

**Planning and Rights of Way Panel 24<sup>th</sup> January 2023**  
**Planning Application Report of the Head of Transport and Planning**

<b>Application address:</b> 309-311 Shirley Road, Southampton SO15 3HW			
<b>Proposed development:</b> Conversion from Bingo Hall (Sui Generis Use) to Church (Use Class F1).			
<b>Application number:</b>	22/01397/FUL	<b>Application type:</b>	FUL
<b>Case officer:</b>	Anna Lee	<b>Public speaking time:</b>	5 minutes
<b>Last date for determination:</b>	31.01.2023 (ETA)	<b>Ward:</b>	Freemantle
<b>Reason for Panel Referral:</b>	Request by Ward Cllr	<b>Ward Councillors:</b>	Cllr Windle Cllr Shields Cllr Leggett
<b>Referred to Panel by:</b>	Cllr Shields	<b>Reason:</b>	Concerned about the impact on parking in the local area given existing parking pressures and the impact on the road junction at certain times of the day and evening
<b>Applicant:</b> Covenant Church		<b>Agent:</b> Knight Architectural Design	

<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Not applicable</b>
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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. Policies – CS3, CS7, CS13, CS14, CS18, CS19 and CS20 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP10, SDP13, SDP16, REI4 and REI5 of the City of Southampton Local Plan Review (Amended 2015).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant Planning History

## **Recommendation in Full**

### **Conditionally approve**

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

- 1.1 The application site is comprised of two parts, linked by the accessway known as Gypsy Grove. The front part of the site, 309-311 Shirley Road, is occupied by an attractive, large two-storey rendered building which was last used as a Bingo Hall and originally designed as a cinema. This part of the site lies on the corner with Shirley Road and Newlands Avenue. The second part of the application site is an associated car park for 24 vehicles, which lies to the rear of 321-323 Shirley Road which can be either accessed by either Newlands Avenue or Shirley Road via Gypsy Grove.
- 1.2 The whole site lies within the designated Shirley Town centre, and the car park lies within the secondary shopping frontage. Disabled parking spaces are located both at the front of the building and to the side of the building and this is not proposed to change. The buildings are not listed and do not sit within a designated conservation area.

#### **2. Proposal**

- 2.1 The application seeks to convert the existing Bingo Hall into a church. This follows a recent refusal to demolish the building and replace with a commercial unit and 9 dwellings (20/01356/OUT refers).
- 2.2 Currently the applicant, the Covenant Church, hold their primary meetings on Sundays at 9.30am and 11.30am. On a Wednesday there is a 7pm meeting, and on Fridays a further 6.30pm service.
- 2.3 Other smaller daytime and evening children & youth meetings also take place. The rest of the week, a smaller number of people (including 3 staff members for office use and few volunteers) would use the premises for weekly Bible study and prayer meetings and community uses such as:
- parent and toddler groups;
  - smaller meetings such as counselling and youth training and;
  - a food bank.
- 2.4 Many of the weekday uses will take place after 6pm. The church will use the allocated parking to the rear (24 spaces) and the two disabled parking spaces on the frontage together. In addition, the existing landscaped planters to the side of the building fronting Newlands Road, will be replanted.
- 2.5 No external changes are proposed although the reopening of blocked windows and the boxing-in of grilles is proposed. Internally the main hall will be used for

the services, so the internal layout is not going to change.

### **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) and the City Centre Action Plan (adopted 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in 2021. Paragraph 219 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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.
- 3.3 The application site is located within Shirley Town Centre and policy CS3 of the Core Strategy supports the provision and retention of community facilities such as that proposed.

### **4. Relevant Planning History**

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.
- 4.2 None of the Planning history is directly relevant to this application, bar the initial temporary conversion to a Bingo Hall in 1975 (planning permission number 1492/W9) which was subsequently given full consent in 1981 under planning permission 1604/W9. This permission including the following restrictions:
- Afternoon sessions shall be limited to between 1:30pm and 4:15pm;
  - Evening sessions shall be limited to between 6:30pm and 10:30pm;
  - The number of players shall be limited to 225;
  - The rear parking area shall be retained for the bingo use.

