

5. CHAPTER FIVE - CULTURE, LEISURE AND TOURISM

5.1 POLICY CLT 1: LOCATION OF DEVELOPMENT

Representations

GOSE	CLT01-172/62-ID-O
GOSE	CLT01-172/96-RD-O
West Quay Shopping Centre Ltd	CLT01-352/8-ID-O
Quintain Estates & Development plc	CLT01-981/4-ID-O
BT plc	CLT01-1194/2-ID-O

Issue

- a. Whether the policy reflects government guidance in terms of need and the sequential approach.

Inspector's Reasoning and Conclusions

5.1.1 PPG 6 makes clear that key town centre uses that attract a lot of people, including entertainment and leisure, should be subject to a needs assessment and a sequential approach to site location. This is reiterated in Policy Q5 of RPG 9. The Council has undertaken no such assessment and has not attempted to quantify the floorspace requirements for new leisure uses.

5.1.2 Leisure allocations are included in a number of policies, including Policies CLT 8 and CLT 9 and Policies MSA 3, MSA 4, MSA 10, MSA 12-16 and MSA 23. I will have more to say on each of these under the individual policies. However, these sites (Apart from MSA 15 and MSA 16) are within the wider city centre boundary (as currently defined on the Proposals Map) and are relatively accessible by modes other than the private car. In PPG 6 terms, and taking account of the fact that people are willing to walk further to a leisure destination than for shopping, I consider these to be "edge-of-centre" sites¹. Furthermore, the leisure element would support the main land uses (for example in the case of restaurants and bars) or else would replace and improve an existing leisure facility. In such cases it seems to me that the PPG 6 tests would not necessarily be determinative.

5.1.3 Three sites do however propose larger scale leisure uses – MSA 6 (West Quay Phase 3), MSA 14 (Pirelli Site, West Quay Road) and MSA 15 (Ocean Village). I agree with GOSE that in the absence of a leisure needs assessment it is impossible to tell whether these allocations are justified or not even if they are in sequentially appropriate locations. I note the Council's comment that leisure need is difficult to quantify as it changes according to what is popular at the time. However, this is a requirement of national and regional policy

¹ This point is made in Annex A, Table 2 to PPS 6.

and seems to me to be integral to the Plan-led approach. For similar reasons as I have given in respect of retail allocations² it is not acceptable to allocate sites and also require a needs and sequential assessment at planning application stage. This work should have been done by the Council in its preparation of the Local Plan and this is confirmed in Paragraph 4.1 of Hampshire County Council's SPG on town centre and out of centre development³.

- 5.1.4 West Quay Shopping Centre Ltd has said that the sequential approach should identify city or district centres first before other sites in the Plan. However, in accordance with the hierarchy of centres and advice in Paragraph 1.11 of PPG 6, edge-of-city centre sites would be sequentially preferable to town and district centre sites⁴. I have identified the city centre for PPG 6 purposes as the primary and secondary retail frontages as well as part of West Quay Phase 3⁵.
- 5.1.5 Quintain Estates and Development Plc consider that Paragraph 5.3 of the Plan is confusing in terms of what "additional development" means. This is clarified in the Revised Deposit version to mean development on unidentified sites. This satisfies the objection although I consider that the text should be reworded to reflect my recommended changes to the policy itself.
- 5.1.6 BT Plc point out that there are many tourism and leisure schemes that serve a purely local need and are not considered as key town centre uses. I agree that this is the case and that such small scale facilities would not necessarily be subject to a needs test or a sequential analysis. In the Revised Deposit version the policy and text has been revised to take account of this point and this is carried through in my recommended changes.
- 5.1.7 For the reasons given above, I consider that the policy and its supporting text need to be substantially changed. It seems to me that my recommendations would meet the objections raised, particularly those of GOSE.

RECOMMENDATIONS

I recommend that the Plan be modified as follows

- ◆ **By deleting Policy CLT 1 and replacing it with the following new policy:**
 - "Planning permission for cultural, leisure and tourism development will be permitted:***
 - a) in respect of proposals on sites outside the existing centres, as defined on the Proposals Map and serving more than a local need:***
 - i) where a need can be demonstrated;***
 - ii) where there are no sequentially preferable sites;***
 - iii) where there is no unacceptable harm to the vitality and viability of existing centres;***

² See Paragraphs 8.4.27-8.4.29 of my Report.

³ See Core Document CD5/5.

⁴ Inspector's Note – The sequential approach to site selection is set out in my recommendations on Policy REI 2.

⁵ See Paragraphs 8.7.1-8.7.3 of my Report.

iv) where there is good accessibility by public transport.

b) in respect of proposals serving a local need or where the proposal is secondary to other land uses in a mixed-use development or dependant on a specific location, the site should be highly accessible by a range of modes of travel”.

◆ By deleting Paragraph 5.2 and replacing it with:

“The Local Plan makes provision for cultural, leisure and tourist developments as part of mixed-use development on a number of sites allocated under the MSA policies. These will be relatively small-scale in nature and will provide support for other uses on their site”.

◆ By deleting the first two sentences of Paragraph 5.3 and replacing them with:

“Cultural, leisure and tourist development that would be likely to attract a lot of people should be directed towards existing centres where there is good accessibility to modes of travel other than the private car. Proposals for such development in other locations will have to demonstrate evidence of need. Once this has been established a sequential approach to site selection will be required. First preference will be given to city centre sites within the primary shopping area as defined on the Proposals Map. These will be followed by edge-of-city centre sites, then town centre and edge-of-town centre sites followed by district centre sites”.

I further recommend that the Council should undertake an assessment of leisure needs as soon as possible and a sequential analysis in order to support the leisure allocations in the Plan.

5.2 POLICY CLT 2: COMMUNITY BUILDINGS

Inspector's Reasoning and Conclusions

5.2.1 As there are no outstanding objections to this policy I make no further comment or recommendation

5.3 POLICY CLT 3: PROTECTION OF OPEN SPACES

Representations

GOSE	CLT03-172/97-RD-O
Sport England	CLT03-248/10-ID-O
HBF Southern Region	CLT03-365/6-ID-O
University Of Southampton	CLT03-573/10-ID-O

Trustees of the Barker Mill Estate	CLT03-576/8-RD-O
Ms L Halpin	CLT03-606/4-ID-O
Ms A Vickers	CLT03-680/1-ID-O
Miss Y Rose	CLT03-681/1-ID-O
SCAPPS	CLT03-846/9-ID-O
SCAPPS	CLT03-846/16-RD-O
SCAPPS	CLT03-846/17-RD-O
Mr G Sharif	CLT03-1196/2-ID-O
Taunton's College	<u>CLT03-1195/2-ID-O</u>
Councillor Samuels	CLT03-1213/18-ID-O
Councillor Samuels	CLT03-1213/19-ID-O
Councillor Samuels	CLT03-1213/20-ID-O

Issues

- a. Whether there is sufficient information regarding existing and future open space needs and provision.
- b. Whether the policy criteria provide adequate protection for existing open spaces.
- c. Whether the needs of development would be adequately catered for.

Inspector's Reasoning and Conclusions

5.3.1 PPG 17 starts from the premise that open space is important to people's quality of life. It helps create attractive urban environments and also performs other functions, for example in relation to nature conservation. Southampton Commons and Parks Protection Society (SCAPPS) consider that it should be protected and proliferated.

