

**Planning, Transport & Sustainability Division
 Planning and Rights of Way Panel 15 January 2013
 Planning Application Report of the Planning and Development Manager**

Application address: G T House, Ashley Crescent, SO19 9NA			
Proposed development: Change of use from industrial to a leisure use - children's indoor play area (Class D2).			
Application number	12/01516/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	22/11/2012	Ward	Sholing
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Kolker Cllr Jeffery Cllr Blatchford

Applicant: Templeton Wells Ltd	Agent: Mr James Scott
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Recommendation Summary	Conditionally approve for a limited period expiring 31 January 2019
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Reason for granting permission

Notwithstanding that the application constitutes a departure from the Development Plan 'saved' Policy REI 10 (i) of the City of Southampton Local Plan March 2006 which allocates the site for B1 (c), B2 and B8 uses, the proposal is compliant with the wider objectives of the Development Plan, set out below. Currently, it is accepted that there is low demand for B1(c), B2 and B8 use at this location at the present time and is considered appropriate to this location, as it will increase the potential for occupancy of the site; as such full consent can be granted. In addition, other material considerations including amenity, parking, 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 be granted.

City of Southampton Core Strategy (January 2010) – CS3, CS6, CS7 and CS19.
 City of Southampton Local Plan Review (March 2006) - SDP1, SDP3, SDP4, SDP5, SDP10, SDP16 and REI10.

Appendix attached	
1	Development Plan Policies

Recommendation in Full

Conditionally approve

1.0 The site and its context

- 1.1 The industrial estate is accessed off Portsmouth Road in Sholing. The unit is located close to Portsmouth Road and is also close to the vehicular access of Mayfield Academy.
- 1.2 The area surrounding the industrial estate comprises residential properties and Mayfield Academy. Along with a range of industrial uses including scrap metal recycling, waste management and vehicular sales and repair, the estate also contains a dance studio (which does not benefit from planning permission) and a cash and carry wholesale warehouse both of which are available to the general public.
- 1.3 The site is located within a standard accessibility area and is allocated in the Local Plan for light industry, general industry and storage and distribution uses (B1[c], B2 and B8).

2.0 Proposal

- 2.1 The applicant proposes to establish a children's indoor soft play centre (Class D2 leisure use). The proposed hours of operation would be 7 days per week 09.00 to 18.00. Parking for 43 vehicles is available on site.

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.
- 3.3 The policies of the South East Plan, Southampton's Core Strategy and Local Plan Review have been taken into account in the consideration of this application. The Core Strategy is in general conformity with the South East Plan, and it is not considered that the policies in the South East Plan either conflict with or add particular weight to the policies in the Core Strategy for this application. Consequently only the local statutory development plan policies (Core Strategy and Local Plan Review) have been cited in this report.

4.0 Relevant Planning History

- 4.1 Building granted consent as coachworks and caravan building workshop under 6319/1242/27R1 (25.6.1963).

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 (published 06.12.2012) and erecting a site notice (04.10.2012). At the time of writing the report 0 representations have been received from surrounding residents.
- 5.2 **SCC Highways** - Ashley Crescent benefits from 2 access points, onto 30mph Portsmouth Road, a main arterial route into the city. Accident statistics here do not show a trend in any incidents, and the accesses are shared by the Mayfield Academy and Veal's wholesalers alongside the industrial uses. The proposed use is likely to generate highways movements which peak at times that industry uses dip, therefore a clash of peak times is unlikely. The provision of 43 parking spaces is considered adequate. If peak times result in overspill, it will not clash with high demands of industrial parking overspill.
- 5.3 **SCC Planning Policy** - On the principle of a change of use - the site is safeguarded in the Development Plan for general industrial and warehouse uses (B1c, B2 and B8) under Policy RE10(i). The applicant makes reference to 18 months of marketing. If you are satisfied through evidence submitted that this was indeed carried out - for the time period stated and for the use it has permission for then that would constitute a reasonable period of time and we would be more sympathetic to a change of use for this site. Ashley Crescent appears to contain a mix of different commercial uses including a dance studio opposite, and a D2 (leisure) use might be acceptable for this particular unit. Given that there are industrial / commercial uses taking place in the vicinity which involve vehicular movements / deliveries etc. we suggest that conditions might be appropriate for ensuring children's movements are safely contained within the site boundary - and/or a temporary permission given to ensure that the safety levels for children are adequate.
- 5.4 **SCC City Development (Economic Development)** - No objection.
- 5.5 **SCC Environmental Health (Contaminated Land)** - This department considers the proposed change of use as being sensitive to the affects of land contamination.

Response

Groundwork is unlikely to be needed as part of the development and therefore the conditions requested would not meet the tests for conditions in circular 11/95.

- 5.6 **SCC Environmental Health (Pollution and Safety)** - No objection is raised. The development is considered sufficiently far from the nearby industrial uses which have the potential to harm health to enable the scheme to be supported.

6.0 Planning Consideration Key Issues

- 6.1 The key issues for consideration in the determination of this application are:
- The principle of this development given the parking allocation for the site.

