

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

Application address: 104 Above Bar Street SO14 7DT			
Proposed development: Change of use of ground floor from Mixed Retail/Office (Class A1/B1) to Financial and Professional Services (Class A2) and new entrance door			
Application number	14/00012/FUL	Application type	FUL
Case officer	Luan Dray	Public speaking time	5 minutes
Last date for determination:	14.02.14	Ward	Bargate Ward
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Sarah Bogle John Noon Matthew Tucker

Applicant: The Royal British Legion	Agent: Lees Associates
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Recommendation Summary	Delegate to the Planning and Development Manager to grant conditional planning permission subject to no fresh planning issues being received in writing prior to the expiry of the press/site notice 21st February 2014
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Community Infrastructure Levy Liable	No
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Reason for granting Permission

Notwithstanding that the application constitutes a departure from the Development Plan 'saved' Policy RE3 (ii) of the City of Southampton Local Plan March 2006 which states that change of use will only be permitted if it will not result in three or more adjoining units in non A1 use, the proposal is compliant with the wider objectives of the Development Plan, set out below. In addition, other material considerations in 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 be granted.

City of Southampton Core Strategy (January 2010) – CS1, CS3 and CS6.
 City of Southampton Local Plan Review (March 2006) - SDP1, SDP7, SD9, REI3 and REI8

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Conditional Approval

1.0 The site and its context

1.1 The application site is located on the west side of Above Bar Street and is a 4-storey building centrally located within the city centre and within a parade of mostly A1, A3, A4 and A5 uses with some offices on upper floors. The site is allocated within the primary shopping area

Immediately next door to the north, is a bureau de change premises (A2 use class) and next to that is a restaurant (A3 use class), which, with this application will make a row of more than 3 units in non A1 use.

The ground floor was previously a clothing store that is now currently vacant.

2.0 Proposal

2.1 The application is seeking change of use from mixed retail/office (class A1/B1) to financial and professional services (class A2) and new entrance door to the front elevation.

2.2 The intended user of the premises is the Royal British Legion, who will provide a publicly accessible centre that facilities practical care, advice and support to serving members of the armed forces, veterans for all ages and their families. It will also double up as an information and advice centre to the wider public.

2.3 The alterations to the shopfront facade will be the installation of a new entry door to provide dedicated access to the upstairs offices. The new door will be in clear glass in a painted metal frame to match the existing. No other changes are proposed externally.

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 proposal will create three adjoining non A1 uses in this primary retail frontage and is therefore a departure from policy REI3 (ii) of the Development Plan.

- 3.3 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 13/01629/FUL - Change Of Use Of Premises From Use Class A1(Shop) To Mixed Use Comprising Use Classes A1/B1 At Ground Floor And Use Class B1 (Office) At First Floor Level - CAP 21/11/13

This application was submitted by the Royal British Legion, and they sought to convert the ground floor to part offices (to the rear) and a charity shop (to the front) at ground floor level. This was approved as it retained an active frontage and brought back into use at redundant commercial unit.

- 4.2 04/00111/ADV - Installation of internally illuminated fascia sign - CAP 12/05/2004

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 (31.01.14) and erecting a site notice (31.01.14). At the time of writing the report 0 representations have been received from surrounding residents.

Consultation Responses

- 5.2 **SCC Policy** - The unit is part of the Primary Shopping Frontage and therefore Local Plan Review policy REI 3 applies. This policy has three criteria for approving proposals not in A1 use; that the proposal is for A2-A5 use; would not result in three or more adjoining units in non-A1 use and would not be detrimental to those living or working nearby. These criteria were set out to protect the function of Above Bar as a core retail area.

The proposal is for A2 use and will not be detrimental to people nearby. It is a departure due to the two units directly north which are in non-A1 use (as a bureau de change and bar). The adjoining unit to the south is in A1 use. Although previous in A1 use, 104 Above Bar is now vacant. The supporting text to REI 3 states the council's concern that non-retail uses could adversely affect the attraction of particular lengths of the primary retail frontage. This proposal however brings a vacant unit back into use and provides a different type of offer from the units to the north. It will increase footfall in this part of the primary retail frontage and therefore contribute to the vitality of the area. In addition in the future, this unit could easily be converted back into A1 use.

Although this is a departure, the proposal to redevelop 104 Above Bar in A2 use as a support, information and advice centre is supported by Planning Policy.

6.0 Planning Consideration Key Issues

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

- (i) Principle of Development - Loss of A1 use in this area
- (ii) The impact of the alterations on the character of the area

6.2 Principle of Development - Loss of A1 use in this area

6.2.1 Saved Policy REI3 (ii) of the Local Plan Review states that the Council would only permit changes from A1 use in this primary retail frontage if it would not result in three or more adjoining non A1 units. The proposed use would introduce an A2 use next to two consecutive non A1 uses (bureau de change and restaurant) with a shoe shop (A1) on the other adjacent side. The proposed use is for a drop in facility for information and advice to members of The Royal British Legion and for the wider public. This will create an interactive shopfront with the streetscene and the ground floor and will not adversely affect the level of non retail in this location, as the local vicinity is serviced by the majority of A1 uses.

6.3. The impact of the alterations on the character of the area

6.3.1 The proposed shopfront changes to the existing windows and doors respects the proportions of the building and surrounding shop fronts in so far that the features of these facades and local character are retained, in line with local plan policy REI8. The materials used and scale of works are considered to be consistent to the building and the locality and not unbalance the street scene.

