

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting 21.12.2010  
 Planning Application Report of the Planning and Development Manager

<b>Application address:</b>			
Unit 23, Mountbatten Business Centre, Millbrook Road East SO15 1HY			
<b>Proposed development:</b>			
Change of use of first floor unit from office (Class B1(A)) to education centre (Class D1)			
Application number	10/00994/FUL	Application type	FUL
Case officer	Bryony Giles	Public speaking time	5 minutes
Last date for determination:	23.09.2010	Ward	Freemantle
Reason for Panel Referral	Departure from Local Plan	Ward Councillors	Cllr Ball Cllr Moulton Cllr Parnell

<b>Applicant:</b> Kip McGrath Education Centre (Southampton)	<b>Agent:</b> N/A
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<b>Recommendation Summary</b>	<b>Conditionally approve (Temporary consent until 31 December 2013)</b>
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**Reason for granting Planning Permission**

The application constitutes a departure from the Development Plan (Policy REI 11 (vii) of the City of Southampton Local Plan March 2006). However, other material considerations, namely the skills training offered which serves economic potential of future labour supply, the temporary nature of the permission, the previous period of vacancy of the unit and the importance of retaining employment within the city, outweigh compliance with this policy. The aims of the policy will not be materially prejudiced in the longer term. Conditions have been imposed to satisfy these matters. The scheme is judged to be in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and planning permission should therefore be granted.

<b>Appendix attached</b>			
1	Development Plan Policies		

**Recommendation in Full**

Conditionally approve (Temporary consent until 31 December 2013)

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

1.1 The application site is located in a purpose built industrial estate comprising two 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 long access road leads to the centre 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 within a high accessibility area and is well served by public transport links.

## **2. Proposal**

2.1 The application seeks retrospective planning permission for a change of use from office (B1(a)) to education centre (class D1).

2.2 The education centre aims to provide professional tuition in Maths and English for children aged 6 – 16. There is also opportunity for additional tuition for specific exams such as GCSE's.

2.3 The centre operates after school hours during the week and on Saturdays as well as during some school holidays. The applicant has requested opening times of 3pm to 8.15pm Monday to Friday and 9am to 6.30pm on Saturdays.

2.4 There are to be three members of staff employed at the centre. 48 children currently attend.

2.5 Two car parking spaces are specifically allocated for use by 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 Mountbattern 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, due to the potential to improve skills of any future labour force and the temporary nature of the use being considered (which does not adversely impact on the long term use of the site), it does not need to be brought to the attention of the Government Office for the South East for their consideration. The Panel retain the ability to make the decision without a need for referral.

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

4.1 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).

#### **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 11.11.2010 and erecting a site notice 11.11.2010. At the time of writing the report 0 representations have been received.

**SCC Planning Policy** – No objection subject to the granting of a temporary consent.

#### **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
- 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 applicant has informed the council that the application site has been vacant for some time and it has not been possible to let it for its intended purpose. This has been confirmed by the council's economic manager and demonstrates the relatively low demand for B1(b) and B1(c) type uses within the city centre at this time.

6.2.3 It is considered inherently better that this vacant unit is in use for the short term rather than left vacant for an indefinite period of time.

6.2.4 Following discussions with Planning Policy it was agreed that the granting of a temporary consent would give the opportunity for the education centre to operate from the premises whilst safeguarding the long term B1(b) and B1(c) use of the site. This will allow the local planning authority to reassess the suitability of a permanent change of use when it is better understood how the current economic climate has affected the business market.

#### **6.3 Operating hours**

6.3.1 It is considered that the proposed hours of use will not have an adverse impact on existing businesses within the Mountbattern Industrial Estate or the nearby residential dwellings on Millbrook Road East.

6.3.2 It would be considered acceptable for the use to take place throughout the day and as such it is recommended that the premises are allowed to open from 9am Monday to Saturday to give greater flexibility to that use. Closing times of 8.15pm Monday to Friday and 6.30pm on Saturday are considered reasonable.

#### 6.4 Access, parking and cycle storage

6.4.1 The car parking spaces allocated to the unit provide appropriate car parking provision for staff and for parents dropping off and picking children up from the unit. In addition, the site is located within a high accessibility area and as such public transport is readily available.

6.4.2 There is no opportunity on site for cycle storage.

6.4.3 The applicant has taken steps to encourage sustainable travel initiatives by users of the centre. It is estimated that 45% of parents' car share with others, which significantly reduces the overall number of journeys to and from the site. The remaining 55% use their own cars, walk or use public transport.

6.4.4 Waste facilities and collection arrangements will remain as the existing.

### **7.0 Summary**

7.1 Allowing a three year temporary consent will not prejudice the council's long term intention to safeguard this area for purposes of light industry and research and development uses within the city. Nor will it restrict the opportunity for office based businesses to start up or relocate to Southampton. The decision notice will specifically refer to the use being that of an education centre so as to retain control over the specific use of the unit for the three year temporary period being considered.

7.2 Once the temporary permission has elapsed the use class of the unit will automatically revert back to its office designation, as originally approved in 1988. Any future applications for a change of use will need to be considered in relation to the site's policy designation. The application will not therefore represent a precedent for a permanent change in use class within this industrial estate.

7.3 The building has been vacant for some time. A change of use to deliver an education facility within the city rather than have a unit left vacant indefinitely is seen as beneficial to the wider community and future labour supply.