5.3.2 The University of Southampton points out that the policy relates to both public and private open space. The Council has accepted that the Proposals Map should be amended as it presently only refers to "public" open space.

Open Space Assessment

5.3.3 Planning Policy Guidance Note 17: *Planning for Open Space, Sport and Recreation* (PPG 17) emphasises the importance of a robust assessment of existing and future open space needs and provision. As GOSE points out, this has yet to be done in Southampton, although the Council anticipates that it will be carried out in the next financial year (2004/5). I would urge that this work be given priority and I say more about this in relation to Policy CLT 5. In the absence of such an assessment an applicant for planning permission may seek to demonstrate that a particular area of land is surplus to requirements. I note the comment by SCAPPS that this is likely to be biased in favour of development. However, this is a proper course of action and one endorsed in PPG 17. It must of course be subject to rigorous assessment by the Council but that is a matter for the development control

process. In the circumstances, I do not agree with SCAPPS that the words in the first criterion of the policy “can be demonstrated” should be changed.

Open Space Provision (Criterion One)

5.3.4 The House Builders Federation (HBF) considers that the policy does not accord with the objective of making best use of urban land and believes that the first criterion is too inflexible. The Objectors comment that most open space has a local catchment and that it would be unrealistic and unsustainable to require it to meet city-wide needs. I agree that there will be such cases, although as the Council points out some open spaces, such as Southampton Common, are used by people from a wide area of the city. Nevertheless, I consider that the first criterion of the policy should recognise the point raised by the HBF and that reference to “wider needs of the city” should be deleted.

5.3.5 PPG 17 recognises that for open space to be “surplus to requirements” there should be a consideration of all of the functions that it can perform. This would recognise that it may be of more than local importance and also that there are different types of open space whose functions are not necessarily interchangeable. I recommend that the first policy criterion is reworded although I do not agree with the HBF that specific reference is needed to shortfall in a particular type of open space.

Development of Open Spaces (Criterion Three)

5.3.6 SCAPPS objects to the third criterion of the policy, which allows for development of a small part of an open space if this would result in qualitative improvements to the remainder. Whilst PPG 17 encourages qualitative improvements there is no support for this kind of trade-off. The Council pointed to Paragraph 15 (ii) of PPG 17. However, this relates to playing fields and is specific in its intent. It does not seem to me to cover the issue addressed by criterion three. The Council also referred to Paragraph 12 of PPG 17. This though relates to the possibility of remedying deficits as part of a development scheme through planning conditions or obligations. However, this would only arise if the development of the open space was justified in the first place by, for example, demonstrating compliance with one of the other criteria of the policy.

5.3.7 I consider that the wording is open to interpretation as there is no indication of what is meant by “small” or what degree of improvement would be necessary to provide the justification. Paragraph 5.15 of the supporting text provides no clarification. Furthermore, SCAPPS were concerned that it would not ensure that the improvements were paid for by the development. In the absence of clear demonstration of overprovision I do not consider that this criterion is justified. If there is demonstrable overprovision then the first criterion would be applicable.

Playing Fields (Criterion Four)

5.3.8 The fourth criterion is specifically directed towards the expansion of educational establishments onto playing fields. However, Sport England point out that they are a scarce resource and can rarely be replaced once they have been lost. The guidance in PPG 17 and that produced by Sport England make clear that any such loss could be justified if a sports related

development was of sufficient benefit to outweigh the loss of the playing field. The guidance does not however extend to the expansion of non-sports related educational facilities. The Council's justification for criterion four is that due to the constraints on land within the city there may be exceptional circumstances where expansion by an educational establishment would be justified. However, such a situation would not accord with government policy and it seems to me that any proposal should be dealt with on its individual merits and outside the scope of the policy.

5.3.9 I consider it likely that there may well be pressure to develop playing field land for educational purposes. I note that the University supports criterion four. Also, that Taunton's College indicates that it may wish to dispose of surplus land in order to finance further development at the college. However, my recommended change would not necessarily frustrate the expansion plans of educational establishments. The other criteria would also be relevant as well as Policy L1. In terms of development of school playing fields, the current School Organisation Plan⁶ indicates a surplus of places within both the primary and secondary school sector.

Individual Open Space Designations

5.3.10 SCAPPS has commented that land on the eastern side of The Avenue between Winn Road and Westwood Road is undesignated on the Proposals Map. The Council in its response to SCAPPS objections to Policy NE 3 have confirmed that this area should be identified under Policy CLT 3. I recommend that the appropriate amendments be made to the Proposals Map and Appendix 5 accordingly.

5.3.11 The Trustees of the Barker Mill Estate consider that the land around Brownhill Way and Lower Brownhill Road should not be identified as open space. The Objectors point out that it is farmland and that there is no public access for recreational use. PPG 17 says that open space should be taken to mean all open space of public value, but this does not mean that it has to be publicly accessible. Within the City Council's boundaries there is very little land outside the urban area and there are no countryside protection policies in the Plan. Instead it has sought to protect these areas through a variety of designations, including nature conservation, strategic gap and open space. However, in order to be effective the land needs to fulfil the particular purpose of the designation. In the case of Policy CLT 3 this should have some recreational value. The Annex to PPG 17 illustrates the broad range of open spaces that may be of public value but does not include land in agricultural use. Whilst I appreciate that the Annex talks about land being a visual amenity, this is a function of the open space rather than a reason for its designation. In the circumstances I consider that these two areas of farmland should be removed from the Policy CLT 3 designation.

5.3.12 In the Revised Deposit version the Rope Walk Garden has been designated as an open space in Appendix 5. This meets the objections of Ms Halpin, Ms Vickers, Miss Rose and Mr Sharif.

5.3.13 Councillor Samuels is concerned about Redbridge Park which he says has

⁶ See Core Document CD17/4.

been closed pending installation of a disabled ramp. He is also concerned about erosion and loss of public land around the boundaries of Southampton Common. It seems to me that these are land management matters rather than issues for the Local Plan. The assessment of open space that the Council is shortly to undertake should consider both quantitative and qualitative issues and also accessibility considerations.

5.3.14 Councillor Samuels referred to an area of public open space to the east of South Stoneham Cemetery which he considers should be restored to use as public open space. This is a large tarmaced car park, which is in a rather remote location adjacent to the M27 motorway. I understand that it was previously used as allotments and then used as contract parking, although I am not sure whether this is a temporary or permanent use. The Council considers that public open space would be inappropriate as the land is within the Public Safety Zone for Southampton Airport. The Council is undertaking an Open Space Needs Assessment and will no doubt consider the contribution that this land could make within the context of this work. However, any such proposal would have to comply with Policy SDP 19, which discourages any change of use that would increase the number of people at risk within the safety area. In the circumstances, I do not consider that changes should be made to the Plan in response to this objection.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ **By changing the Proposals Map as follows:**
 - ◆ **Remove the land either side of Brownhill Way and Lower Brownhill Road from the CLT 3 designation.**
 - ◆ **Change the wording of the CLT 3 designation to “existing areas of public *and private* open space”.**
 - ◆ **Include the land adjacent to The Avenue between Winn Road and Westwood Road in the CLT 3 designation and also in the list in Appendix 5.**
- ◆ **By changing Policy CLT 3 as follows:**
 - ◆ **Delete criterion one and replace it with the following new criterion:**
“the open space falls within an area where there is an overprovision of accessible public open space or it is clearly surplus to requirements and cannot reasonably be used to meet identified needs”.
 - ◆ **Delete criterion three.**
 - ◆ **Delete criterion four and replace it with the following new criterion:**
“The development is required for a sports facility that is of sufficient benefit to the development of sport to justify the loss of playing field land”.
- ◆ **By deleting the fourth sentence in Paragraph 5.10 and replacing it with the following new sentence:**

“This assessment will be updated within the financial year 2004/5 to enable the Council to produce its own standards”.

