

**Planning, Transport & Sustainability Division
Planning and Rights of Way Panel
Planning Application Report of the Planning and Development Manager**

Application address: 8-9 College Place SO15 2FF			
Proposed development: Change of use of existing ground floor office premises to a flexible permission for either Retail (A1) or Professional Service (A2) or Restaurant (A3) use and installation of new shopfront.			
Application number	13/00968/FUL	Application type	FUL
Case officer	Joanne Hall	Public speaking time	5
Last date for determination:	OVER	Ward	Bevois
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Derek Burke Cllr Jacqui Rayment Cllr Stephen Barnes-Andrews

Applicant: Picton Uk Reit	Agent: Turley Associates
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Recommendation Summary	Conditionally approve
Community Infrastructure Levy Liable	No

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. It is considered that the loss of office space would not significantly reduce the employment opportunities in the city and it is unlikely that an A1, A2 or A3 use would result in an unsatisfactory change to the area. Other material considerations including the effect on highways, the impacts on the character of the area and the impact upon neighboring properties have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP7, SDP9, REI7 and REI8 of the City of Southampton Local Plan Review (March 2006); and CS1, CS3 and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The application site comprises the ground floor of a 3 storey building used as B1a offices. The ground floor was previously occupied by a Solicitor's firm but has been vacant since the end of 2009. To the rear of the property there is a car park that is shared with other units in the area.
- 1.2 The site is situated at the north end of the City Centre opposite the law courts on London Road, an area safeguarded for office retention. The application site sits within an area with a large amount of non-residential units but its situated within close proximity to residential streets with the Inner Avenue to the north, the area of St Mary's to the east and the Polygon to the west.
- 1.3 This area, "North of the Parks", is safeguarded for office use under REI15 which states that redevelopment in this area will only be permitted if there is no net loss of office floorspace. The ground floor of the property has been vacant since the end of 2009 and having been marketed since January 2010, has received little interest from prospective occupiers.

2.0 Proposal

- 2.1 This application seeks planning permission for the change of use of the property from B1a (Offices) to a flexible A1 (Retail), A2 (Professional Services) and A3 (Restaurant) use. The purpose of the proposal is to diversify the way in which the property can be used in order to attract prospective tenants.
- 2.2 The application also proposes changes to the exterior of the building. This consists of the installation of a new shopfront which incorporates a set of sliding double doors and new single pane display window in the front elevation. No works to change the size or form of the building are proposed.
- 2.3 As a result of this proposal, there would be a loss of approximately 159 square metres of office floor space.

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 The National Planning Policy Framework (NPPF) came into force on 27th March 2012 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 There is no recent or relevant planning history.

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, 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 Planning Policy** - The site lies within the area designated in the adopted local plan by policy REI15. Loss of offices is contrary to this policy.

However the City Centre Action Plan is at an advanced stage in preparation. The proposed submission version was approved by Cabinet in March 2013. This takes a more flexible approach to safeguarding office areas and is more consistent with the latest national guidance / economic circumstances. This does not safeguard this site for office use.

The proposal will bring vacant space back in to productive economic use and has policy support.

5.3 **SCC Highways** - no objections regarding the change of use to an A2 or A3 use. However, servicing details will be required for the A1 use.

5.3.1 **Response** - The submission of a servicing management plans can be secured by pre-commencement condition to satisfy the concerns of Highways Development Management.

5.4 **SCC Environmental Health**

No objection, but ask for conditions:

S015 (Extract ventilation- control of noise);

Hours of opening to be the same as other similar businesses in the locality;

R015 (Refuse – on site storage).

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. Design and impact on the character of the area;
- iii. The impact on residential amenity and;
- iv. Access and Highway safety.

6.2 **Principle of Development**

6.2.1 The saved Local Plan policies do, in general, support the use of A1-A5 uses on the ground floor of building which a wide range of uses suitable to the upper floors including offices. Policy REI 15 relates to the retention of office space within predetermined areas of the city including the area “North of the Parks” in which this site is located. The policy states that redevelopment within this area will only be permitted if there is no net loss of office floor space. The applicant has demonstrated in their application that the ground floor office unit has been vacant since late 2009. It is stated by the applicant that although the property has been marketed, there has been a lack of interest in the unit due to its small square footage.

6.2.2 There are other properties within the street which are currently occupied by A class users including a retail bank (A2), directly adjacent to the application site. It is judged that a flexible A1/A2/A3 use would provide more employment and service to the public than a vacant unit.