### **8.0 Conclusion**

8.1 The proposed change of use is considered to be an appropriate use of this current vacant unit. The granting of a temporary consent of three years will not adversely impact the council's long term intention to safeguard this site for light industrial activity.

#### **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)

**BG for 21.12.2010 PROW Panel**

## **PLANNING CONDITIONS**

### **1. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition - Change of use**

The use hereby permitted shall be discontinued after the period specified in this permission and the building restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority on or before the period ending on 31 December 2013, a period of three years.

**Reason:**

To enable the Local Planning Authority to review the special circumstances under which planning permission is granted for this type of development, given that it is not considered an appropriate permanent use for the premises due to current land designation.

### **2. 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 makes a contribution to 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 20.15 hours	(9am to 8.15 pm)
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.

#### **Note to Applicant.**

You are advised that the council has granted a temporary consent based on current circumstances. Any subsequent applications to extend the permission may not be so favourably received.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS8	Office Location
CS11	An Educated City
CS19	Car & Cycle Parking

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP5	Parking
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
L5	Use of Commercial Premises for Learning
REI11	Light Industry

Supplementary Planning Guidance

N/A

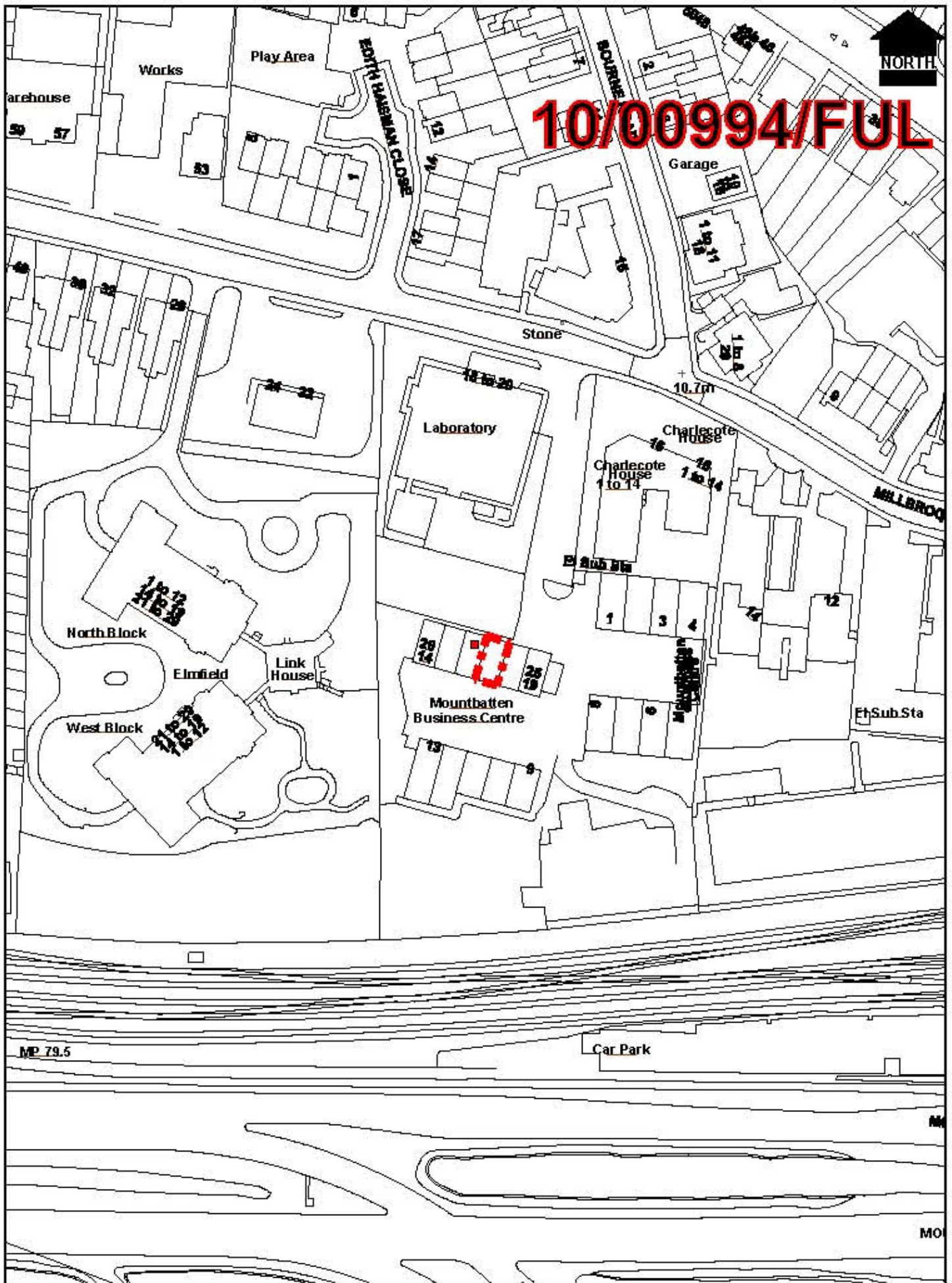
Other Relevant Guidance

PPS1 Delivering Sustainable Development (February 2005)

Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1 (December 2007)

Planning Policy Statement: Eco-towns - Supplement to Planning Policy Statement 1 (July 2009)

PPS4 Planning Policy Statement 4: Planning for Sustainable Economic Growth (December 2009)



**10/00994/FUL**

Scale : 1:1250

Date 09 December 2010

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