- ◆ **By deleting Paragraphs 5.15 and 5.18.**
- ◆ **By deleting the final sentence in Paragraph 5.16 and replacing it with the following new sentence:**

“The loss of playing fields will be strongly resisted unless there is a strategic sporting requirement, for example, as envisaged in Paragraph 15 of PPG 17”.

5.4 POLICY CLT 4: AMENITY OPEN SPACE

Representations

Ms O'Dell

CLT04-828/4-ID-O

Issue

- a. Whether the wildlife value of open spaces should be recognised.

Inspector's Reasoning and Conclusions

5.4.1 The Revised Deposit version includes a requirement that incorporation of amenity open spaces into gardens should only be permitted where there is no nature conservation value. This satisfied an objection by English Nature, which was subsequently withdrawn and also meets the point made by the Objector.

RECOMMENDATIONS

I recommend that no modifications be made to the Plan in response to this objection.

5.5 POLICY CLT 5: OPEN SPACE IN NEW RESIDENTIAL DEVELOPMENTS

Representations

Sport England

CLT05-248/18-RD-O

HBF Southern Region

CLT05-365/16-RD-O

SCAPPS

CLT05-846/19-RD-O

Issues

- a. Whether the open space strategy complies with PPG 17.

- b. Whether the policy is adequately supported by an open space needs assessment.
- c. Whether the open space requirements place undue constraints on development.
- d. Whether all development should contribute to open space provision.

Inspector's Reasoning and Conclusions

- 5.5.1 PPG 17 provides guidance on how local authorities should prepare policies in development plans in respect of the provision of open space. It is an important material consideration in the plan making process. Policies CLT 5 and CLT 6 do not accord with this guidance and hence are not up-to-date as drafted. PPG 17 makes it clear that local authorities should base their recreation strategy on an assessment of the needs of their local communities for open space, sports and recreational facilities. There should also be an audit of existing facilities that identifies quantitative and qualitative deficiencies and surpluses. I shall refer to this as an "Open Space Assessment" (OSA).
- 5.5.2 The Council considers that the policies are compliant with advice in the Structure Plan but this was adopted prior to the publication of the latest version of PPG 17. A key point in current government guidance is that national standards cannot cater for local circumstances. The most recent open space audit was undertaken over 10 years ago and this is now considerably out of date. I have been told that the resources have been made available to undertake an OSA in the 2004/5 financial year and I would urge that this be undertaken as a matter of priority, taking account of advice in PPG 17 and its Companion Guide⁷.
- 5.5.3 In the meantime there is little option but to retain the policies in the Plan. To do otherwise would result in considerable delay in its adoption while the OSA was being undertaken. I do not consider that this would be in the public interest, although I recognise that such an approach is not without its disadvantages. However, I consider that as soon as the OSA has been completed the Council should urgently consider an early review of those sections of the Plan on which PPG 17 bears. This would probably best be done in connection with the preparation of the LDF.
- 5.5.4 Sport England considers that provision for local sports and recreational facilities should be made for all developments and not just housing. Paragraph 23 of PPG 17 sees planning obligations as the mechanism for seeking such contributions but the guidance makes it clear that this will be justified through the OSA. This is something that the Council will have to revisit when that assessment is available. I endorse the use of SPG to cover detailed issues concerning the nature and content of planning obligations as advocated by Sport England. It appears from the Council's response that it will be adopting this approach and this needs to be made explicit in the supporting text to Policy IMP 1.
- 5.5.5 The House Builders Federation (HBF) is concerned that the policy does not

⁷ Assessing Needs and Opportunities: A Companion Guide to PPG 17 (ODPM 2002).

comply with Circular 1/97. I agree with many of the points made. The Circular specifically advises against applying a blanket formulation. I consider that the Council is incorrect in its reading of Paragraph 23 of PPG 17. This can only be used in support of an open space policy if it is supported by an OSA. However, until the Council has done its own OSA in accordance with PPG 17 there is no practical alternative but to act on the presumption that open space will be required in association with new development. There does though need to be the facility for a developer to demonstrate otherwise and to show that there is sufficient open space provision in the locality to meet the needs of new as well as existing residents.

- 5.5.6 The policy does not apply a threshold but the cumulative effect of a number of small developments can be significant. This is a point made in the Companion Guide to PPG 17⁸. It seems to me that the important point is to ensure that if a contribution is sought to remedy a shortfall the money is being used to fund a project that would be of direct benefit to the new residents of the development. For this reason I do not support a 10 dwelling threshold as suggested by the HBF at the present time.
- 5.5.7 Circular 1/97 makes clear that the existence of development plan policies does not preclude negotiation on planning obligations based on the individual planning proposal. Clearly the tests of necessity and relevance would still need to be satisfied at planning application stage. For this reason I suggest that the wording is changed to make clear that an obligation will be sought and not required.
- 5.5.8 SCAPPS are concerned about how the policy would work in practice. As I have said I do not consider that a blanket formulation is acceptable but the policy as written would require open space to be provided in association with new residential developments unless it can be demonstrated that adequate provision already exists.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ By deleting Policy CLT 5 and replacing it with the following policy:

“Residential development will only be permitted if provision is made for open space, in accordance with the minimum standard of 2.4 hectares per 1,000 population unless it can be demonstrated that there is already adequate provision in the locality to meet the open space needs of new residents. Where practical, open space provision should be made on site or in the immediate vicinity. Where this cannot be achieved an appropriate financial contribution will be sought to finance a particular project that, by location and type, would directly benefit the occupiers of the development”.

⁸ See Paragraph 9.13 of the *Assessing Needs and Opportunities: A Companion Guide to PPG 17* (ODPM 2002).

- ◆ **By revising Paragraph 5.10 to include information as follows:**
 - ◆ **The content and timing of the OSA.**
 - ◆ **The intention of the Council to revise the sections of the Plan on which PPG 17 bears, once the OSA has been completed.**
- ◆ **I recommend that the Council should undertake an Open Space assessment as soon as possible and review the relevant policies in the Plan thereafter.**

5.6 POLICY CLT 6: PROVISION OF CHILDREN'S PLAY AREAS

Representations

GOSE	CLT06-172/65-ID-O
Hawthorne Kamm Planning Consultancy	CLT06-361/8-ID-O
Consortium of Registered Social Landlords	CLT06-526/27-ID-O
University of Southampton	CLT06-573/11-ID-O
HBF Southern Region	CLT06-365/8-ID-WDC

Issues

- a. Whether the policy complies with Circular 1/97 in terms of how children's playspace is to be provided.
- b. Whether the policy is compatible with Policy CLT 5.
- c. Whether certain types of development should be excluded from the terms of the policy.