- Transport and parking issues
- Impact on adjoining uses.

6.2 Principle of Use

With regard to the provisions of Policy REI 10 (i) of the Local Plan, the proposed use does not fall within the range of use classes designated for this area which include general industrial uses, light industry and storage and distribution. As such the development is a departure from the Development Plan.

- 6.3 Owing to the urban nature of the City of Southampton there is a limited supply of employment land and in particular industrial/storage floor space. Therefore the loss of the potential industrial and distribution floor space has to be balanced against the positive aspects of the scheme namely the occupation of the building and associated economic and social benefits.
- 6.4 Industrial uses tend to have a greater potential for job creation and associated economic benefits than an indoor play centre, however the site has been vacant since the end of February 2011 and has been marketed since the beginning of July 2010 with no interest other than that from the proposed occupiers, 'Jungle Mania'.
- 6.5 Jungle Mania have been looking for suitable accommodation for almost two years with GT house being the most suitable premises identified within that time period. The premises offer the following benefits:
- The site provides off-street parking for 43 vehicles and suitable access.
 - The unit is enclosed and detached which improves safety and security and impact from other sources.
 - Access to the unit is provided at both the front and the rear.
 - As the building is large, open plan and has generous floor to ceiling height the installation of quality soft play equipment can be achieved.
 - Suitable office accommodation is provided.
 - Separate rooms are available and can be used for private for parties.
 - Potentially there is a large catchment where there are at present no other local indoor soft play facilities.

The applicants anticipate providing employment for 3 full-time and up to 17 part-time staff.

6.6 Transport/parking and impact on adjoining uses

The application site has a large area of secure parking within its own site. The proposed use has the potential to generate a large amount of traffic but at times of the day which should not conflict with that of adjoining industrial occupiers. It is therefore suitable to be sited within an industrial estate in terms of traffic generation. It could be argued that a children's play facility is not ideal within this estate given the adjoining uses, but it is relevant that there is a safe access to the premises from within the car park and that school children use this part of Ashley Crescent to access the newly built Mayfield Academy. It is also noteworthy that the Environmental Health Team (Pollution and Safety) are satisfied that customers and staff will not be put at undue risk as a result of the proposal.

7.0 Summary

7.1 Officers consider the long-term loss of industrial /warehouse floor area to be unacceptable. However, given the current economic climate and presumption in favour of development, temporary permission for use of the unit outside of the designation of uses is judged to be acceptable. The marketing information provided with the application is deemed satisfactory. A temporary use of 6 years to reflect the length of the lease of the premises is considered to be acceptable.

8.0 Conclusion

8.1 It is judged that the positive aspects (job creation, economic benefit and reintroduction of a use to the site) out weigh the negative and accordingly the application is supported.

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

1(a), 1(b), 1(c), 1(d), 2(b), 2(d), 4(vv), 6(c), 7(a), 9(a), ((b).

MP for 15/01/2013 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Time Limited (Temporary) Permission Condition - Change of use

This permission is for a limited period and the use hereby approved shall be discontinued by 31 January 2019.

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 in view of the Policy allocation REI 10(i) of the City of Southampton Local Plan (March 2006).

02. APPROVAL CONDITION - Sightlines [Performance condition]

Within the frontage area physical structures, including signage and boundary treatment shall not exceed 600mm in height.

Reason

To safeguard the visibility of vehicular drivers and pedestrians whilst entering and exiting the site in the interests of highways safety and to maintain acceptable sightlines.

03. APPROVAL CONDITION - Cycle Storage Facilities [Pre-Occupation Condition]

Prior to the first occupation of the hereby approved development cycle storage facilities shall be constructed which ensure that cycles can be secured on site for at least 10 cycles to the front of the building for the use of visitors/customers. In addition storage facilities for at least two cycles shall also be provided for use by employees. Such facilities as approved shall be permanently retained for that purpose and shall enable cycles to be locked and covered/sheltered from the environment.

Reason:

To encourage cycling as an alternative form of transport.

04. APPROVAL CONDITION - Refuse & Recycling [Pre-Commencement Condition]

Before the works commence details (and amended plans) of facilities to be provided for the storage, removal and recycling of refuse from the premises shall be submitted to the Local Planning Authority and approved in writing. Such facilities as approved shall be retained for that purpose. The refuse area shall be designated and agreed close to the access to ensure ease of collection, and negate the need for refuse vehicles to reverse into the site.

Reason:

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

05. APPROVAL CONDITION - Hours of Operation. [Performance Condition]

The premises to which this permission relates shall only be open to customers between the hours of 09.00 to 18.00 Monday to Sunday, 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 nearby residential properties.

06. APPROVAL CONDITION - Contamination Remedial Action

If during development, any significant evidence of contamination is observed then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority, an assessment of the risks and a Method Statement detailing how this contamination shall be dealt with.