### **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 and erecting a site notice **21.10.2022**. At the time of writing the report **30 representations** have been received from surrounding residents. At the time of writing 2 objections (one from Janson Road Residents Group), 2 representations and 26 letters of support (including a petition with 82 signatories) have been received. The following is a summary of the points raised:

Objection/Representation responses

5.2 *Insufficient parking as only 26 parking spaces are provided. This area already has a problem with parking, vehicles regularly park on the paths and blocking driveways. The proposal would exacerbate existing issues and local residents will not be able to park near their own homes.*

**Response**

The application lies within an accessible location which is well-served by public transport with good access for pedestrians and cyclists. No objection is raised to the use being served by 24 parking spaces given the previous use of the site and the sustainable location.

5.3 *Concerned about the impact this will have on local traffic*

**Response**

The Highways team have raised no objection to the use of the building. It is important to note the busiest uses are only on one day a week for a very limited time. Given the busy town centre nature of the site, the established use as a bingo hall with up to 225 patrons, the fact that not every patron will drive and the proposed community use on offer it is considered that the nature of the use is acceptable.

Support comments

5.4 *Sustainable location and would serve the local community*

**Response**

Agreed see section 6 below.

5.5 *Good use of the building and it would bring the building back into use*

**Response**

Agreed see section 6 below.

**Consultation Responses**

5.6 <b>Consultee</b>	<b>Comments</b>
SCC Highway Development Management	<p>No highways objection in principle to the change of use application. The difference in trip rates between a bingo hall (SG) and Church (F1) is unlikely to result in a material difference. The site is well located for access by public transport being on the high frequency bus corridor of Shirley Road.</p> <p>The proposed site plan shows a 24 space car park to the rear of the site, accessed via Gypsy Grove. With the space available and the need to keep rear access available to neighbouring properties, it is unlikely 24 vehicles can be accommodated in the space. Highway request a clearer site plan</p>

	<p>is submitted for the car park, showing clearly how each space is allocated, how much turning spaces is available to manoeuvre into and out the car park and how vehicles can access each space.</p> <p>The proposed spaces to the front and side of the site are not authorised with a dropped kerb access. The spaces to the front could only be accessed via Gypsy Grove but would then require turning movements over the public footway to manoeuvre in and of the spaces. This is not acceptable. The parallel space can be provided to the front, accessed via Gypsy Grove, to allow disabled parking space adjacent to the front public entrance. The other proposed spaces are not acceptable and the area should be clearly demarcated to prevent unauthorised parking which has a detrimental impact on the condition of the footway and clear pedestrian access to the main entrance. Plans that show a clearly demarcated disabled bay and additional planting and outside seating to screen off the front of the site would be supported.</p> <p>Likewise the proposed spaces to the side adjacent to Newlands Ave do not have authorised dropped kerb vehicle access and plans should show a clear demarcation to prevent unauthorised parking.</p> <p><b>Officer comment:</b> <i>Amended plans have been received that address the points raised above and the Highways Team have advised further.</i></p> <p><i>The frontage to the historic building will look much better without it being covered with parked vehicles. The car park layout now shows the access to the rear of properties 313 to 323 is maintained. No further highways objections to the proposals.</i></p>
Historic Environment Officer	<p><u>Background</u></p> <p>The existing property is not a listed building nor is it within a conservation area, however, the property was the first purpose-built cinema in Southampton. It was built in the</p>

suburbs as plots in the city centre were at a premium and it was called 'The Atherley' after the local landowning family. The builder, William Dalton Buck had no experience of building a cinema, but it opened in 1912 and was a commercial success providing 650 seats. It was also the first cinema in the city to screen the first full length 'talkie' film in 1929, and it was the first to install Cinemascope and stereophonic sound in the 1950's [ref: *Dream Palaces: Going to the Pictures in Southampton*]. It is also one of the few period cinemas to have survived in-situ where most of its contemporaries were either damaged during the Second World War or have since been redeveloped.

Although it is acknowledged that the building has lost its canopy and original windows, it is a period building and contains a strong historical and social connection to the community in which it sits. Therefore, it could potentially meet the criteria for local listing, and at present it would be considered a non-designated heritage asset by the LPA.