Inspector's Reasoning and Conclusions

- 5.6.1 GOSE does not consider that the policy complies with Circular 1/97. The Revised Deposit version has addressed this in part by saying that the Council will seek rather than require the necessary play provision. However, the policy still applies a blanket formulation for different sizes of development, regardless of circumstance. Paragraph B17 of Circular 1/97 gives the example of a 30 dwelling scheme where the nature of the development itself may militate against provision of children's play space. It seems to me that GOSE's concerns will only be able to be fully resolved once the Council has undertaken its OSA as a proper basis for revised policies. In the meantime, my recommendation that Policy CLT 5 should allow for developers to carry out their own assessment will allow a degree of flexibility.
- 5.6.2 The children's play space is one element of the overall open space provision and so this policy only kicks in if there is a requirement to provide open space under Policy CLT 5. In other words, if an assessment carried out by the developer proves adequacy of children's playspace to meet the needs of the development in addition to existing needs then the provisions of Policy

CLT 6 would not apply. The two policies should be compatible and yet in developments of less than five dwellings there seems to be no requirement for children's playspace at all even though there is no such threshold for open space provision generally. This is an inconsistency that needs to be rectified.

- 5.6.3 Hawthorne Kamm Planning Consultancy believes that the exclusion of one-bedroom and sheltered housing units from the policy should be referred to in the policy itself rather than in Paragraph 5.25 of the supporting text. However, it seems to me that the policy wording in the Revised Deposit version allows for circumstances where contributions may not be appropriate. I consider that the supporting text is the appropriate place to deal with what sort of development may be excluded. Hawthorne Kamm consider that the exclusions should be widened but does not say in what way. I note that student residences have been added in the Revised Deposit version and this satisfies the objection by the University of Southampton.
- 5.6.4 The Consortium of Registered Social Landlords consider that all RSL developments should be excluded as they are a community benefit and should not be required to provide additional benefits. However, I agree with the Council that the importance of playspace is no different in affordable housing schemes to that in open market housing development. I do not therefore agree that all RSL schemes should, as a matter of principle, be excluded from the provisions of the policy.
- 5.6.5 The House Builders Federation have conditionally withdrawn their objection on the basis that the reference to "local" provision in the first criterion of the Revised Deposit version is retained.

RECOMMENDATION

I recommend that the Plan be modified by replacing the words "*between five and 24 units*" in criterion one of Policy CLT 6 with the words "*under 25 units*".

5.7 POLICY CLT 7: PROVISION OF NEW PUBLIC OPEN SPACE

Representations

Old Redbridge Residents Association	CLT07-93/2-RD-O
Miss Cooper	CLT07-137/2-RD-O
GOSE	CLT07-172/64-ID-O
Sport England	CLT07-248/12-ID-O
Persimmon plc	CLT07-446/1-ID-O
Persimmon plc	CLT07-446/2-ID-O
Consortium of Registered Social Landlords	CLT07-526/26-ID-O

SCAPPS	CLT07-846/20-RD-O
SCAPPS	CLT07-846/21-RD-O
BT Plc	CLT07-1194/3-ID-O

Issues

- a. Whether the policy complies with Circular 1/97 concerning developer contributions.
- b. Whether individual designations are justified.

Inspector's Reasoning and Conclusions

Developer Contributions

- 5.7.1 Policy CLT 7 seeks to allocate sites to provide new open space in order to meet existing deficiencies. In the absence of an up to date needs assessment I am not sure on what basis such deficiencies have been identified. This is another policy that needs to be revisited once the OSA has been undertaken. In the meantime, Paragraph 5.29 of the Plan makes clear that the sites will be brought forward irrespective of whether new development takes place or not. I note that the House Builders Federation has conditionally withdrawn its objection on the basis of the changes made to the text at Revised Deposit stage. Nevertheless, it seems to me that developers are being asked to pay for facilities needed to resolve existing deficiencies and, as GOSE points out, this is contrary to Circular 1/97: *Planning Obligations*.
- 5.7.2 Sport England and BT Plc consider that the Plan should provide more information as to the circumstances in which developer contributions will be sought. As I have said in relation to Policy CLT 5, such information would be best dealt with through SPG. However, to my mind the mechanism is already in place for remedying additional deficiencies arising from development through Policy CLT 5. For all of the reasons I have given, I consider that references to developer contributions are inappropriate and should be removed from the policy and the text altogether.
- 5.7.3 The Consortium of Registered Social Landlords consider that affordable housing developments should not be required to contribute to open space under this policy. I have already dealt with this point in Paragraph 5.6.4 of my Report. However, in view of my conclusions regarding developer contributions in general, the changes that I am recommending would satisfy the objection.
- 5.7.4 SCAPPS consider that the policy and supporting text should refer to "residential" development in respect of developer contributions. Notwithstanding my comments about the principles of such contributions, PPG 17 does not restrict appropriate open space contributions solely to housing. Sport England makes the point that they can apply to commercial as well as residential developers. This seems to me to be a matter that the Council should consider under Policy CLT 5 when it comes to review its policies in the light of its completed OSA.

Individual Open Space Allocations

General

5.7.5 SCAPPS consider that there is a lack of provision for open space within the City, particularly in St Mary's, Ocean Village and the commercial area of the centre. From the information currently available this is impossible to quantify and this is why the OSA should be undertaken as soon as possible and the open space policies in the Plan reviewed as a consequence.

Test Lane

5.7.6 This land is currently open fields but it is part of a larger area that has been designated for B1, B2 and B8 uses under Policy MSA 26. The southern part of the MSA site, which is closest to existing houses, would be a linear park with cycle and pedestrian connections across the M271 overbridge to the playing fields and residential area to the east. The Old Redbridge Residents Association and Miss Cooper are particularly concerned about the use of this overbridge as a right of way and I deal with this under the MSA policy. There does not appear however to be objection to the principle of an open space in this location.

5.7.7 In view of my recommendation to delete Policy NE 6 and delete reference to warehousing in Policy MSA 26, it will be necessary to amend the text in Paragraph 5.33.

Land at Botley Road

5.7.8 I note that many of the designations were also included in the previous Local Plan and yet for whatever reason have not been implemented. One of these is the Botley Road site and Persimmon Plc object to its continued allocation. I understand that the site has been earmarked for playing fields to meet an existing deficiency in the Scholing area as identified in the Council's draft Playing Pitch Strategy. The Objectors contend that much of the land is in private use and is unlikely to ever be available for public purposes. From the small amount of information I have before me it is impossible to conclude that the public open space proposal will not be implemented during the Plan period. In the circumstances I consider that this should remain as a CLT 7 site but that the Council should review it as part of the OSA.

5.7.9 Persimmon Plc contend that the designation is unclear on the Proposal Map. The Council has confirmed in its response that it is a proposed rather than an existing area of public open space although I agree that it is not particularly clear. The site is also part of the Weston Greenway.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ **By deleting the last sentence of Policy CLT 7, regarding developer contributions.**
- ◆ **By deleting reference to warehouse development in sentence one and deleting sentence four in Paragraph 5.33.**
- ◆ **By deleting the last sentence in Paragraph 5.29.**
- ◆ **By making a clear distinction on the Proposals Map between existing and proposed open space.**

5.8 POLICY CLT 8: SOUTHAMPTON SPORTS CENTRE

Representations

All representations to this Policy are listed in Appendix 1E

Issues

- a. Whether new development should be limited to the improvement and enhancement of existing sporting and leisure facilities.
- b. Whether new leisure development would accord with government guidance regarding the location of leisure uses and sustainable travel.
- c. Whether the natural environment would be adequately protected.
- d. How the improvements would be funded.

