

**Southampton City Planning & Sustainability**  
**Planning and Rights of Way Panel meeting 21 August 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> Unit 4 Viceroy House Mountbatten Business Centre Millbrook Road East SO15 1HY			
<b>Proposed development:</b> Change Of Use From Office (Class B1(A)) To Mixed Use For Financial And Professional Services/Offices/Medical Or Health Services (Classes A2/B1(A)/D1)			
<b>Application number</b>	12/00519/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Mathew Pidgeon	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	03.08.2012	<b>Ward</b>	Freemantle
<b>Reason for Panel Referral:</b>	Departure from Local Plan	<b>Ward Councillors</b>	Councillor Moulton Councillor Parnell Councillor Shields

<b>Applicant:</b> Tristmire	<b>Agent:</b> Plc Architects
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<b>Recommendation Summary</b>	<b>Conditionally approve</b>
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**Reason for granting permission**

Notwithstanding the application constitutes a departure from the Development Plan 'saved' Policy REI 11 (vii) of the City of Southampton Local Plan March 2006 and CS7 of the Core Strategy January 2010 which allocates the site for B1(b) and (c) uses, the proposal is compliant with the wider objectives of the Development Plan, including the Healthy City, set out below. Currently, it is accepted that there is low demand for B1 use within this centre at this present time and the flexible nature of this proposal is considered appropriate to this location as it will increase the potential of occupancy of the site; as such full consent can be granted. In addition, other material considerations including amenity, parking, health and economic benefits, the previous vacancy of the unit and the importance of encouraging employment within the city, outweigh compliance with this policy 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.

City of Southampton Core Strategy (January 2010) – CS1, CS3, CS6, CS7, CS8, CS10, CS18 and CS19.

City of Southampton Local Plan Review (March 2006) - SDP1, SDP4, SDP5, SDP10, SDP16 and REI11

<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 located in a purpose built industrial estate comprising two and three storey buildings with surface car parking.
- 1.2 The industrial estate is set back from the main road and as such is not visible within the street scene. A vehicular access road serves all the units from Millbrook Road East.
- 1.3 The surrounding area is mixed in character, comprising of both residential and commercial uses.
- 1.4 The site is located within a high accessibility area and is well served by public transport links including bus and rail.

## **2. Proposal**

- 2.1 The application seeks planning permission for a change of use Office (Class B1(A)) To Mixed Use For Financial And Professional Services/Offices/Medical Or Health Services (Classes A2/B1(A)/D1).
- 2.2 There is at present no proposed end user for the site and therefore the proposal is speculative to increase the opportunities for re-use.
- 2.3 In total and across the two floors there is 137.5m<sup>2</sup> available.
- 2.4 Four parking spaces are available with the unit. There is no allocation for cycle storage.

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Mountbatten Industrial Estate is allocated under policy REI 11 of the local plan review for the purposes of Light Industry (B1 b and c). The proposal must therefore be assessed as a departure from the Local Plan Review (March 2006). However, the scale of the proposal falls within the scope of local importance rather than regional or national. The opportunity to widen the scope of end users which still provide a service to the public and create employment (which does not adversely impact on the long term use of the site) overrides the current, narrow allocation. The application does not need to be brought to the attention of the Government’s National Planning Casework Unit for their consideration. The Panel retains the ability to make the decision without a need for referral.

## **4.0 Relevant Planning History**

- 4.1 The most relevant Planning cases are set out at **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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (enter date) and erecting a site notice (enter date). At the time of writing the report 0 representations have been received from surrounding residents.

5.2 **SCC Highways** – no objection.

5.3 **SCC Planning Policy** – no objection. Whilst the proposals are technically contrary to Policy REI11, there is written confirmation that the unit has been marketed for a reasonable period of time and therefore we have no objection to the change of use in this instance.

5.4 **SCC Economic Development** - Support is given to a flexible approach on this site which has been vacant

## **6.0 Planning Consideration Key Issues**

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

- The appropriateness of the change of use in light of the sites REI 11 policy designation.
- Operating hours and noise generation.
- Access, parking and cycle storage.

