

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 22/11/2011
Planning Application Report of the Planning and Development Manager

Application address: Units 20-21 Admiral House Mountbatten Business Centre Millbrook Road East SO15 1HY			
Proposed development: Change Of Use From Office (Class B1) To Gym (Class D2) (Departure From Local Plan)			
Application number	11/01148/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	25.10.2011	Ward	Freemantle
Reason for Panel Referral:	Departure from Local Plan	Ward Councillors	Cllr Parnell Cllr Moulton Cllr Ball

Applicant: Brightsidept Ltd Attn Mr Paul Laslett	Agent: N/A.
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Recommendation Summary	Conditionally approve
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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 particular nature of this D2 use being appropriate to this location and securing the future of the business it is considered appropriate for full consent to be granted. In addition, other material considerations including amenity, parking, health and economic benefits, the previous vacancy of the unit and the importance of retaining 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

Appendix attached			
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 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 nearest residential properties are approximately 25m to the west. The neighbouring commercial unit is operated by Moore and Co Accountants. KP McGrath Education Centres operate out of unit 23 and PRS (Phoenix Resourcing Services) occupy 25 and 25. The units directly below are 14 and 15 which are at present used for long term storage purposes.
- 1.5 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 Gym (Class D2).
- 2.2 The gym provides personal training on a one to one basis. The facility includes a training space for specific exercises including various weights and fitness equipment as well as specific areas for nutrition consultation and sports massage. The unit also includes a shower, changing facilities and a space for bike fitting.
- 2.3 The opening hours proposed are 06.30 – 20.00 Monday to Friday, 07.00 to 12.00 on Saturday and 08.00 to 12.00 Sundays and Bank Holidays.
- 2.4 The business would employ one member of full time staff and 3 part time. The part time staff include a specialist who fits road bikes for clients, a sports masseur and a second personal trainer.
- 2.5 The applicant has confirmed that there would be a maximum of two personal trainers and two clients in the building at any one time using the main area of the gym.
- 2.6 Four car parking spaces are specifically allocated for use by the unit. There is no allocation for cycle storage.
- 2.7 A permanent consent is being applied for so that the business can establish a client base and build a reputation.

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, due to the service offered to the public and employment opportunity created (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’s National Planning Casework Unit for their consideration. The Panel retain 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 (see considerations below).

5.4 **SCC Environmental Health (Pollution & Safety)** – no objection subject to conditions ensuring that the proposal takes place in accordance with the acoustic report.

Note: These conditions have been added

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 should be 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 (consistent with policy in PPS4), 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 marketed for appropriate employment uses for a significant period of time.

6.2.5 In light of the current economic climate, the relatively small amount of floorspace 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 a D1 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 Furthermore 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 The use as a gym has the potential to cause noise nuisance to neighbouring land users.

6.3.2 The potential for noise disturbance to be caused by the operation as a gym at the site is affected by the length of time, hours of the day and volume at which noise is generated.

6.3.3 The applicant has submitted a noise report with the application. The report has been assessed by our Environmental Health Colleagues. The report is supported and conditions to prevent noise disturbance to neighbouring land users are recommended.

6.3.4 It should be noted that since the use of the site changed from B1 to D2 in January this year there have been no complaints related to the proposal on noise grounds.

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 2 however with 4 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.

6.4.3 Waste facilities and collection arrangements will remain as existing.

7.0 Summary

7.1 Allowing the use would enable what would otherwise be a vacant building to be occupied and provide three jobs. The use complements the Councils objectives of promoting a Healthy City and is not considered to prejudice the long term objectives of maintaining a stock of employment units across the City to meet future increases in demand.

7.2 In addition, providing a gym on the site which is within the Mountbatten Business Centre reduces the potential need for travel. Members of the public who work within the centre have the opportunity to be personally trained within close proximity to their work place.

7.3 The building had been vacant for some time. A change of use to deliver a personal training studio (gym) within the city rather than have a unit left vacant indefinitely is seen as beneficial to the wider community.

8.0 Conclusion

8.1 The proposed change of use is considered to be an appropriate use of this current vacant unit.

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 22/11/22 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Full Permission Timing Condition - Physical works

The development works 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).

02. 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.

03. APPROVAL CONDITION - Restricted number of customers.

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

Reason

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

04. 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 Sundays 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.

05. APPROVAL CONDITION, A1/A3 Use. [Performance Condition]

The "dual B1 (office) and/or D2 (Gym) use" hereby permitted for the development as located in accordance with Condition 26 above shall, under Class E, Part 3, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995, be for a limited period of 10 years only from the date of this Decision Notice. The units shall remain as the prevailing use at that time as hereby agreed in writing by the Local Planning Authority.