Inspector's Reasoning and Conclusions

- 5.8.1 There has been a great deal of objection to this policy mainly because in the Initial Deposit version it included provision for residential development to fund improvements to the sports centre. Whilst no specific sites were mentioned in the Plan itself, possible sites were advanced in the first draft of the Sports Centre Improvement Plan (SCIP)⁹, which went out for public consultation at the same time. As a result of widespread local objection, the proposal for housing as enabling development was deleted in the Revised Deposit version of the Plan and also in the second consultation draft of the SCIP. Many of the original objections were subsequently withdrawn and others have now written in to support the policy.
- 5.8.2 There are though still a large number of people who are concerned about the nature of the proposed improvements and new development at the sports centre outlined in the SCIP. Many value the opportunity for informal recreation and do not wish to see an increase in formal sports facilities, including new buildings. Others question the need for, and scope of, alterations and improvements as they feel this will change the whole character of the sports centre.
- 5.8.3 Mr Huggins considers that one of the main attributes of the sports centre is its provision for informal recreation within a mature parkland setting. There are many who value the area for its trees and in terms of nature conservation. These people feel that resources should be concentrated on improving existing open spaces rather than on new built development. It seems to me that the policy strikes a reasonable balance between meeting both the formal and informal recreational and sporting needs of the local community and protecting environmental quality. However, I do agree with Mr Huggins that the natural vistas through the site are an important feature that should be recognised in the policy.

⁹ See Core Document CD17/2.

- 5.8.4 Policy CLT 8 should provide the policy context within which individual development projects at the sports centre will be considered. I shall not comment on the detailed proposals included in the SCIP as this document is quite separate from the Local Plan. However, once finalised it seems to me that it would be helpful if this was adopted as Supplementary Planning Guidance. GOSE points out that the sequential approach applies to leisure uses that attract a lot of people. However, many of the proposals outlined in the SCIP are intended to complement and enhance the existing sports and recreational provision. It does not seem to me that PPG 6 considerations are pertinent to this type of development.
- 5.8.5 Nevertheless the SCIP also includes more ambitious projects, for example new leisure development on the depot and nursery sites. I agree with GOSE that PPG 6 considerations would be likely to apply. I have no information that any work has been undertaken to show that there is a need for such development and, if there is, whether it could be satisfied on a sequentially preferable site. In the circumstances, it seems to me that the policy needs to be clear that development will only be permitted for improvements to existing facilities and I recommend that it be changed accordingly.
- 5.8.6 One of the main problems with the sports centre site is poor accessibility. It was designed in the 1930's when the level of car ownership was relatively low. Vehicular access is through narrow residential roads and car parking is some distance from the main facilities. Many of those who have objected to further sports-related development are concerned about increased traffic and car parking and associated noise and pollution. As well as individual objections, concerns have been raised by the Tower Gardens Neighbourhood Watch Area Residents' Association on the issue of increased traffic onto the A35. This road is already severely congested at times.
- 5.8.7 GOSE is concerned that the issue of accessibility by public transport has not been adequately addressed but the objection is within the context of PPG 6, which I have already covered in Paragraph 5.8.5 above. Nevertheless, it seems to me that even improvements to existing facilities could attract considerably more traffic to the sports centre. If that is the case such a proposal would need to address the issue of sustainable travel. The sports centre is served by relatively poor bus services and insufficient lighting adds to security problems for pedestrians and cyclists after dark. PPG 17 encourages the provision of sports and leisure facilities – but in sustainable locations. For certain types of development such as that resulting in additional spectators or participants, the SDP policies would be particularly relevant.
- 5.8.8 It is clear that funding will be necessary to carry forward improvements to the sports centre at whatever level. As residential development is no longer proposed there is concern about how this will be done. Mr Huggins pointed out that many people use the facilities and value them but he doubted that the improvements would materialise. Whilst funding is an important issue for the Council to resolve, I do not consider that it is an appropriate matter for the Local Plan.

RECOMMENDATION

I recommend that Plan be modified by adding the word "*existing*" before "*sporting*" in Policy CLT 8 and by adding the words "*and natural vistas*" after parkland setting.

I further recommend that the Council consider adopting the SCIP once it has been approved, as Supplementary Planning Guidance.

5.9 POLICY CLT 9: SITES FOR INDOOR SPORT

(Proposed Changes 5 and 78)

Representations

GOSE	CLT09-172/66-ID-O
Hornet Roller Hockey Club	CLT09-246/2-ID-O
Sport England	<u>CLT09-248/15-ID-O</u>

Issues

- a. Whether the provision of leisure facilities in the Healthy Living Centre accords with advice in PPG 6 regarding need and the sequential test.
- b. Whether the new leisure facilities would make adequate provision for roller hockey.

Inspector's Reasoning and Conclusions

5.9.1 In the Revised Deposit version of the Plan it is made clear that the first site identified for new indoor sports facilities is at Charlotte Place and that this site is covered by Policy MSA 3 not Policy MSA 14. This meets part of GOSE's objection. However, GOSE is also concerned about whether the proposal complies with advice in PPG 6 regarding need and the sequential test. In this case, the leisure facilities at Charlotte Place are intended to replace existing facilities at St Mary's Leisure Centre. However, they are intended to be part of a larger Healthy Living Complex which is being funded by the Southampton City Primary Healthcare Trust and aims to cater for the health and social well being of the local community. It will include health services, arts and cultural facilities as well as sports and leisure opportunities. The other site is within the boundary of Bitterne District centre. In the circumstances I do not consider that the provisions of PPG 6 would apply to this proposal.

5.9.2 Whilst Sport England support the provision of new indoor facilities they consider that the need for them should be assessed via a local sports or

cultural strategy. The Council has indicated that the OSA will also look at indoor recreation provision¹⁰ and this answers the point raised by the Objector.

- 5.9.3 The Hornet Roller Hockey Club currently use the St Mary's Leisure Centre and are concerned that their sporting needs will not be catered for in the new complex. The Council explained that the existing centre is in a poor state of repair and is likely to close. When this will be and what the building will then be used for was not known. I understand that existing sporting activities are intended to be transferred to the new building and it is to be hoped that a hall will be available to suit the needs of the club. However, although I appreciate the concerns of the Objectors this is an operational matter that should be discussed between the parties concerned. No plans have yet been finalised and it is too detailed an issue to be resolved through the Local Plan.
- 5.9.4 Proposed Change 5 deletes 11 Dean Road from Paragraph 5.39 of the Plan as it has permission for residential development. Proposed Change 78 deletes the CLT 9 (i) allocation from the Proposals Map as the site specific reference to St Mary's Street has been removed from both this policy and Policy MSA 3. This allows greater flexibility in terms of siting. Also the proposed change amends references of "complex" to "centre" in order to ensure internal consistency in the Plan. I support these changes accordingly.

RECOMMENDATION

That the Plan be modified in accordance with Proposed Changes 5 and 78.

5.10 POLICY CLT 10: PUBLIC WATERFRONT AND HARDS

Representations

Mr C Wood

[CLT10-1019/15-ID-O](#)

Issue

- a. Whether Alexandra Quay should be included in the list of public hards.

