

Planning and Rights of Way Panel 16th July 2019
Planning Application Report of the Service Lead - Infrastructure, Planning & Development

Application address: Unit 4 Northbrook Industrial Estate Vincent Avenue, Southampton			
Proposed development: Change of use from industrial (class B2) to education and training facility (retrospective) (Departure from Local Plan - policy REI11) – TEMPORARY			
Application number:	19/00026/FUL	Application type:	FUL
Case officer:	Stuart Brooks	Public speaking time:	5 minutes
Last date for determination:	22.07.2019	Ward:	Bassett
Reason for Panel Referral:	Request by Ward Member/Five or more letters of objection have been received	Ward Councillors:	Cllr Beryl Harris Cllr Les Harris Cllr John Hannides
Referred to Panel by:	Cllr Beryl Harris	Reason:	Loss of safeguarded industrial unit
Applicant: Assure Healthcare Group		Agent: Concept Design & Planning	

Recommendation Summary	Conditionally Approve
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Community Infrastructure Levy Liable	Not applicable
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Reason for granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. The departure from the Local Plan can be supported as the educational use of the premises can be reverted back to the safeguarded light industrial use after the temporary 3 year period if then found to be commercially viable under future market conditions and is not reallocated for other purposes under the emerging site allocation policies for employment. The delivery of the educational facility can be afforded significant weight given the importance attached by the government and opportunity to widen educational choice. 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 39-42 and 46 of the National Planning Policy Framework (2019). Policies – CS6, CS7, CS11, CS13, CS18, CS19, CS25 of the of the Local Development Framework Core Strategy Development Plan Document (Amended 2015). Policies – SDP1, SDP4, SDP5, SDP7, SDP9, SDP10, SDP11, SDP16, REI11 of the City of Southampton Local Plan Review (Amended 2015). Policy BAS12 of the Bassett Neighbourhood Plan (July 2016).

Appendix attached			
1	Development Plan Policies	2	Relevant Planning History
3	Decision notice from 17/01251/FUL		

Recommendation in Full

Conditionally Approve

1. Introduction & Background

- 1.1 The applicant 'Assure Health Group' (AHG) already uses the upper floors of Northbrook House to provide short hold residential tenancies for supported care accommodation for young adults with disabilities under a class C3(b) arrangement. This is run by the landlord group 'Safe Living Foundation'. The 18 flats were approved in 2015 under permitted development rights under then Part 3 Class N to change from offices to residential use (15/00430/PA56 refers).
- 1.2 The same organisation AHG are seeking retrospective permission to regularise the unauthorised use of the ground floor industrial unit as an education and training facility for young vulnerable adults to teach practical life skills. The use has been in operation since mid to late 2017. A previous application for this proposal (ref no. 17/01251/FUL) was refused in early 2018 and the decision notice is attached to **Appendix 3**. The main reasons for refusal was the loss of the safeguarded industrial unit for employment use without any necessary justification to change to the educational use. Secondly the scheme failed to secure a financial contribution to towards local footway improvements to make the route more accessible for less ambulant/confident students living within the local area. Any potential enforcement action against the unauthorised use is being held in abeyance until the outcome of this application.

2. Proposal

- 2.1 AHG seeks retrospective permission to use the premises 'Unit 4', situated on the ground floor below unit 10 (residential accommodation managed by AHG), to provide an educational and training facility to teach practical life skills for the purpose of preparing young vulnerable adults such as the tenants living in Northbrook House to live independently as possible. This would be done within a college setting using practical training to teach a wide range of basic domestic and independence skills such as numeracy, money management, shopping, cooking, vocational, social, arts, and computer literacy.
- 2.2 With regards to the operation of the training centre:-
- The opening hours are 08:00-17:00 Monday to Friday;
 - The facility accommodates up to 8 staff accompanied students in a session. Currently there are no more than four students attending a session. Sessions are broken down into the individual needs of the students, and due to complex needs of the students, this is managed by the staff in the centre;
 - There is minimal car ownership for the students who visit the facility. The majority of the students who use the facility do so from the flats above, so there is no added traffic in this respect. For students from other facilities, car ownership (mobility car) is minimal, due to their disabilities others will either use public transport or a unit vehicle. There are currently a total of 18 available car parking spaces for students and staff. The catchment area currently encompasses Southampton and Fareham;
 - The social events in the 'education room/workshop' include Christmas and Easter parties, discos, birthdays but these take place during the afternoon sessions;

- There is designated outside smoking area for staff and students. Students who smoke are accompanied by their support workers.