### **6.2 Change of Use**

6.2.1 Policies contained within the Local Plan Review and the adopted Core Strategy seek to retain employment use within the city and safeguard employment sites for long term employment opportunities. In light of the current economic climate it is considered necessary to offer a degree of flexibility in the assessment of change of use applications in order to achieve this objective.

6.2.2 The Panel are reminded of the government statement in the Chief Planning Officer's letter dated 31 March 2011 (Annex 2, p3 refers) which advises that whilst having regard to all relevant considerations, the LPA should give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably and that they can give clear reasons for their decisions.

6.2.3 The Council's Economic Development Manager has confirmed that there are a number of units (on the estate) that are vacant and are struggling to find occupiers.

6.2.4 The applicants have provided supporting information to show that the premises have been vacant since 2nd August 2010. The unit has been marketed for appropriate employment uses whilst it has been vacant.

6.2.5 In light of the current economic climate, the relatively small amount of floor space and the benefit of employment opportunities, the Local Planning Authority recognise the need to offer a degree of flexibility and thus the principle of the

change of use is supported.

6.2.6 The council has previously allowed D1 and D2 use on this estate (see **Appendix 2**) under similar justification (supporting marketing information) therefore a consistent approach would be to support the scheme subject to the remaining issues being considered acceptable.

6.2.7 In order to ensure that the use of the unit can easily be reverted back to B1 (in the interest of future demand) a condition can be added to prevent the need for planning permission for the change (over a 10 year period) in association with Schedule 2 Part 3 Class E of the 'General Permitted Development Order' 1995.

### 6.3 Operating hours and noise generation

6.3.1 Places of worship and church Halls fall within use class D1. As those uses have the potential to generate noise, and increased traffic generation, the applicant has no current intention to let the unit for such purposes. In the interest of the surrounding area a condition is recommended to prevent the unit being used for religious purposes.

6.3.2 The proposed uses (with the prevention of the site being used as a place of worship/church Hall) are unlikely to increase the potential for noise and disturbance over and above the potential noise which would be caused by the allocated use.

### 6.4 Access, parking and cycle storage.

6.4.1 Parking standards show that one cycle parking space is required (minimum of 1 space per 10 employees).

6.4.2 Being within a high accessibility area the maximum number of parking spaces allowed would be two however with four existing and available for use the reality is that all four will be used at certain times. It is not considered that refusing the application or reducing the parking available is necessary in this instance due to the layout and provision of the parking across the estate.

## 7.0 Summary

7.1 Allowing the use would enable what would otherwise be a vacant building to be occupied and provide employment. The proposed use would not prejudice the long term objectives of maintaining a stock of employment units across the City to meet future increases in demand.

## 8.0 Conclusion

8.1 The proposed potential use changes are considered to be appropriate for the unit which is at present vacant.

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

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

1 (a), 1(b), 2(b), 2(d), 6(c), 7 (a) and 7 (f)

**MP3 for 21/08/2012 PROW Panel**

## **PLANNING CONDITIONS**

### **1. APPROVAL CONDITION Cycle Storage Facilities [Performance Condition]**

Provision within the site shall be made for the storage of at least one cycle. Such facilities shall be permanently retained for that purpose.

Reason:

To encourage cycling as an alternative form of transport.

### **2. APPROVAL CONDITION - Change of Use - Scope and Limitation within same Class**

The ability to interchange between the range of uses hereby permitted for the development (A2/B1(A) and D1 of the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) with the exception of a place of worship/church hall, shall, in accordance with Class E, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. Upon the expiry of ten years the unit shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In recognition of the surrounding land uses and policy designation; and to ensure that the site has the potential to contribute towards the regeneration of the city's economy.

