

Planning and Rights of Way Panel 14th July 2020
Planning Application Report of the Head of Planning and Economic Development

Application address: Unit 6A, Quayside Business Park, Southampton			
Proposed development: Change of use to music teaching studio (class D1) (retrospective)			
Application number:	19/01772/FUL	Application type:	FULL
Case officer:	Laura Treagus	Public speaking time:	5 minutes
Last date for determination:	21/04/2020	Ward:	Bitterne Park
Reason for Panel Referral:	Five or more letters of objection have been received	Ward Councillors:	Cllr White Cllr Fuller Cllr Harwood
Applicant: Mr Tom Mayhew		Agent: Mr Paul Tosswell Lymington Technical Services Ltd	

Recommendation Summary	Conditionally approve
-------------------------------	------------------------------

Community Infrastructure Levy Liable	Not applicable
---	-----------------------

Reason for granting 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 (2019). Policies –CS7 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP7, SDP9, SDP16, SDP20, and REI11(i) of the City of Southampton Local Plan Review (Amended 2015).

Appendix attached			
1	Development Plan Policies		

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site comprises a ground-floor commercial unit within Quayside Business Park, which is safeguarded for light industrial uses (Class B1(b) and

B1(c)) under saved policy REI11(i) of the City of Southampton Local Plan Review (as amended 2015).

- 1.2 The industrial estate is located opposite a residential area, comprising semi-detached dwellings to the north of the application site and terraced properties and flats to the west.
- 1.3 The site is located within area identified on the Environment Agency's indicative flood risk map as at risk from tidal flooding.

2. Proposal

- 2.1 The application seeks permission for a retrospective change of use of a ground-floor unit from the permitted Class B1(b) and B1(c) (light industrial) use to a music teaching studio (Class D1). No external alterations to the building have been carried out or proposed. The music teaching studio has three teaching rooms and lessons are made on an appointment-only basis. This represents a departure to the development plan and has been advertised accordingly.
- 2.2 The music teaching studio employs five (5no.) part-time staff (equivalent to 2.5no. full-time staff) and operates during the following opening hours: 14:00 – 20:30 hours Monday to Friday, 08:45 – 17:00 hours on Saturday, and 10:00 – 14:00 hours on Sundays and recognised public holidays.

3. Relevant Planning Policy

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015) and the City of Southampton Core Strategy (as amended 2015). The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 The National Planning Policy Framework (NPPF) was revised in June 2019. Paragraph 213 confirms that, where existing local policies are consistent with the NPPF, they can be afforded due weight in the decision-making process. The Council has reviewed the Development Plan 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. Relevant Planning History

- 4.1 There is no recent planning history, but the following is relevant:

16/00817/FUL - Unit 7A Kemrock House, Kemps Quay Industrial Park
Change of use from Offices (Class B1) to a Bar (Class A4)
Conditionally Approved (CAP) – 15.08.2016

19/01773/FUL – Unit 1D, Quayside Business Park
Change of use to gym (class D2) (retrospective)
Application pending consideration.

5. 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. A site notice was posted on 8th November 2019 and the application was advertised in the local press on 13th December 2019. At the time of writing the report 7 representations from 3 separate addresses have been received from surrounding neighbours. The following is a summary of the points raised:

5.2 ***The proposal would result in a loss of parking for the area.***

Officer Response

The industrial park provides off-road parking spaces that can be utilised by staff and clients. These parking spaces are not allocated to individual units, so customers and staff can use any available parking spaces on the site. Additionally, along the southern side of Quayside Road, on-road parking spaces are sited immediately adjacent to the industrial park. These parking spaces are only allocated for permit holders (residents and visitors) during hours associated with events held at St. Mary's football stadium. Plans provided indicate that the existing music studio (use class D1) has three music rooms, which would be utilised on an appointment only-basis and the number of vehicle trips to the site will be limited on this basis. As such, while the proposed use will require staff and client parking, some of this will be provided for on-site and on road parking will be limited and regularised through existing parking controls.