6.3 Design and impact on the character of the area

6.3.1 Shopfronts are dealt with in Policy REI 8 which states that new shopfronts should respect the proportions of the building, surrounding shops and streetscene and respect the traditional features of the local area. The proposed new shopfront will differ in design to the existing windows of the building which incorporate smaller panes with glazing bars and therefore would change the character of the building. However, the shopfront would be in-keeping with the area as there are other shopfronts in adjacent sites in College Place. The shopfront would use materials to match, as closely as possible, the existing construction of the building. It is judged that this would help improve the street frontage of College Place by bring a vacant unit into occupation.

6.3.2 The immediate area is characterised by a mix of uses including the Law Courts, a variety of units providing office accommodation and financial/professional services and some residential dwellings. The wider area consists of mainly residential streets in the areas of St Mary's, the Inner Avenue and the Polygon. It is judged that a flexible A1/A2/A3 use would not harm the character of the area due to the area's diversity of uses.

6.4 The impact on residential amenity

6.4.1 With regards to the proposed A3 use, policy REI 7 applies. It states that appropriate conditions should be applied to prevent the generation of undue noise or other forms of nuisance. In this case, this would relate to the opening times of the premises which would be restricted in order to protect the amenity of local residents from any adverse effects.

6.4.2 The policy also requires that any adverse impact from cooking smells associated with a potential A3 use. A condition would be necessary in this case, for the installation of extraction equipment which in itself is not visually intrusive or neighbourly. This site is not directly adjacent or opposite residential areas but does have a residential street close to the rear of the site.

6.5 Access and highway safety

6.5.1 Issues in relation to the servicing of an A1 unit have been raised. It has been recommended by the Highways Development Management team that a servicing management plan is submitted and agreed upon in writing. A pre-commencement condition could be used to implement this. (Please see 5.3 - Highways Development Management consultation response)

7.0 Summary

7.1 To summarise, the application site has been vacant since late 2009 despite having been actively marketed. The proposed change of use and external alterations would help to attract prospective tenants, improve the street frontage of College Place and provide a service to residents and workers in the area.

8.0 Conclusion

8.1 This application is recommended for approval subject to conditions.

Local Government (Access to Information) Act 1985 **Documents used in the preparation of this report Background Papers**

1 (a) (b) (c) (d), 2 (b) (c) (d), 3 (a), 4 (d), 6 (c), 7 (a).

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PLANNING CONDITIONS

01. 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.

02. APPROVAL CONDITION - Full Permission Timing Condition - Change of use

The use hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990(as amended).

03. APPROVAL CONDITION - Materials to match [Performance Condition]

The materials and finishes to be used for the external walls, windows (including recesses), drainage goods and roof in the construction of the building hereby permitted shall match in all respects the type, size, colour, texture, form, composition, manufacture and finish of those on the existing building.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality and satisfactory visual relationship of the new development to the existing.

04. APPROVAL CONDITION - Extract Ventilation - control of noise, fumes and odour [A3 Pre-Occupation Condition]

The property shall at no time be occupied by an A3 use until a written scheme for the control of noise, fumes and odours from extractor fans and other equipment have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and operated in full working order whilst any cooking operations are undertaken in accordance with the approved details and findings.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

05. APPROVAL CONDITION - Hours of Use - restaurants and cafes/retail/financial and professional services [Performance Condition]

Any restaurants or cafe establishments (A3 uses) that occupy any unit hereby permitted shall not operate (meaning that customers shall not be present on the premises, no preparation, sale or delivery of food or drink for consumption on or off the premises) outside the following hours:

Monday to Saturday 08.00 hours to 00.00 hours (8.00am to 12.00am
midnight)
Sunday and recognised bank holidays 08.00 hours to 22.00 hours (8.00am to 10.00pm)

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.

Any retail (A1) uses that occupy any unit hereby permitted shall not operate (meaning that customers shall not be present on the premises) outside the following hours:

Monday to Sunday 07.00 hours to 23.00 hours (7.00am to 11.00pm)
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.

Any financial and professional service (A2) uses that occupy any unit hereby permitted shall not operate (meaning that customers shall not be present on the premises) outside the following hours:

Monday to Saturday 08.00 hours to 18.00 hours (8.00am to 6.00pm)
and at no time on Sunday and recognised public holidays 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 residential properties

06. APPROVAL CONDITION - Storage / Removal of Refuse Material [Pre-Occupation Condition]

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

07. APPROVAL CONDITION - Service Management Plan (Pre-Occupation Condition)

The property shall not be occupied until a Service Management Plan has been submitted and agreed upon in writing by the Local Planning Authority. The service management plan shall include hours of servicing and details of access to the site.