### **3. APPROVAL CONDITION - Hours of Use - [Performance Condition]**

The use hereby permitted shall not operate (meaning that customers shall not be present on the premises) outside the following hours:

Monday to Friday	9.00 hours to 20.30 hours	(9am to 8.30pm)
Saturday	9.00 hours to 18.30 hours	(9am to 6.30pm)
Sunday and recognised public holidays	Closed	

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

Reason:

To protect the amenities of the occupiers of existing nearby business units and residential properties.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
CS10	A Healthy City
CS18	Transport: Reduce – Manage and invest
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
REI11	Light Industry

**Relevant Planning History**

16 – 18 Millbrook Road

88/11027/FUL. Redevelopment of the site by the erection of 5 x 2 and 3 storey class B1 unit blocks together with associated car parking. Approved (11.11.1988).

Unit 23, Mountbatten Business Centre.

10/00994/FUL. Change of use of first floor unit from office (Class B1(A)) to education centre (Class D1). Approved (29.12.2010).

**APPROVAL CONDITION - Change of Use - Scope and Limitation within same Class**

The use of the unit hereby approved shall be limited to those specific uses within the Town and Country Planning (Use Classes) Order 1987 (or any Order revoking, amending, or re-enacting that Order) Use Class D1 for, or in connection with, a education centre as provided for and shall not be used for any other use within that Use Class.

**Reason:**

In recognition of the surrounding land uses and policy designation and to ensure that skills training make a contribution to the regeneration of the city's economy.

**APPROVAL CONDITION - Hours of Use - [Performance Condition]**

The use hereby permitted shall not operate (meaning that customers shall not be present on the premises] outside the following hours:

Monday to Friday	9.00 hours to 20.30 hours	(9am to 8.30pm)
Saturday	9.00hours to 18.30 hours	(9am to 6.30pm)
Sunday and recognised public holidays	Closed	

Unless otherwise agreed in writing by the Local Planning Authority. A notice to this effect shall be displayed at all times on the premises so as to be visible from the outside.

**Reason:**

To protect the amenities of the occupiers of existing nearby business units and residential properties.

**Approval Condition - Sign (Time bound performance condition)**

Details of a non-illuminated, but reflective road sign, to alert drivers and users of the access into the Mountbatten Business Centre of the presence of children on site, shall be submitted to the local planning authority within 28 days of the date of this decision. The sign shall be a minimum size of 60cm by 30 cm and be placed a minimum of 1m above the prevailing ground level at the entrance of the Business Centre at its junction with Millbrook Road East. Once agreed in writing by the local planning authority, the sign must be in place within 14 days of it being agreed in writing. Once in place, that sign shall continue to be displayed and maintained in a legible form for as long as the use hereby approved is operating.

Reason:

In the interests of highway safety.

Approval Condition - Age limit (Performance Condition)

The use hereby permitted shall be provided for children and young adults up to the age of 18 years only.

Reason:

To limit the potential number of car journeys to the premises in the interests of pedestrian and highway safety.

NB the age limit condition was appealed and subsequently allowed. The condition was applied as there was concern that the safety of children visiting the site would be compromised by allowing over 18's to also visit the site. The condition was considered both unreasonable and unnecessary.

Units 20-21 Admiral House

11/01148/FUL. Change of use from Office (class B1) to gym (class D2) (Departure from Local Plan)

APPROVAL CONDITION, Keep doors closed - [Performance Condition].

All personal training associated with this permission shall be carried out within the confines of units 20 and 21 Mountbatten Business Centre and whilst personal training associated with this permission is being undertaken all doors and windows to units 20 and 21 must remain closed.

REASON:

To limit the noise breakout from Units 20 and 21.

APPROVAL CONDITION - Restricted number of customers. [Performance Condition]

No more than two customers shall be training in the Gym at anyone time.

Reason

To allow the local planning authority to control the specific nature of the use and range of the likely associated activities.

