range of night time economy uses, including more intensive leisure and cultural uses, and the need to allocate sites for these uses and locate them within town centres. This is due to the increased accessibility of centres and their role in the offer of a city centre; helping to creating places where people will want to visit and spend time beyond usual shop opening hours.
- 5.1.2 Whilst the NPPF promotes leisure and cultural uses, there is no specific mention of the night time economy. Paragraph 1 states that the NPPF provides a 'framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities'. Responses received on previous versions of the CCAP recognise both the need for Southampton to have a night time economy and for it to be managed to protect the amenity of nearby residents. The CCAP applies the general approach in the NPPF to the local situation in Southampton's city centre by clearly identifying areas where applications for extended opening hours will be encouraged and where they will be refused.

5.2 Planning and licensing

- 5.2.1 One of the responses to the Preferred Approach paper noted the confusion from using two separate systems to regulate the night time economy. The planning and licensing systems have different criteria and are separate regimes but there is a degree of overlap. Licensing decisions are based on four objectives as set out in the Licensing Act; the prevention of crime and disorder; public safety; prevention of public nuisance; and the protection of children from harm. Licenses are automatically granted unless relevant representations are made. When deciding whether to grant planning permission, planners can consider a wider range of factors including residential amenity and transport.
- 5.2.2 Both the planning and licensing systems are needed to manage the night time economy and where possible, they should be consistent. The CCAP includes closing hours in Table 3 for greater transparency. This information was not included in the Local Plan Review but was set out in a separate officer guidance note. Its inclusion within the plan strengthens the policy and clearly shows the latest closing hours appropriate in the individual hubs, zones and the areas outside them. There is also information about the planning and licensing processes for a large casino. This guidance and the supporting text seek to minimise confusion between the two regimes.

5.3 Zones and hubs

- 5.3.1 The approach to the night time economy in the CCAP follows on from the Local Plan Review policies. These sought to concentrate new night time economy uses and extended opening hours in hubs and manage existing uses within or close to residential areas in zones to protect the amenity of residents. This approach was based on the Southampton Night Time Economy strategy produced by Locum (2001).

- 5.3.2 Whilst the approach was still supported, changes were required to the zones and hubs designations and boundaries. In determining possible changes for the CCAP, surveys were undertaken in the existing hubs and zones (see table 2). This showed that there remains a number of night clubs and premises with extended opening hours within areas designated as zones. This was because permissions and licenses were granted prior to the change in approach. The council has however been successful in defending a number of appeals on extending opening hours within zones such as Bedford Place. The policy has prevented a worsening of the situation and should be continued.
- 5.3.3 When considering the late night hubs, it was noted that, despite its designation as a hub, no nightclubs have relocated to the Bargate and Below Bar hub. In response to these findings and the aspirations for a restaurant cluster in the Old Town quarter, the Bargate and Below Bar hub was redesignated as an evening zone.
- 5.3.4 The survey also covered St Mary Street and old Northam Road which were previously outside the city centre boundary. It was decided not to designate the area as either a zone or hub as it had a limited number and range of food and drink uses (takeaways, pubs and bars primarily serving the local and student populations) and there were no D class uses or Sui Generis uses relating to the night time economy. Ocean Village is now designated as a zone as its non-residential units are predominately leisure with two cinemas in addition to restaurants, bars and a pub. Although not designated as a night time economy area in the Local Plan Review, recommended opening hours were set for the area in the Planning Policy briefing paper.
- 5.3.5 It was decided to remove the restrictions on specific uses outside late night hubs. The removal of restrictions on D2 uses in evening zones followed comments on the impact the new Bargate and Below Bar zone designation would have on the Watermark WestQuay proposals which include a cinema. Under the previous policy, this would not be permitted. It was decided that in principle D2 leisure uses could be permitted in zones as other policies could be used to address potential issues with the scale and design of development. Opening hours would be controlled by the policy.
- 5.3.6 The revised opening hours are as follows:

Area	Designation	Latest opening time
Bedford Place / London Road	Zone	midnight
Oxford Street	Zone	midnight
Royal Pier / Town Quay (not including the end of Royal Pier)	Zone	midnight
Ocean Village	Zone	midnight
Civic Centre area / Cultural Quarter / Guildhall Square	Zone	1 am
Bargate and Below Bar	Zone	1 am
Watermark WestQuay	Zone	1 am
Leisure World	Hub	3 am
Southern end of Royal Pier (1)	Hub	3 am
Areas outside zones and hubs		11 pm

(1) With the exception of any large casino licensed at Royal Pier which would be open 24 hour

Table 3 Latest opening hours

- 5.3.7 The detailed changes to the boundaries of zones and hubs are as follows:
- Royal Pier / Town Quay Zone – split to designate part as a late night hub, the remaining area to be an evening zone
 - High Street, Bargate and West Quay – redesignate as an evening zone to reflect the lack of late night uses around the Bargate. Southern boundary amended to cover southern-most restaurants on High Street (La Lupa and Junnes)
 - Bedford Place / London Road Zone – extend boundary to the west
 - Ocean Village – designate as an evening zone (not previously designated)

5.4 Large casino

- 5.4.1 The Gambling Act provides the opportunity for the city council to grant a licence for a large casino in Southampton, one of eight large casino licences available throughout the country. A large casino has a combined gaming floor area of between 1,500 sq m and 3,500 sq m (with table gaming covering at least 1,000 sq m). Further criteria are placed on gaming machines, other betting facilities and non-gambling areas.
- 5.4.2 There is reference to a large casino in two parts of the CCAP. The supporting text to policy 8 (The Night Time Economy) details the license process which precedes the granting of planning permission and considers which application (if there are more than one) brings greatest benefit to the area. As the council's preferred site is Royal Pier, policy AP 24 (Mayflower Park and Royal Pier) includes reference to a large casino as a possible appropriate use within the development site. The policy will be reconsidered as necessary to reflect the progress on the license process. An indicative timescale has been published and a license is expected to be awarded in June 2014.
- 5.4.3 Table 3 set out latest opening hours in zones and hubs. This applies to all night time uses with the exception of large casinos which are open 24 hours. The opening hours for the Hub at the southern end of Royal Pier includes a specific reference to any large casino licensed at Royal Pier which would be open 24 hour.

5.5 Planning contributions

- 5.5.1 Policy AP 8 includes the requirement for contributions to community safety facilities. The supporting text states that this may include contributions to measures such as CCTV and late night bus services or other transport measures. These contributions will address potential crime and safety issues associated with evening and late night uses which would otherwise make development unacceptable.
- 5.5.2 Southampton City Council will be charging a Community Infrastructure Levy (CIL) from September 2013. This will generate funding for a range of city-wide and local infrastructure projects and is expected to provide the majority of funding from developments. However planning contributions (Section 106 agreements) will continue to be sought alongside CIL. The updated guidance on planning contributions sets out how the council will seek contributions towards community safety facilities. These will be sought from new food, drink and late night

entertainment and leisure uses open after 10pm, and applications to extend opening hours until after 10pm, in the city centre.

6. Conclusion

- 6.1.1 The CCAP updates the city centre night time economy policy in the Local Plan Review and builds upon its success. It provides more information within the plan; guidance on latest opening hours, planning contributions and more information on how the planning and licensing systems work together specifically in delivering large casino proposals.