7.0 Summary

7.1 The change of use of this vacant premises within the city centre to provide a drop in support / advice centre is considered acceptable and will bring a redundant property back into use. The Development Plan (para 8.13) clearly states that uses which provide an interaction between the streetscene and the internal ground floor area with an active frontage are acceptable. In this instance the use will comply with the requirements and the departure from the Development Plan is, therefore, considered acceptable in this instance.

8.0 Conclusion

In conclusion, the proposed change of use is acceptable and is recommended for approval as a departure from policy REI3.

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

1 (a) (b) (c), 2 (b) (d), 3 (a), 7 (a)

LD2 for 18/02/14 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 - Active Frontages

Notwithstanding the provisions of Class 12 of Schedule 3 of the Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as may be subsequently amended) the occupiers of the unit hereby approved shall retain some form of 'active window display' on the ground floor along the length of the shop frontages hereby approved (without the installation of window vinyls) unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of retaining a lively and attractive streetscene whilst ensuring adequate natural surveillance is offered to the public realm.

03. 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.

POLICY CONTEXT

Core Strategy - (January 2010)

CS1	City Centre Approach
CS3	Promoting Successful Places
CS6	Economic Growth

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
REI3	Primary Retail frontages
REI8	Shopfronts

Other Relevant Guidance

The National Planning Policy Framework 2012

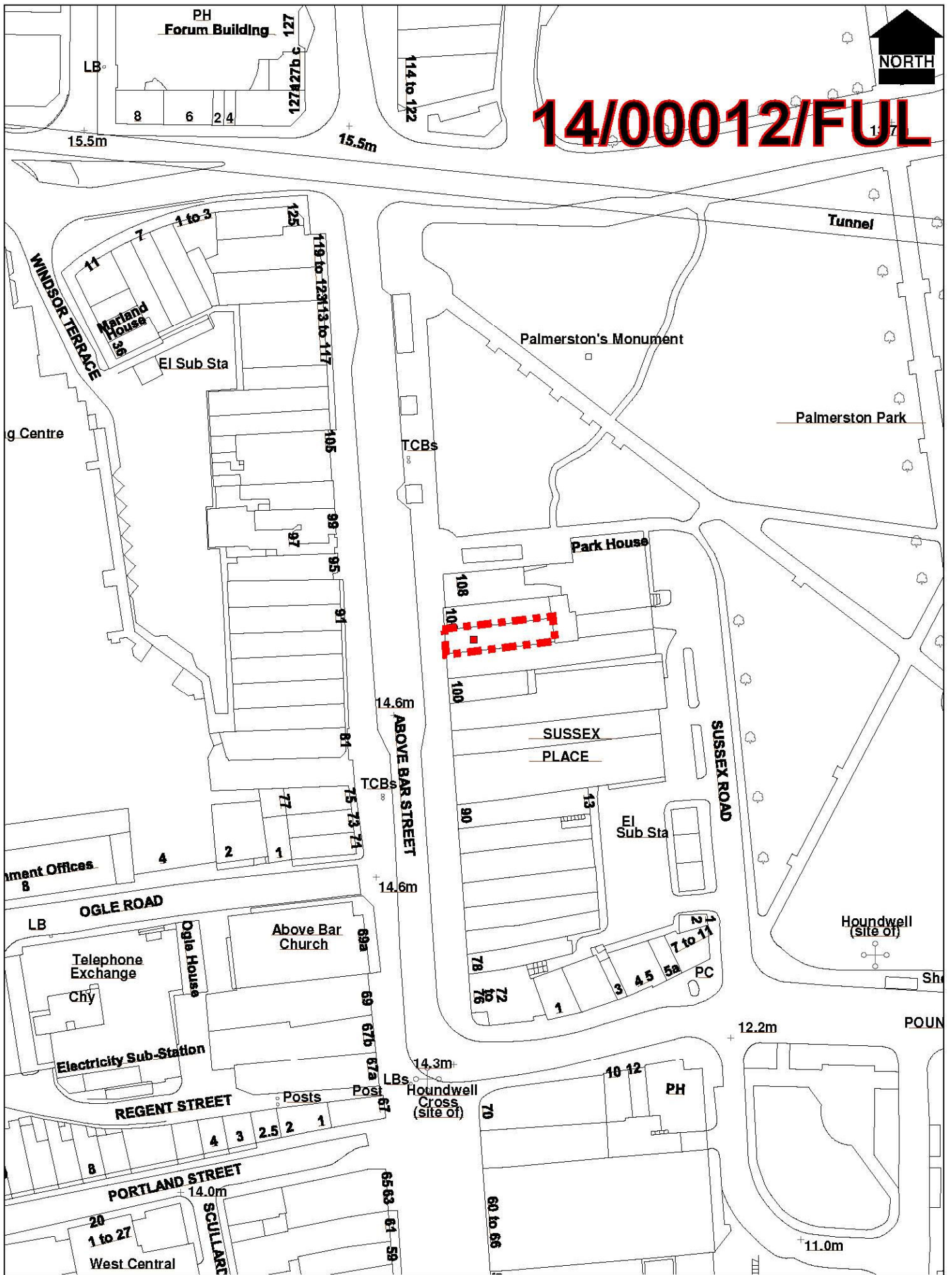
Application 14/00012/FUL

APPENDIX 2

Relevant Planning History

13/01629/FUL - Change Of Use Of Premises From Use Class A1(Shop) To Mixed Use Comprising Use Classes A1/B1 At Ground Floor And Use Class B1 (Office) At First Floor Level - CAP 21/11/13

04/00111/ADV - Installation of internally illuminated fascia sign - CAP 12/05/2004



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