#### Assessment and advice

On assessment, the proposed change of use would be an appropriate reuse for this large commercial building. The open auditorium of the interior would lend itself to congregational services whilst the existing rooms, the access arrangements, and the public facilities therein could easily be reused. Similarly, other than carrying out basic repairs and maintenance, no external changes are being proposed at this time. As such, the proposals would present this period building with a secure and viable reuse, which in turn would enable the building to serve the local community in which it sits once more. For these reasons, the proposals would be supported from a conservation perspective.

Notwithstanding the above, no imagery or written record of the interior has been submitted so it is unclear if any internal, or period features related to its original cinema

	<p>use have survived in-situ, especially in the ancillary and boiler rooms that flank the auditorium. Therefore, given that the building is identified as a non-designated heritage asset, it would not be considered unreasonable to request a full photographic record of the building be undertaken prior to its occupation to ensure that any surviving features of heritage interest would be recorded for posterity. Please apply the following recording conditions. The recording level will be set within the written scheme of investigation.</p> <p><i><b>Officer comment:</b> A photographic record has now been provided and the Historic Environment Officer has advised that the significance attached to the fabric is now quite clear and as no major physical changes are being proposed so the visual record no condition is now needed.</i></p>
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**6. Planning Consideration Key Issues**

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

- The principle of development;
- Design and effect on character and heritage;
- Residential amenity and;
- Parking highways and transport.

6.2 Principle of Development

6.2.1 Until 2020, the building was used a bingo hall and the property has since been vacant. Bingo halls are Sui Generis in terms of its planning use, which means it does not neatly fall into a specified Use Class. Planning permission is required for conversion to and from a bingo hall. The proposed use of the building, as a church (Use Class F1 – Learning and non-residential institutions), allows the following;

- F1(a) Provision of education;
- F1(b) Display of works of art (otherwise than for sale or hire);
- F1(c) Museums;
- F1(d) Public libraries or public reading rooms;
- F1(e) Public hall or exhibition halls;
- F1(f) Public worship or religious instruction (or in connection with such use);
- F1(g) Law courts

6.2.2 The site lies with the Shirley Town centre but, due to the site's historic use for non-retail purposes, does not fall within designated retail frontage. The Local Plan and Core Strategy supports the provision of local services in these locations and the siting of community uses in, and near, designated retail centres. Furthermore, the viability and vitality of the town centre is key and bringing a large, vacant building back into active use would support this requirement. The continuation of the community use of the site is also supported by policy CS3 of the Core Strategy.

6.2.3 On the above basis, it is considered that the principle of the proposal to change the use of the site is supported by the adopted Development Plan as it would provide an appropriate alternative use of land and would meet identified development needs within the city. In terms of economic benefits, the church would also provide direct employment for staff and volunteers, which is a material benefit of the proposals as well as spinoffs to the local economy. Furthermore, the reuse of an existing building for services that '*develop, modernise and retain a benefit for the community*' is supported by paragraph 93d of the NPPF.

### 6.3 Design and effect on character and heritage

6.3.1 The application proposes minimal external changes to the building to facilitate its conversion. In terms of external alterations to the building itself the following changes are proposed:

- unblocking windows by removing screens and cladding; and
- blocking off large rear grilles.

6.3.2 The building is a non-designated heritage asset which has heritage significance meriting consideration in planning decisions, despite neither being Listed nor in a Conservation Area. Paragraph 203 of the NPPF states:

*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

6.3.3 The retention and re-use of the building is welcome, and the limited external changes would ensure that the contribution the building currently makes to the street scene is retained. Furthermore, the layout of the building would easily convert into a church/community use and, as such, would address policy CS14 of the LDF Core Strategy which seeks to protect heritage assets within the city.

6.3.4 The proposed changes result in minimal material change to the appearance of the existing building, and would not result in harm to the character and appearance of the area. Details of the design of the parking at the front together with proposed landscaping are to be secured through a condition, with details to be agreed prior to first occupation of the site. Subject to compliance with this condition, the proposals are considered to be acceptable and would not result in adverse impacts on the character and visual amenities of the area.