5.3 ***The proposal would result in an unacceptable increase in noise and disturbance.***

Officer Response

As the industrial park is located opposite residential dwellings, the introduction of the D1 use from a previously vacant unit may result in an increase in noise. In order to mitigate the impact upon local residents a planning condition would be applied that would require the applicant to undertake an acoustic assessment and that any sound mitigation measures against internally generated noise and vibration are provided. As the scheme is retrospective the condition offers a period of 3 months for the submission.

The proposal would result in an increase in traffic to the area.

5.4 **Officer Response**

Plans provided indicate that the music studio has three music rooms, which would be utilised on an appointment only-basis and the number of vehicle trips to the site will be limited on this bases.

Consultation Responses

5.5 **Environmental Health – No objection**

We have no objections to this application.

5.6 **Policy – No objection**

The application proposes the “change of use to music teaching studio (class D1) (retrospective)”. Local Plan Review (2015) policy REI 11(i) (Light Industry) states that the site at Quayside Road is safeguarded as an area of light industry and research and development and that acceptable uses for the site are those that fall

within classes B1(b) and B1(c) only. In light of the above, and for the proposal to be considered further, it was requested that the applicant provided marketing information to demonstrate that the building was marketed for B1(a) and B1(c) uses, at a reasonable rate and for a period of at least 12 months with little or no commercial interest. A supporting statement was submitted by the marketing agent which provides sufficient evidence to demonstrate that the unit was actively marketed from April 2017 to January 2020 at a competitive rate and with no interest for B1(b) or B1(c) uses. Therefore, with regards to the extended period of marketing and the limited interest received over this time, it is considered that in this instance the change of use to a D1 music teaching studio will provide a positive impact to the vitality of the area. The proposal is therefore supported, in principle, by the Policy Team.

5.7 **Highways – No objection**

In transport terms, trip generations are predominantly calculated from Gross floor area and Use class. The floor space remains unchanged even though a new unit appears to have been created from subdividing the building. In terms of use class, there is not a significant difference in trip generations between a B1 (light industrial) and a D1 (leisure/music) unit of this size.

5.8 The main difference could be that trips spread at different times of the day. But over an entire day, a B1 use may generate a more trips especially HGV movements which can have a bigger impact on the highway.

5.9 The local streets do contain parking restrictions and are residents permit only except public parking for 1 hour (no return on same day). No parking survey has been submitted but based on the layout and other double yellow line restrictions, additional demand on parking here would be a planning amenity issue rather than highway safety. Therefore this will hold limited weight on this recommendation.

5.10 There are no details provided regarding on-site parking – whether the unit benefits from any. Furthermore, information on operating hours would be useful for the previous use and adjacent units. If the proposed use exceeds previous operating hours (if there were any restrictions), then there could be additional demand for on street parking during the evening hours. If the other B1 units on site have restricted hours, it would be good to see if there is scope to dual use the on-site car parking so that this unit can use this when other units are closed.

5.11 Overall, more information regarding the above points (operation hour/restrictions; parking availability) would be useful to see if the proposal will generate additional demand for on street parking to address amenity issues. However, from highways perspective, the proposed development will not generate a significant impact due to the difference in level and nature of trips. Therefore there will be no highway objections.

6.0 **Planning Consideration Key Issues**

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

- The principle of development;
- Effect on character;
- Residential amenity;
- Impact on Parking

6.2 Principle of Development

6.2.1 The application site lies within an area safeguarded for light industrial uses (Class B1(b) and B1(c) only, under saved policy REI11(i) of the City of Southampton Local Plan Review (as amended 2015). As the music teaching studio falls with Use Class D1 (Non-Residential Institutions), the proposal is contrary to this policy and should be treated as a 'departure'. However, marketing evidence was provided demonstrating that the unit was actively marketed from April 2017 to January 2020 at a competitive rate and found that there was no interest continued use of the property for B1(b) or B1(c) uses. In addition the music teaching studio has brought the unit back into an active use and would provide associated employment for 5 members of staff. On this basis upon review of all the evidence and information provided in support of the application, officers consider that it has been demonstrated that the site is unlikely to be re-used or redeveloped for a B1 use and the benefits of providing an active use of the site, and additional associated employment, are considered to outweigh the conflict with Policy REI11 of the Local Plan.

