

**Planning and Rights of Way Panel 21/08/2018**  
**Planning Application Report of the Service Lead – Infrastructure, Planning and Development**

<b>Application address:</b> 14 The Broadway, Portswood Road, Southampton			
<b>Proposed development:</b> Application for variation of condition 4 (Hours of Operation) of planning permission ref: 18/00035/FUL to extend opening hours to 07:00 - 23:00 on any day			
<b>Application number</b>	18/01085/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	John Fanning	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	10.08.2018	<b>Ward</b>	Portswood
<b>Reason for Panel Referral:</b>	Five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Mitchell Cllr Claisse Cllr Savage
<b>Referred to Panel by:</b>	N/A	<b>Reason:</b>	N/A

<b>Applicant:</b> Mr Neil Davis	<b>Agent:</b> Advoco Planning Limited
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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<b>Community Infrastructure Levy Liable</b>	N/A
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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).

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

## Recommendation in Full

### Conditionally approve

#### 1.0 The site and its context

- 1.1 The site is located at the junction of Portswood Road and Westridge Road in the heart of Portswood District Centre and comprises a 2 storey commercial premises which fronts Portswood Road. The ground floor was occupied (until late 2017) as a coffee shop but now has planning permission, following determination by the Planning Panel, to operate as a bar/public house.
- 1.2 The area surrounding the site comprises a diverse mix of commercial and residential uses predominantly comprising a mix of two and three storey properties. The district centre policies restrict the ground floor to commercial uses and encourage residential above. Beyond the district centre, Westridge Road to the east is residential in nature.

#### 2.0 Proposal

- 2.1 Consent was recently granted on the site for the use of the premises as an A4 pub use. One of the conditions of this consent was that the opening hours of the property were restricted to 11:00 - 23:00 (Monday to Sunday).
- 2.2 The current application seeks to vary these hours to allow morning opening from 0700 - 2300. There is no request to extend late night hours and the premises are licensed to only sell alcohol from midday.
- 2.3 The applicant has provided the following justification for the proposed change:
- 2.4 *'The condition in question prevents the approved use from opening earlier in the morning and in so doing prevents it assuming a coffee shop type function alongside its approved micropub use. Commercially there are clear advantages in have 'coffee shop' trade before the micropub trading times and it should also be noted that the former use of the premises was as a coffee shop with no morning restrictions on opening. Furthermore, there is no question of alcoholic drinks being served in this morning trading period and that is precluded by the drinks license in any event.'*

#### 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 (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 updated National Planning Policy Framework (NPPF) came into force on 24<sup>th</sup> July 2018 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.

#### **4.0 Relevant Planning History**

4.1 The application is submitted to vary the conditions imposed on application 18/00035/FUL which granted consent for the use of the premises as a pub (Class A4) and other minor alterations to the building. More recently a separate application has been submitted for the use of the first floor as a 3-bed flat (18/01317/FUL – currently pending determination).

4.2 Full details of the relevant planning history are outlined in **Appendix 2**.

#### **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 undertaken which included notifying adjoining and nearby landowners and erecting a site notice (29.06.2018). At the time of writing the report **7 representations** have been received from surrounding residents. The following is a summary of the points raised:

5.2

- Proposed hours would be excessive and be harmful to residential amenity of nearby occupiers. Longer hours would exacerbate ancillary impacts of development such as anti-social behaviour and rubbish

Response: There are no changes to the evening hours and the proposed changes to the morning from 11am to 7am is deemed reasonable for a District Centre

5.4

- Lack of parking associated with use

Response: The level of parking to support this use was previously accepted and the site sits in a defined District Centre with good access by all modes

5.5

- Would set a precedent for surrounding area

Response: Each application will continue to be assessed on its individual merits at the time of submission.