## 6.4 Residential amenity

6.4.1 Given the limited external changes, the key issues in respect of the effects on local residents will be noise and disturbance generated by the use and its associated travel demands, particularly within a condensed period, as the congregation arrive and depart services. Whilst the hours of operation sought are 08:00 to 23:00 daily, the main church service would be between 09:00 and 13:00 on Sundays with activities outside this time being much less intensive in terms of comings and goings. A condition is suggested to restrict the use to a church only, preventing the change to other uses within Class F (listed above) without the need for planning permission, which could potentially use the site more intensively. A condition is also suggested to secure a scheme of soundproofing measures to limit noise disturbance to neighbouring properties from internal noise generated by the use. As such, given the location within a busy town centre and the previous use as a Bingo Hall overall the scale of activity is considered to be acceptable.

## 6.5 Parking highways and transport

6.5.1 The site lies within a defined area of 'High' accessibility for public transport and the Parking Standards Supplementary Planning Document sets out a requirement for a maximum of 54 car parking spaces to serve the development (1 per 10 fixed seats). The development provides 24 car parking spaces off Gypsy Grove. Having regard to the high-accessibility nature of the site and the availability of car parking within the Town Centre as a whole, the level of car parking is considered to be acceptable. A condition is suggested to ensure that none of the ancillary meeting room areas are converted into open hall space in the future to ensure that the demand for car parking does not increase in the future without further assessment by the Local Planning Authority. Furthermore, a condition is suggested to require a Travel Plan be produced in order to secure more sustainable modes of travel to and from the development. Overall, it is considered that since the proposal makes use of the existing building and car park, with no clear options for increasing on-site car parking, less than the maximum car parking standard is acceptable.

## 7. Summary and the Planning Balance

7.1 The change of use proposed is suitable for this town centre location and provides community use, which brings a large prominent building back into use without the need for major physical alterations. This will benefit the vitality of the Town Centre. Whilst less car parking than the maximum standard is provided, this needs to be balanced in terms of the physical constraints of the site and the benefits of retaining and re-using a valuable local landmark of heritage interest. The established use as a bingo hall would face the same issues, and this fallback would be material to the Planning Panel decision.

## 8. Conclusion

8.1 It is recommended that planning permission be granted subject to conditions set out below.

### Local Government (Access to Information) Act 1985

#### Documents used in the preparation of this report Background Papers

1. (a) (b) (c) (d) 2. (b) (c) (d) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

Anna Lee PROW Panel 24.01.2023

### PLANNING CONDITIONS

#### **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. Restricted Use (Performance)**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, as amended, and the Town and Country Planning (General Permitted Development) Order 2015, as amended, or in any other statutory instrument amending, revoking and re-enacting those Orders, the development hereby approved shall only be used for use as a place of worship and the ancillary uses set out in approved statement Rev A, and for no other purpose whatsoever (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or in any provision equivalent to that Class in any other statutory instrument revoking and re-enacting that Order)

Reason: To ensure the use of the building does not have a harmful environmental effect in the interests of amenity.

#### **03. Hours of use (Performance Condition)**

The use hereby approved shall only take place within the following hours;

08:00 - 23:00 (11.00pm) Monday – Sunday

Reason: To protect the nearby residential amenities.

#### **04. Landscaping and frontage parking detailed plan (Pre-Commencement)**

Notwithstanding the submitted details, before the commencement of any site works a detailed landscaping and parking scheme and implementation timetable shall be submitted to and approved by the Local Planning Authority in writing, which includes:

- (i) proposed car parking layouts including details of hard surfacing materials (providing permeable surfacing where appropriate);
- (ii) planting plans; schedules trees/plants, noting species, tree/plant sizes and proposed numbers/planting densities where appropriate; and,
- (iii) a landscape management scheme.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building, or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme shall be maintained and retained as approved for the lifetime of the development.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements.

Reason: To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

#### **05. Refuse Management Plan (Pre-occupation)**

Before the development hereby approved first comes into use, details of refuse storage and a Refuse Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Refuse Management Plan shall provide details of a collection point for refuse and recycling and the movement of containers to and from the collection point on collection days. With the exception of collection days, the refuse and recycling containers shall be kept only within the approved storage areas. The development shall proceed only in accordance with the agreed details with refuse storage retained for the lifetime of the development.