Reason:

In order to provide greater flexibility to the development and to clarify the lawful use hereby permitted and the specific criteria relating to this use

06. 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.

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

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)

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 makes 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.

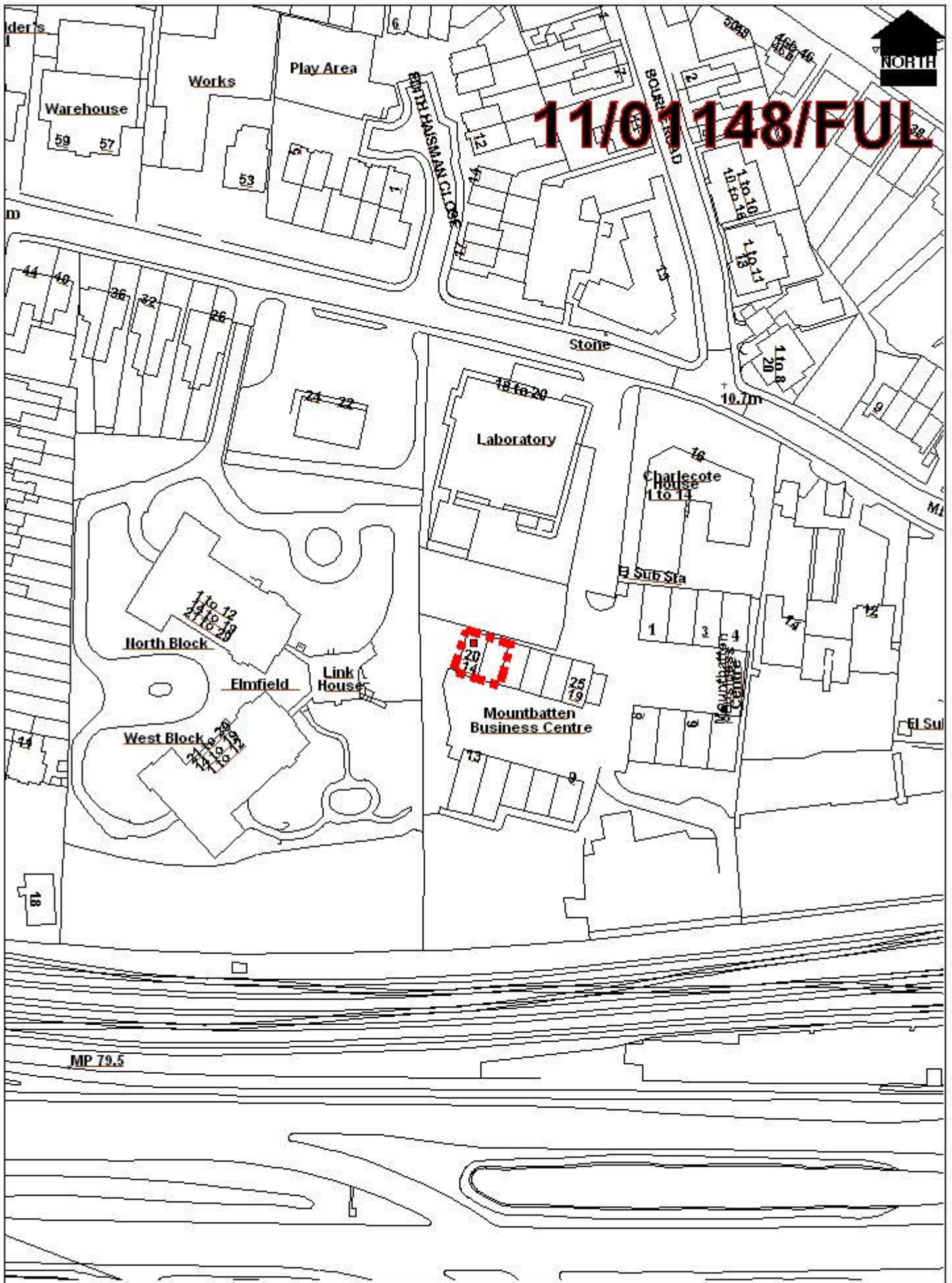
Reason:

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 to 21 Mountbatten Business Centre

10/01460/PREAP1. Change of use from (B1) to (D1) usage. An application will need to be justified in terms of vacancy rates in the centre and length of time the unit(s) have been vacant for. It is reasonable to allow a temporary consent on the site. This will allow the unit to be occupied, retain employment within the immediate area and also allow the LPA to reassess the potential impact of such a change of use in future years.



11/01148/FUL

Scale : 1:1250

Date 08 November 2011

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