5.6

- Would lengthen potential delivery hours

Response: It is noted that condition 6 of the approved application required the submission of a servicing management plan to outline how the premises will be serviced. The Council retains control of the ability to manage servicing hours as necessary and this wouldn't be changed by this application. It is not uncommon for deliveries to the District Centre to occur in the morning in any event.

#### **Consultation Responses**

5.7 **Environmental Health** - Environmental Health has no objections to this proposal, but would recommend that the permitted hours for sale of alcohol are not altered.

#### **6.0 Planning Consideration Key Issues**

6.1 The key issue for consideration in this case is the impact of the additional trading hours on local amenity.

6.2 The application proposes the extension of the existing opening hours for the A4 pub use from 1100-2300 to 0700-2300 (7 days per week). In a statement submitted with their application, as set out above, the applicant has identified that their intent is to operate the premises as a 'coffee shop' style use in the mornings

before transitioning into a more typical A4 premises as the day progresses. This is typical of many modern premises of this nature which cater for different types of clientele throughout the day and evening as part of their business model.

- 6.3 It is noted that a separate alcohol licence (outside of the planning process) limits the hours during which alcohol can be served on the premises and, with reference to the comments of the Environmental Health team in section 5.7 of this report, they would not support changing these hours.
- 6.4 The main impacts associated with the earlier opening would be related to the potential additional activity associated with the premises in the earlier hours. The previous coffee shop on the premises appeared to operate a similar early opening though that benefited from a historic use which would not have been restricted by condition.
- 6.5 The property forms part of the main Portswood District Centre frontage and is situated on a key corner location entering into the residential area to the east. Taking into account the relationship between the property and surrounding commercial and residential premises, it is not considered that the earlier opening hours would represent a significant departure from the existing activity and context of the site and its surroundings.
- 6.6 The proposed hours are not considered unreasonable for the general sale of food and drink within the district centre. The proposed change will add to the vitality of the Centre and is supported by Local Plan Review Policy REI7. Servicing and other associated issues are already controlled by condition.

## **7.0 Summary**

- 7.1 The application proposes opening earlier in the morning. Taking into account the location within the defined district centre it is considered that the proposed hours of operation would be appropriate for the proposed use.

## **8.0 Conclusion**

- 8.1 For the reasons laid out above the application is recommended for conditional approval.

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

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

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

**JF for 21/08/18 PROW Panel**

### **PLANNING CONDITIONS**

1. APPROVAL CONDITION - Full Permission Timing Condition - Change of use  
The use hereby permitted shall begin not later than 4<sup>th</sup> June 2021.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990(as amended) and to ensure compliance with permission 18/00035/FUL

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 [VARIED BY THIS PERMISSION]

**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 07:00 - 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.

9. APPROVAL CONDITION – Refuse management [Pre-Occupation Condition]  
Prior to the commencement of the development hereby approved a litter 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 litter management plan.  
Reason: To protect the amenity of the local area.

10. APPROVAL CONDITION - Internal drinks consumption/use of tables and chairs -  
At no time shall drinks bought on the premises be taken outside for consumption and at no time shall tables and chairs be placed on the public highway associated with the permission hereby granted.  
Reason: To protect the amenities of the occupiers of nearby residential properties, the appearance and accessibility of the area; and to prevent drinking alcohol on Portwood High Street.

**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS3	Promoting Successful Places
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS24	Access to Jobs

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

SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP16	Noise
SDP17	Lighting
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

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2018)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

18/01317/FUL, Conversion of first floor into a 3-bed flat  
Pending

18/00036/ADV, Installation of 1 x externally illuminated hanging sign, 5 non illuminated awnings and 7 non illuminated window vinyls - submitted in conjunction with 18/00035/FUL  
Conditionally Approved, 27.04.2018

18/00035/FUL, Proposed change of use of the ground floor from coffee shop (A1 use) to drinking establishment (micro pub)(Class A4) and installation of 6 retractable awnings - submitted in conjunction with 18/00036/ADV  
Conditionally Approved, 04.06.2018