Reason: To ensure the development functions well and in the interests of visual and residential amenity

#### **06. Travel Plan (Pre-Use)**

Before the use hereby approved first operates a staff and patron Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include measures to reduce reliance on the private car and promote alternative modes (including car-sharing, public transport and arrival by foot/cycle/scooter) and include details of noticeboards and website changes to promote alternative travel modes to the private car, and an agreed monitoring period to allow for further assessment of the travel demands of the development to take place. The development shall operate in accordance with the agreed Travel Plan

Reason: To promote more sustainable modes of travels to the private car.

#### **07. Restriction of Seating/Open Hall Area (Performance)**

The main congregation area shall not be increased in size, for example through the amalgamation with adjoining support spaces, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that congregation growth does not generate undue parking stress, noise and disturbance in the surrounding area and to protect residential amenity.

**08. Soundproofing Measures (Pre-commencement)**

The use hereby approved shall not commence until sound insulation measures against internally generated noise has been provided in accordance with a scheme to be first agreed in writing by the Local Planning Authority. The measures shall thereafter be retained as approved.

Reason: In the interests of residential amenity.

**09. Removal of Original Fabric from interior of building (Performance)**

No original fabric shall be removed from the interior of the building unless first agreed in writing by the Local Planning Authority.

Reason: In order to retain the special historic character of the original building.

**10. Approved Plans (Performance)**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below.

Reason: For the avoidance of doubt and in the interests of proper planning

**11. Cycle storage (Pre-commencement)**

Before the development hereby approved first comes into use, details of cycle storage shall be submitted to and agreed in writing by the Local Planning Authority. The development shall proceed only in accordance with the agreed details, with the cycle storage being installed ahead of first use and, thereafter retained as agreed.

Reason: To ensure the development functions well and in the interests of visual and residential amenity

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS7	Safeguarding Employment Sites
CS13	Fundamentals of Design
CS14	Historic Environment
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety and security
SDP13	Resource Conservation
SDP16	Noise
REI4	Secondary Frontages
REI5	District Centre

Supplementary Planning Guidance

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2021)

**RELEVANT PLANNING HISTORY**

<b>Case Ref</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
20/01356/OUT	Redevelopment of the site comprising the erection of 9 dwelling houses (7x 3-bed terraced and 2x 2-bed semi-detached) and a commercial unit, with associated parking and cycle/refuse storage following partial demolition of existing buildings (Outline application seeking approval for Access, Appearance, Layout and Scale)	Application Refused	01.12.2020
931003/W	Change of use of 1st floor offices to accommodation for managerial staff	Conditionally Approved	13.12.1993
861571/W	Single storey rear and side extension	Conditionally Approved	17.09.1987
W05/1672	Erection of a single-storey extension to existing Bingo Hall, following the demolition of 2 Newlands Avenue and provision of a new access road from Newlands Avenue with increased parking facilities	Application Refused	04.06.1986
W15/1670	Front entrance canopy	Conditionally Approved	26.11.1985
1630/W22	Entrance porch and installation of additional windows to 1st floor side elevation	Conditionally Approved	03.05.1983
1624/W21	Change of use of balcony to offices and provision of entrance lobby and toilet (outline)	Conditionally Approved	01.02.1983
1619/W6	Use of 1st floor as snooker club with entrance and toilets on ground floor	Application Refused	09.11.1982
1612/W10	Use of 1st floor as snooker club with entrance and toilets on ground floor	Application Refused	16.03.1982
1604/W9	Continued use as Bingo & Social Club	Conditionally Approved	29.09.1981
1575/W5	Continued use for Bingo (temporary until 31-12-83)	Temporary Consent	28.10.1980
1551/W13	Use of ground floor for bingo without car parking	Application Refused	13.03.1979
1511/W31	Single storey extension at rear for toilets	Conditionally Approved	19.10.1976
1492/W9	Convert to Bingo on ground floor (temporary until 31-12-83)	Temporary Consent	03.06.1975
1070/63	Use as furniture shop (alt ref 1043)		13.09.1955