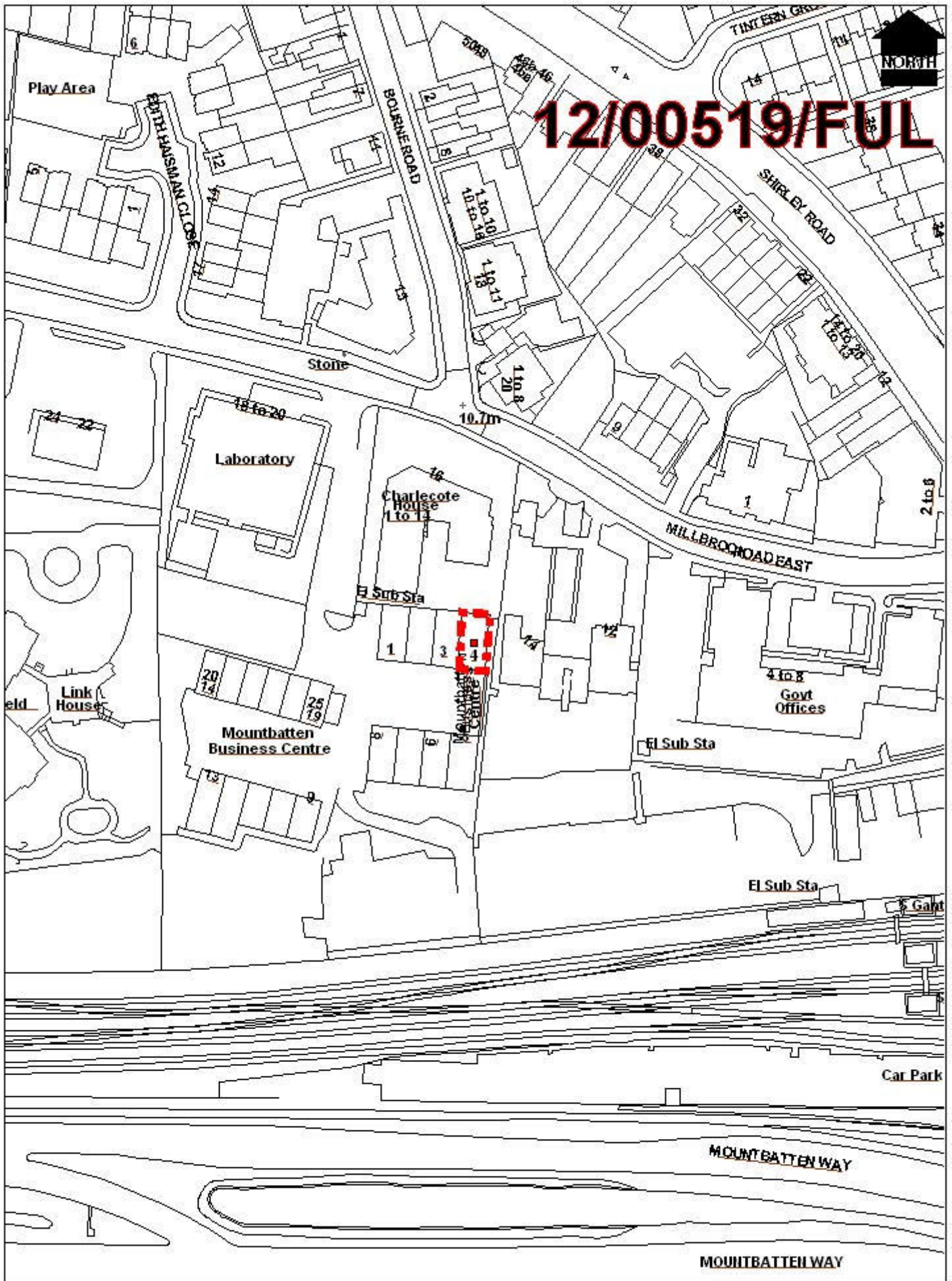
APPROVAL CONDITION - Hours of Operation. [Performance Condition]

The premises to which this permission relates shall only be open for business between the hours of 06.30 to 20.00 Monday to Friday, 07.00 to 18.00 on Saturdays and 08.00 to 12.00 Sunday and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON

To protect the amenities of those members of the public who choose not to use the facility and to protect the residential character and amenity of the area.





Scale : 1:1250

Date : 09 August 2012

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