Inspector's Reasoning and Conclusions

- 5.10.1 Although Mr Wood supported the policy itself he commented that the list in Paragraph 5.41 should include Alexandra Quay, which was built in Victorian times. Although this is a waterfront area the Council has pointed out that it is not classified as a public hard. In the circumstances I agree with the Council that it should not be included in the list and that no changes should be made in response to this objection.

¹⁰ Inspector's Note – This was clarified by the Council in the Hearing Session into objections by the Hornet Roller Hockey Club on 29/1/04.

RECOMMENDATION

That no modifications be made to the Plan in response to this objection.

5.11 POLICY CLT 11: WATERSIDE DEVELOPMENT

(Proposed Change 72)

Representations

Royal Yachting Association	<u>CLT11-359/2-ID-O</u>
Marina Developments Ltd	CLT11-420/5-RD-O
Ms O'Dell	CLT11-828/5-ID-O
Mr T Caves	CLT11-1021/6-ID-O
English Heritage	PC72-628/41-PC-O

Issues

- a. Whether the importance of water based recreation is adequately recognised.
- b. Whether the policy provides the correct balance between development and other interests of acknowledged importance.
- c. Whether the Plan should refer to common land.

Inspector's Reasoning and Conclusions

5.11.1 I generally support Proposed Change 72, which rewords the policy in a clearer way so that proposals for water based recreation are subject to four criteria. These repeat the three provisions in the policy as set out in the Revised Deposit version and add a fourth that relates to loss of employment use. However, I question whether the latter restriction is necessary. There are several policies in the Plan that protect water-based industries from changing to other uses. Any proposal for a new water-based use would be likely to generate employment not lose it. Either way the criterion does not seem to me to serve a useful purpose. I recommend it be deleted.

5.11.2 The Royal Yachting Association are concerned that in a situation where there are a number of interests of acknowledged importance there is always likely to be some conflict. I do not agree that public safety should be compromised. I appreciate that much of the shore has nature conservation interest and that the degree of protection should be proportionate to the importance of the interest. However, this seems to me to be a matter that is covered by the relevant nature conservation policies which are structured to reflect the nature conservation importance of the site.

5.11.3 English Heritage have suggested additional criteria relating to the preservation of conservation areas and the character and setting of the

conservation area adjacent to the Old Town walls and Waterfront. I agree with the Council that such matters are adequately covered by Policies HE 1 and HE 2. Furthermore, I note that the Old Town Development Strategy has been adopted as Supplementary Planning Guidance. In the circumstances I do not consider that changes are necessary to accommodate this objection.

- 5.11.4 Marina Development Ltd are concerned that with the deletion of Policy CLT 12 relating to water based recreation, the Plan does not recognise the importance of land based support and servicing facilities found in marinas. It seems to me that Proposed Change 72 meets the Objectors' concerns. It specifically refers to marinas in proposed changes to Paragraph 5.43 of the supporting text.
- 5.11.5 Ms O'Dell objects to the poor quality of existing walkways and the effect of public access on wildlife. The policy does encourage the enhancement of existing public access as well as the creation of new opportunities. I acknowledge Ms O'Dell's point that as more people use the walkways the very qualities that are valued can become diminished. However, I believe that these problems can be addressed through appropriate management regimes. The Council in its response is incorrect that the policy denies public access if there would be an adverse effect on nature conservation interests. Such access would only be denied if the development itself were to have an unacceptable impact. However, I generally support the Council's objectives of improving access to the waterside, which is relatively restricted at present. I do not consider that the Plan should be changed to accommodate this objection.
- 5.11.6 Mr Caves¹¹ says that much of the land along the river estuaries is registered as village green and that this should be noted in Paragraph 5.38 of the Plan. He also points out that as registered common, public access cannot be impaired or obstructed and that Policies SDP 20 and NE5 may need to be modified. Regardless of the precise extent of the village green along the waterside, which is a matter of dispute between the Council and the Objector, I do not consider that the protection of common land is an appropriate matter for inclusion in the Plan. This is addressed under other legislation and proposals for associated development is not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004. I can see no reason to modify the policies referred to by the Objector and I do not consider that the Plan should be changed in response to the objection.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ **By amending Policy CLT 11 in accordance with Proposed Change 72, subject to the deletion of criterion two.**
- ◆ **By amending Paragraph 5.43 in accordance with Proposed Change 72.**

¹¹ Inspector's Note – Mr Caves proposed that a policy should be included relating specifically to Southampton Water and also that the village green land should be shown on the Proposals Map. The Council has not accepted these as duly made objections and I therefore make no comment on them.

5.12 POLICY CLT 12: WATERSIDE OPEN SPACE

Representations

Royal Yachting Association	CLT12-359/3-ID-O
Old Town Residents Association	CLT12-1034/56-ID-O

Inspector's Comments

- 5.12.1 Both of these Objectors had points to make on Policy CLT 12 in the Initial Deposit draft version. This policy has now been deleted and its provisions included in Policy CLT 11. The point made by the Royal Yachting Association that water-based recreation is not subject to development control has been taken up in Policy CLT 11, as proposed to be modified. Reference to shipping is no longer included although there is a requirement that there should be no unacceptable conflict with other river users. It seems to me that this is a reasonable requirement.
- 5.12.2 The Old Town Residents Association comment that some types of water based recreation is anti-social and should be limited. It seems to me that this concern would be met through application of the criteria in Policy CLT 11, as proposed to be modified. As there are no outstanding objections to the Policy now numbered CLT 12 in the Revised Deposit version, it is unnecessary for me to make a formal recommendation.

5.13 POLICY CLT 13: HOUSE BOATS

Representations

Hawthorne Kamm Planning Consultancy	CLT13-361/7-ID-O
Councillor Samuels	CLT13-1213/6-ID-O

Issue

- a. Whether the policy provides the correct balance between development and other interests of acknowledged importance.

Inspector's Reasoning and Conclusions

- 5.13.1 The use of the word "maintain" in criterion one of the policy requires that any proposal should not upset the status quo. However, as PPG 1 makes clear the correct test is for the decision-maker to take into account whether the proposal causes demonstrable harm to interests of acknowledged importance. Hawthorne Kamm Planning Consultancy consider that the word "respect" would be a better alternative. However, I consider that greater precision would ensue from using the word "harm" and I recommend that the

policy and its supporting text be changed accordingly. I do not consider that this would conflict with the sustainable development policies or nature conservation policies that may also be appropriate to a particular proposal.

5.13.2 English Nature have withdrawn their objection as reference to nature conservation interests has been placed in the supporting text in the Revised Deposit version. However, Paragraph 24 of PPG 12 makes clear that the reasoned justification should not contain material that will be used in decision making. Criterion one in the policy should therefore also refer to nature conservation interests.

5.13.3 Councillor Samuels considers that houseboats are often unsightly and can inhibit public access to the waterfront. He believes that they should be removed and more should not be permitted. As I have already said, development should only be refused if it causes material harm. The Plan must be read as a whole and houseboat proposals would also be subject to Policy CLT 11. They would fail on the first provision if public access were unduly inhibited. The first criterion of Policy CLT 13 deals specifically with design and siting of houseboats and its effect on the character of the riverside. The Local Plan can only deal with development proposals and cannot reasonably seek to resolve an existing problem.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ By deleting the first criterion of Policy CLT 13 and replacing it with the following new criterion:

“the design and siting of house boats does not unacceptably harm the character of the river frontage or adversely affect nature conservation interests”.