6.3 Effect on character

6.3.1 The introduction of a D1 use within an industrial area safeguarded for light industrial uses changes the overall character of the area. However, as the site has been continually vacant for a period in excess of three years, the music teaching studio is considered to add to the employment mix of the area.

6.3.2 The music teaching studio will result in an extension to the previous operational hours in order to cater for its users. However, as the commercial unit is sited within an established industrial area, this is not considered inappropriate or out-of-character for the area. The impact of later operating hours would be more on residential amenity, which will be considered in Section 6.4 below.

6.3.3 On this basis, the change of use is not considered inappropriate and will not have a harmful effect on the character of the application site and the wider surrounding area.

6.4 Residential amenity

6.4.1 The application site is located on Quayside Business Park and comprises of a unit which faces north onto Quayside Road. There are group of semi-detached residential properties located to the north of Quayside Road. The associated noise and activities of a music studio will result in an increase in noise and disturbance to these neighbouring properties. The significance of this impact needs to be assessed and weighed against the authorised use, and noise potential, of a light industrial use.

6.4.2 The Council's Environmental Health team have raised no objection to the application, including consideration of the noise and disturbance impacts from the D1 use. The opening hours of nearby uses have been reviewed and in order to bring the application use in line with these other uses, the opening hours of the music studio will be restricted to 14:00 – 20:00 hours Monday to Friday, 08:45 – 17:00 hours on Saturday, and 10:00 – 14:00 hours on Sundays and recognised public holidays. Furthermore, as lessons are to be held on an appointment-only basis, comings and goings will be controlled and restricted to those appointments

only, which would mitigate significant noise and disturbance impacts during the evening opening hours.

- 6.4.3 Furthermore, given that third party concerns relate to noise and disturbance from what is a noise generating use, it is considered necessary to request an acoustic assessment and subsequent mitigation measures through a suitably worded planning condition. Notwithstanding the Council's Environment Health team have not requested such details, in view of the objections to the application it would be prudent to secure such an assessment and implement any required sound mitigation measures in order to lessen any significant noise impacts from the use. The applicant has also agreed to provide this assessment. These details will be secured within three months from the date of the decision and any mitigation measures implemented within 6 months of the decision.
- 6.4.4 Overall, while the proposed use has the potential to create noise and disturbance, it is considered that the impacts can be mitigated through an acoustic assessment and subsequent noise mitigation measures and further restriction of the hours of use as detailed. On this basis, the proposals are considered to be acceptable in terms of its impacts on noise and disturbance to neighbouring properties and uses.