Reason:

To identify unacceptable risks to human health and the environment and ensure remediation of the site is to an appropriate standard

07. APPROVAL CONDITION - On site vehicular parking [Pre-Occupation Condition]

The approved parking spaces shall be provided in accordance with the approved plans prior to the first use of the building as a children's indoor play area. Such facilities as approved shall be permanently retained for that purpose.

Reason:

To avoid congestion of the adjoining highway which might otherwise occur because the parking provision on site has been reduced.

08. 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.

09. APPROVAL CONDITION - Change of Use, Scope and Limitation within same Class [Performance condition]

The premises shall be used as a children's indoor play area and for no other purpose including any other use within Class D2 of the Town and Country Planning (Use Classes) Order 1987 or any subsequent amending order.

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.

POLICY CONTEXT

Core Strategy - (January 2010)

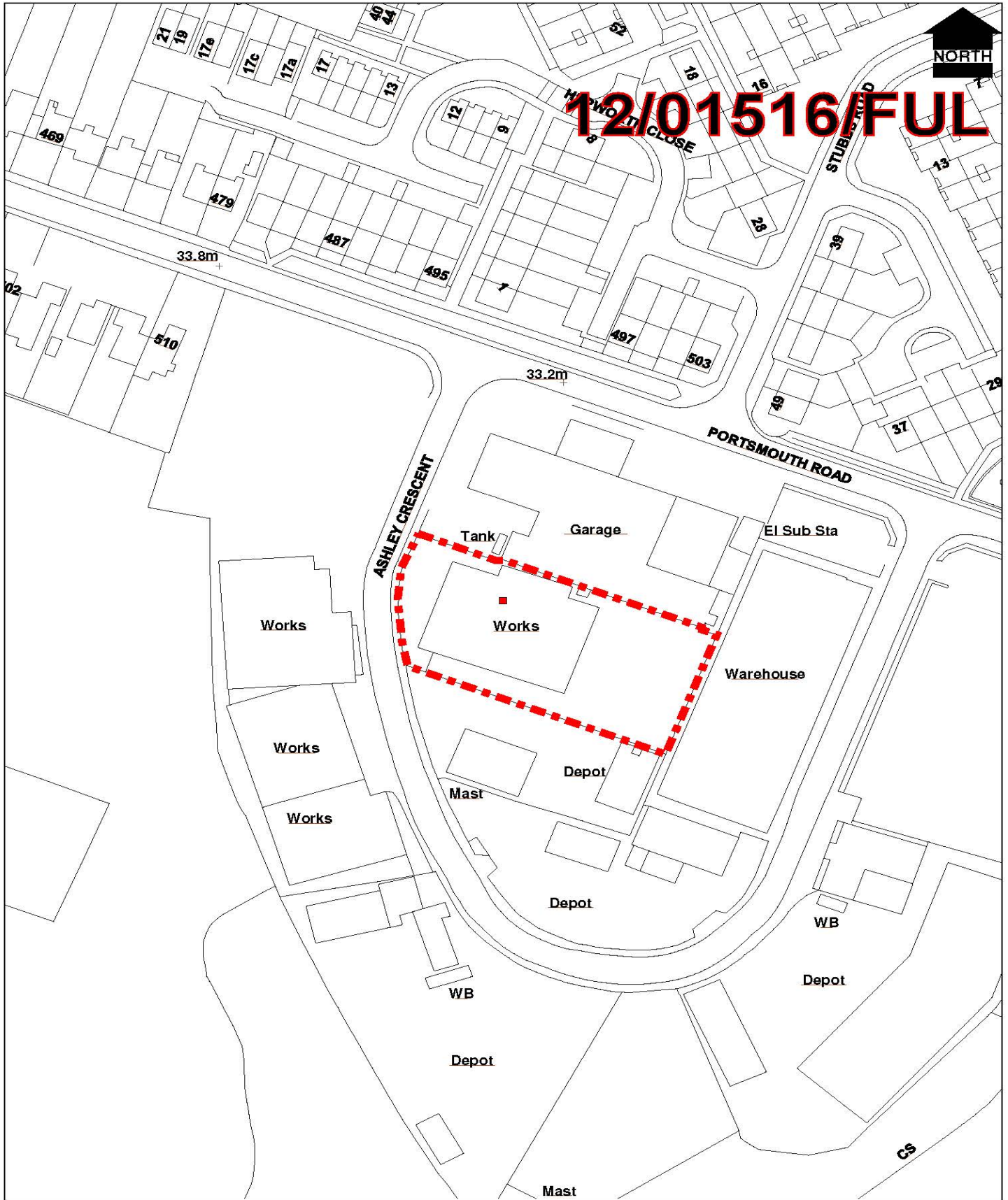
CS3	Promoting Successful Places
CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS19	Car & Cycle Parking
CS24	Access to Jobs

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP3	Travel Demands
SDP4	Development Access
SDP5	Parking
SDP16	Noise
REI10	Industry and Warehousing

Supplementary Planning Guidance
Parking Standards (September 2011)

Other Relevant Guidance
NPPF National Planning Policy Framework



Scale : 1:1250

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