- ◆ By adding the following text to the end of the third sentence in Paragraph 5.46:

“from unacceptably harmful forms of development”.

5.14 POLICY CLT 14: NIGHT TIME ECONOMY – CITY CENTRE

(Proposed Change 49)

Representations

Mr S C Morris	CLT14-8/3-ID-O	R C Mitchell	<u>CLT14-219/2-ID-O</u>
Miss P Othen	CLT14-102/3-ID-O	Henstead Rd Res Assn	CLT14-279/2-ID-O
L K Small	<u>CLT14-134/3-ID-O</u>	Hawne Kamm Plg Consy	CLT14-361/9-ID-O
GOSE	CLT14-172/67-ID-O	Residents Action Group	CLT14-367/9-ID-O

Residents Action Group	CLT14-367/10-RD-O	Mrs H Parker	CLT14-938/3-RD-O
Hermes Prop At Mt Ltd	CLT14-413/17-RD-O	Mrs H Parker	CLT14-939/2-ID-O
Mr J Tate	CLT14-504/1-ID-O	Mrs N Malone	CLT14-1028/1-ID-O
Rank Hovis Ltd	CLT14-515/5-RD-O	C'llor Samuels	CLT14-1213/8-ID-O
Mr W G Wakefield	CLT14-530/1-ID-O	Captain and Mrs Elms	CLT14-1234/1-ID-O
J Beaulieu	CLT14-556/1-ID-O	Haw'ne Kamm Plg Consy	CLT14-1520/1-RD-O
Miss K R Longman	CLT14-815/2-ID-O	Ston & Fham Cber of Cce	<u>CLT14-1032/9-ID-O</u>
Avenue Clinic	CLT14-849/1-ID-O	Ston Fedn of Res Assocs	PC49-231/10-PC-O
Mrs J Raine	<u>CLT14-886/4-ID-O</u>	Henstead Rd Res Assoc	PC49-279/3-PC-O
Mr and Mrs Hawkins	CLT14-899/1-ID-O	Rank Hovis Ltd	PC49-515/7-PC-O
Mr M Parker	CLT14-938/2-ID-O		

Issues

- a. The effect of the strategy for the night time economy on other land uses.
- b. Whether further takeaways and nightclubs should not be permitted in the North of the Parks area.
- c. Whether concentrations of A3 uses should be permitted on MSA sites.

Inspector's Reasoning and Conclusions

5.14.1 The Council recognises that whilst the growth in the entertainment sector is important to the economy of the City it has caused significant problems for local residents in terms of disturbance, litter, crime and anti-social behaviour. PPG 6 encourages local planning authorities to develop a clear strategy in support of the evening economy but points out that leisure uses can often cause disturbance to local people.

5.14.2 The Council has commissioned a study and report by Consultants¹² on the night time economy of the city centre¹³. This recognises the difficulties of reconciling the interests of two conflicting groups: those who operate and use the facilities and those who suffer from their consequences. The Consultants have advanced a 3-5 year strategy to be carried out by the Council through an Action Plan. However, it is important to understand that the Local Plan's land use policies can only play a limited part in delivering the objectives of the strategy. The success of the strategy will depend on a number of other measures, including management initiatives, increase in late night transport facilities, crime reduction initiatives and the encouragement of a greater diversity and quality of the leisure offer.

5.14.3 The planning strategy relies on the identification of *night time zones*, where

¹² *Southampton Night Time Economy – Five Year Strategy and Plan: Final Report* (July 2001) (See Core Document CD25/2).

¹³ Inspector's Note: The "city centre" is as defined on the Proposals Map and not the primary shopping area for PPG 6 purposes.

proposals for evening and night time activity will be acceptable. These will be linked by *night corridors* as well as *quiet at night zones* where various measures will be introduced to encourage revellers away from residential areas, including parts of the Old Town and the Polygon. Within the night zones there will be *night time hubs* where a diverse evening leisure offer will be encouraged, including late night uses such as night clubs as well as pubs and restaurants. The hubs will be centred on the area around Below Bar and East Street with extensions to the Leisure World area and West Quay Phase 3. A secondary night time hub is proposed in the Cultural Quarter (MSA 5), albeit with a greater emphasis on local distinctiveness. I consider that these areas should be identified on the Proposals Map. In terms of locating major leisure attractions within central and easily accessible locations this strategy would accord with government guidance in PPG 6 and PPG 13.

- 5.14.4 I note that Hermes Property Asset Management Ltd is concerned that there should be some flexibility so that D2 uses may take place outside demarcated areas provided there is no adverse impact on surrounding land uses or residential amenity. Proposed Change 49 endorses such an approach. However, the intention of the demarcated areas is to make clear to all concerned where such uses will and will not be acceptable. Furthermore, it seeks to concentrate resources such as police and security measures in those areas that most need them. I am not therefore convinced that the approach advocated in the proposed change is particularly helpful. It seems to me that it would be better to ensure that the demarcated hubs are realistically drawn and properly identified in the first place.
- 5.14.5 I do not agree with those who consider that there should be a ban on further nighttime uses in the City altogether. Southampton is a sub-regional centre and aspires to be a leading European City. A thriving evening economy is an important element of its overall offer. As I have said, many of the objections relate to ongoing problems of management, public order and licensing. It is not possible to resolve difficulties and shortcomings relating to these aspects through land use planning policy. There are also complaints that restrictions on opening hours, for example, are ineffective because they are often disregarded. The Council has enforcement procedures available to address such matters and the Local Plan should not be used as a means of circumventing the proper channels of control.
- 5.14.6 In order to support the Consultants' overall strategy I consider that Policy CLT 14 should focus on the designated night zones and night hubs. There are already policies relating to A3 uses within the primary shopping frontages and secondary shopping frontages (Policies REI 4 and REI 5). Mixed use sites are specifically addressed under the MSA policies. As I have said before, the Plan should be read as a whole and other policies will be relevant to proposals for night time uses. Policy REI 8 for example includes a number of criteria that seek to protect any locality and its residents from the unacceptable effects of Class A3 proposals, including noise, litter and smell. In this case I have recommended that a cross reference to this policy would be justified.

North of the Parks Area

- 5.14.7 Many objections relate to the specific problems faced within the North of the Parks area. There is clearly a particular tension here between long term local

residents and the large transitory student population who live in multi-occupied property within the Polygon part of the city. Objectors complain of late night noise, anti-social behaviour, vandalism and litter within residential streets. They attribute these problems to the abundance of drinking establishments within Bedford Place and London Road as well as the late opening takeaways that attract revellers who have first visited the clubs in the centre of the city.