6.5 Parking and Refuse

- 6.5.1 In transport terms, trip generations are predominantly calculated from Gross floor area and Use class. The floor space remains unchanged at 91sqm. In terms of use class, the Highway Officer has confirmed that there is not a significant difference in trip generations between a B1 (light industrial) and a D1 (leisure/music) unit of this size.
- 6.5.2 The existing unit has a floorspace of 91sqm. The Council's Parking standards required the previous B1 use to provide 1 parking space per 45sqm, whereas the D1 use is required to provide 1.5 parking spaces per room, which equates to a requirement for 4.5 parking spaces in this instance. The business park provides off-road parking spaces in front of the industrial units that can be utilised by staff and clients. According to the applicant these parking spaces are not allocated to individual units, so customers and staff of the application site can use any available parking space on the site. Additionally, there are on road, restricted parking space that's that are located along the southern side of Quayside Road. These on road spaces contain parking restrictions and are residents permit only except public parking for 1 hour (no return on same day). No parking survey has been submitted however in the current climate the conducting of a survey would not be beneficial with a number of businesses yet to reopen. As noted by the Highway Officer whilst the Music room results in a small increase in the number of the parking spaces required by the standard, additional demand on parking relates to a planning amenity issue rather than highway safety.
- 6.5.3 Plans provided indicate that the music studio has three music rooms, which would be utilised on an appointment only-basis and the number of vehicle trips to the site is limited on this basis. As such, parking demand would be controlled and would not be significant. In addition, the opening hours of the music room will be restricted to 14:00 – 20:00 hours Monday to Friday, which would largely avoid competing with neighbouring businesses for parking. Therefore, whilst the D1 use requires staff and client parking, the increased use of the on-site and on road parking is not considered significant and does not result in adverse impacts on from indiscriminate

parking behaviour that would warrant a refusal of planning permission on these grounds.

7. Summary

- 7.1 The proposed use is contrary to saved policy REI11(i), which seeks to safeguard the site for light industrial uses. However marketing evidence has been provided that demonstrates the unit has been vacant for a period exceeded three years and has been continually marketed for Class B1(b) and B1(c) uses throughout that period, without any interest in the site. It is unlikely that the site is to be re-used or redeveloped for a B1 use and the benefits of providing an active use of the site and additional employment are considered to outweigh the conflict with Policy REI11.
- 7.2 The intended use of the site as a Class D1 music teaching studio has the capability of producing noise and disturbance. In this instance it is considered that the impacts can be mitigated through an acoustic assessment and subsequent noise attenuation measures. Subject to implementation of any recommendation noise mitigation measures and compliance with the stipulated opening hours, the application is considered to comply with Policy SDP1 and SDP16 of the City of Southampton Local Plan Review (amended 2015) and the guidance contained within the National Planning Policy Framework.
- 7.3 The proposal is not considered to have a detrimental impact upon the character of the surrounding area, in accordance with CS13 of the City Council Local Development Framework Core Strategy, and, SDP7 and SDP9 of the City of Southampton Local Plan Review (amended 2015). As such, officers recommend approval of the application.

8. Conclusion

- 8.1 It is recommended that planning permission be granted subject to the conditions set out below.

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) (e) (f) (g) 4.(f) (g) (vv) 6. (a) (b) 7. (a)

LT for 14/07/2020 PROW Panel

PLANNING CONDITIONS

1. Restricted Use (Performance)

Notwithstanding the Town and Country Planning (Use Classes) Order 1987 (as amended) or any Order revoking, amending, or re-enacting that Order, no other uses other than the music teaching studio hereby approved shall be permitted, including those within Class D1.

Reason: In the interest of the amenities of neighbouring occupiers.

2. Noise & Vibration (internal noise source)

Within three months from the date of this decision a noise assessment and mitigation report shall be undertaken and submitted to the Local Planning Authority which shall include a scheme of sound insulation measures to mitigate any internally generated noise and vibration. Any necessary sound insulation measures shall be installed within

6 months from the date of this permission and shall thereafter retained as approved.
Reason: To protect the amenities of the occupiers of existing nearby properties.

3. 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.

4. Hours of Use & Delivery (Performance Condition)

The commercial use hereby permitted shall not operate outside the following hours:

Monday to Fridays 14:00 to 20:00 hours

Saturdays 08:45 to 17:00 hours

Sunday and recognised public holidays 10:00 to 14:00 hours

No deliveries shall be taken or despatched from the use outside of the hours of 08:00 to 20:00 daily.

Reason: To protect the amenities of the occupiers of existing nearby residential properties.

POLICY CONTEXT

Core Strategy - (as amended 2015)

CS7	Employment Safeguarding
CS13	Fundamentals of Design

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP16	Noise
REI11	Light Industry

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)