Reason: In the interest of highways safety and residential amenity.

00. Reason for granting Planning 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 and SDP9 of the City of Southampton Local Plan Review (March 2006) and CS13 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
CS13	Fundamentals of Design

City of Southampton Local Plan Review – (March 2006)

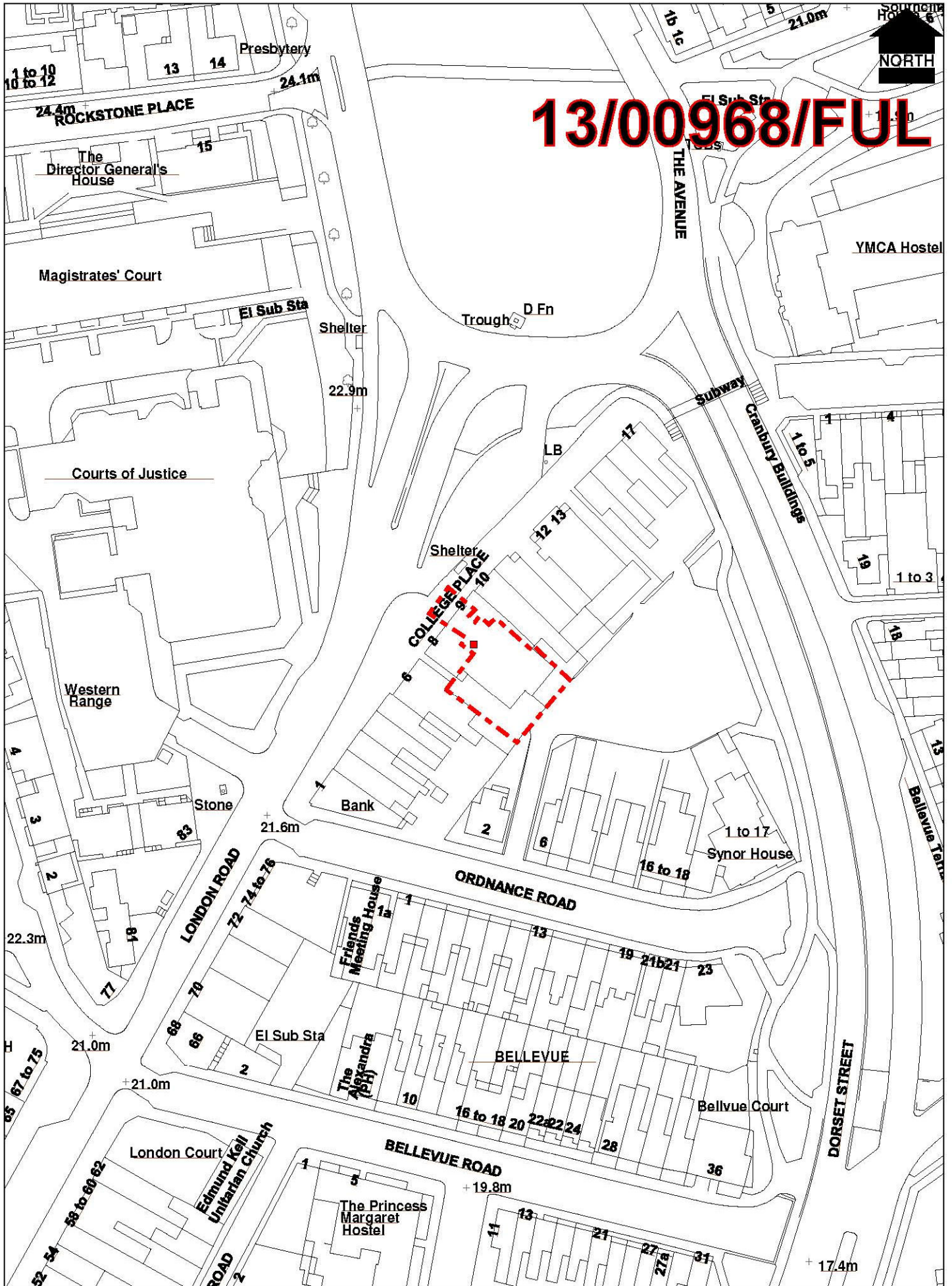
SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
REI7	Food and Drink Uses (Classes A3, A4 and A5)
REI8	Shopfronts
REI15	Office Development Areas

Supplementary Planning Guidance

Southampton City Centre Development Design Guide (2004)

Other Relevant Guidance

The National Planning Policy Framework 2012



13/00968/FUL

Scale : 1:1250

Date Q4 September 2013

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