- 5.14.8 The Residents Action Group (RAG) in particular has submitted a large amount of information about the problems occurring in the area. I have visited the area during the evening to observe it for myself. I have a great deal of sympathy for long term residents but it seems to me that many of the problems that they experience are caused by the anti-social behaviour of others who also live in the area, albeit on a transitory basis. This occurs particularly when they are returning to their accommodation after an evening out either locally or further afield.
- 5.14.9 There are many Objectors who do not want to see any more nightclubs within the North of the Parks area and the policy would satisfy such objections. However, the strategy will only relate to new proposals requiring planning permission and any changes will only happen gradually. Furthermore, as I have said before many issues of concern to local people cannot be resolved through land use policies. Other measures and initiative will have to be introduced if the aspirations such as those set out in Paragraphs 5.53 and 5.54 of the Local Plan are going to be successful. Nevertheless, I consider that the planning policy initiatives are a step in the right direction and that along with other measures in the Action Plan there should be an improvement in the wellbeing of those living nearby.
- 5.14.10 The objection of local people to any further takeaways in the area seems to me to be difficult to justify. I appreciate that there are considerable problems with litter and that many such establishments are open late at night and so attract patrons in the early hours of the morning after they have left the clubs. However, planning legislation does not distinguish between different types of A3 use and advises that restrictions should only be applied in exceptional circumstances. I do not consider that a blanket policy restriction could be justified. Rather, individual cases should be considered on their merits and opening hours as well as litter, odours and so forth restricted through the use of planning conditions where appropriate. It appears that the Council has been adopting such an approach recently in respect of limiting late night opening of bars and restaurants and there is no reason why such restrictions should not be enforced.
- 5.14.11 Mr Morris and RAG have suggested that the demarcated area should be extended to include 54 Henstead Road. They fear that this large building, which is opposite an elderly persons residence, could change its use to a pub or restaurant and that this should be avoided. However, such a change would seem to me to be more likely to result in the very action that the residents are seeking to avoid. By being outside the demarcated area it is unlikely that a Class A3 use would be considered to be acceptable.

Leisure World, West Quay Road

- 5.14.12 Rank Hovis Ltd are concerned that the designation of this site would cause

possible prejudice to the operation of the Solent Flour Mill. The Council has made comment that this area contains the City's two largest night clubs and is an important part of its sub-regional leisure offer. It seems to me that the demarcation recognises an existing situation and that the strategy to link this area to the primary night time hub in Lower Bargate through the new West Quay Phase 3 should be supported.

5.14.13 The Objectors would like to add that within demarcated areas night clubs and A3 uses should only be permitted provided they do not have an adverse impact on surrounding uses by reason of noise, disturbance or traffic impact. However, I have no evidence that such impacts are likely to arise or harm the Objector's business enterprise. In fact, taking account of the location of the demarcated area and its access in relation to the Solent Flour Mill, I believe this to be very unlikely. The Objectors are concerned about Proposed Change 49, but I have recommended that this should not go ahead for the reasons given earlier. In the circumstances, I do not consider that the Plan should be changed in response to these objections.

MSA Sites

5.14.14 RAG objects to concentrations of A3 uses on any MSA site as being detrimental to the amenity of local residents. Adverse impacts would depend on the location of the MSA site and where within it the A3 uses were proposed. Most MSA sites will be subject to a Development Brief and the appropriate mix of uses is best considered at that stage. In any event Policy REI 8 is designed to ensure that the living conditions of those living nearby are not unacceptably harmed.

5.14.15 GOSE points out that PPG 13 encourages mixed-use developments that involve large amounts of people, including leisure uses, to be near to public transport. I have dealt with this issue under Policy CLT 1 and also under individual MSA sites where leisure uses are included. The changes that I have recommended to Policy CLT 14 would address the objection and the concentration of late night activities, including night clubs, within the night time hubs would accord with sustainable travel principles.

Bugle Street – Ocean Village

5.14.16 Mr Morris considers that there should be no more D2 uses in this area so that the amenities of existing residents would be protected. Ocean Village is not demarcated specifically as a night time zone and I note that Bugle Street like the Polygon is recognised as being particularly sensitive to night time noise and will be a quiet at night zone. As mentioned in Paragraph 5.50 of the Plan, the Council will seek to introduce measures to discourage late night pedestrian movement through such residential areas. I support Proposed Change 50, which refers to the control of pedestrian flows within these areas in Paragraph 5.53 of the Local Plan.

RECOMMENDATIONS

I recommend that the Plan be modified as follows:

- ◆ **By demarcating the night time hubs and night time zones on the Proposals Map.**
- ◆ **By deleting Policy CLT 14 and replacing it with the following new policy:**

“City centre night time zones and hubs:

Within the night time zones identified on the Proposals Map, proposals for night clubs and other D2 uses will not be permitted. Proposals for A3 uses will be permitted, subject to compliance with Policy REI 8.

Within the night time hubs identified on the Proposals Map, proposals for A3 uses, night clubs and other D2 uses will be permitted”.

I recommend that no modification be made to the Plan in respect of Proposed Change 49.

5.15 POLICY CLT 15: NIGHT-TIME ECONOMY – OUTSIDE THE CITY CENTRE

(Proposed Changes 50 and 51)

Representations

Residents Action Group	CLT15-367/11-RD-O
Residents Action Group	CLT15-367/12-RD-O
Banister, Freemantle, Polygon CAF And Fitzhugh RA	CLT15-1531/2-RD-O

Issues

- a. Whether night time uses should be permitted in town, district and local centres.
- b. Whether there should be a restriction on the number of A3 uses.

Inspector's Reasoning and Conclusions

5.15.1 It seems to me appropriate that night time uses, including clubs, should be allowed in the town and district centres. This should encourage people to use local facilities and may help to take some pressure off the city centre. However, I would envisage a smaller scale of development that is appropriate in scale to the size of the centre and reflects its more limited catchment area. The policy has a requirement that the vitality and viability of the centre should not be adversely affected.

5.15.2 RAG consider that A3 uses should be controlled in terms of their number in any particular parade in a district or local centre and cite the problems experienced in areas such as Bedford Place. However, such uses would be smaller in scale and be directed towards serving a local market. I am not convinced that it is either necessary or desirable to impose restrictions on the mix of uses. In addition I am proposing that the policy should be cross referenced to Policy REI 8. The North of the Parks area has specific problems as I have identified in the preceding section. This is an existing situation that has much to do with the close proximity to the central part of the city and

the large transient population who live in the surrounding residential area.

5.15.3 Proposed Change 50 substitutes the word “control” with “impede” in Paragraph 5.53. This implies more positive action and satisfies the objection of Banister, Freemantle, Polygon CAF and Fitzhugh Residents Association. I support this change. Proposed Change 51 removes reference to “Bedford Place” in the policy as this was an error. I have suggested redrafting the policy to make it more succinct and easier to understand. I have deleted the reference to Bedford Place so there is no need to carry forward Proposed Change 51. For the reasons given in relation to the preceding policy, reference to MSA sites seems to me unnecessary. I have also added reference to the “town” centre of Shirley.

RECOMMENDATIONS

I recommend that the Plan be modified in accordance with Proposed Change 50 and as follows:

- ♦ **By deleting Policy CLT 15 and replacing it with the following new policy:**

“Night time uses in town, district and local centres:

Within the town and district centres proposals for night clubs and other D2 uses will be permitted provided that they would not damage the vitality and viability of the centre or cause late night noise and disturbance to nearby residential areas.

Proposals for A3 uses will be permitted in town, district and local centres, apart from along the frontage of Bevois Valley Road and Onslow Road, north of the junction with Lyon Street, subject to compliance with Policy REI 8”.

I recommend that the no modifications be made to the Plan in respect of Proposed Change 51.