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) and the City Centre Action Plan (adopted 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 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.
- 3.3 NPPF paragraph 94 expects the Local Planning Authority (LPA) to take a proactive, positive and collaborative approach to meeting the requirement to ensure that a sufficient choice of school places are available to meet the needs of existing and new communities, and widen the choice in education. The government attaches great importance to delivering this educational requirement.
- 3.4 To achieve strong economic, paragraph 80 and 81 of the NPPF expects significant weight to be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Policies should be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
- 3.5 Paragraph 127, which sets out the core planning principles underpinning the NPPF, expects LPAs to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 3.6 Saved Policy SDP1 (Quality of development) of the Local Plan Review allows development, providing that it does not unacceptably affect the health, safety and amenity of the city and its citizens. Policy SDP7 (Context) allows development which integrates within the local community and does not harm the character and appearance of the local area. Policy CS13 (Fundamentals of Design) assesses the development against the principles of good design.
- 3.7 Policy CS7 (Employment) sets out the strong need to safeguard all employment sites in order to meet the South East’s economic aims, unless there is clear evidence that a site is not, and is not likely to become, viable for employment use.
- 3.8 Policy REI11(x) (Industry) identifies the Northbrook Industrial Estate as a safeguarded area of light industry and research and development uses within class B1(b) and B1(c). The policy recognises that these are predominantly small industrial estates which provide a valuable resource to the city of industrial units/workshops for light industrial use. These uses are more suited being close to

residential areas. These light industrial sites provide a vital contribution to the local economy by offering local employment opportunities and their protection will ensure that accommodation suitable for local and start up business is retained.

- 3.9 Policy BAS12 of the Bassett Neighbourhood Plan encourages the safeguarding of the use of the Industrial Estate for employment use given the importance for supporting job opportunities within the local community.
- 3.10 Policy CS11 (Education) expects the LPA to promote new inspirational, high quality educational and related facilities which encourages community use of their facilities. It highlights developer's contributions, including travel plans, may be sought from new development to support any additional education infrastructure required in accordance with policy CS25 (Infrastructure Delivery).

4. Relevant Planning History

- 4.1 A schedule of the relevant planning history for the site is set out in **Appendix 2** of this report.

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, placing a press advertisement **15.02.2019** to advertise the departure from the Local Plan and erecting a site notice **15.02.2019**. At the time of writing the report 7 letters of objection have been received from surrounding residents including a local Ward Cllr B Harris. The following is a summary of the points raised:

- 5.2 **Businesses are not permitted to work after 5pm during the week and only from 8am to 1pm on a Saturday (although this is not enforced). The unit is already operating beyond its permitted hours. Noise disturbance from the intensification of use and increased traffic, including late night social events, especially outside the permitted working hours of the adjacent industrial units. The residents from the recently converted units smoke outside their flats making more noise and there is a lack of suitable outdoor recreation area so people sit outside in the road in warm weather. The residential units also owned by the applicant are causing anti-social behaviour issues with particular tenants being abusive to local residents and businesses. These incidents have been reported to the police, council and local councillor. The applicant is unable to properly manage the behaviour problems of the residents.**

Response

The amenity and anti-social concerns experienced from the adjacent residential accommodation operated by the applicant are a separate matter to the consideration of this application. These issues are related to the management of the premises, and can be controlled by enforcements powers of other agencies such as the Police and Environmental Health. The creation of the residential accommodation without garden space and the chosen location fell outside the scope of the Council's control, as it had to determine the office conversion under prior approval where these issues are not a valid material consideration for the Council to object against. The social activities associated with the proposed use would not be permitted outside the day time operating hours, whilst the limited

number of students and the quiet nature of the activities taking place inside the facility would not significantly affect the amenity of the neighbouring residents and businesses.

5.3 The proposed use is out of character with the nature of the industrial area and will set a precedent for similar uses. Loss of safeguarded industrial use.

Response

In terms of the comings and goings and associated activities, the scale and nature of the proposed use in the ground floor unit is considered to be compatible with the commercial nature of the industrial estate. No policy objection to loss of safeguarded use, subject to a temporary 3 year consent in order for further review of employment market conditions.

5.4 Increased traffic pressures and congestion affecting the free flow of traffic in a congested dead end road. This will be exacerbated by increase of staffing. Inadequate parking available already for the residents and industrial units so the proposal would lead to displacement of street parking for local residents and business users and road safety concerns for pedestrians due to obstruction to driveways and footways. There is no drop off location for the students and this is busy dead end road with limited space for vehicles to turn around. An application for a MOT centre was recently denied due to parking issues.

Response

The Highway's Officer has raised no objection with regards to highway's safety. There are currently a total of 18 available car parking spaces for students and staff. There are also numerous on street parking bays with 2 hour restrictions in the vicinity which would also accommodate the 'pickup' and 'drop off' movements. The applicant has been asked to provide a plan to show the allocated parking area so this can be conditioned and retained. The maximum number of staff and students attending the site can be limited by condition.

5.5 The refuse facilities are inadequate whilst they are already overflowing from the residential units.

Response

The management of the refuse facilities for the residential accommodation owned by the applicant are outside the control of this application. A condition can be applied to secure adequate refuse facilities for the proposed education and training use.

5.6 The Council should have taken earlier action given the retrospective nature of the use. Previous changes of use for this unit have been declined due to parking and disturbance.

Response

The applicant is entitled to regularise the retrospective use. Enforcement action is being held in abeyance until the outcome of this decision. Each application site has to be judged on its own individual merits. The previous change of use application was refused because of insufficient evidence in relation to the loss of employment use and for S106 reasons. These concerns have now been addressed.

Consultation Responses

5.7 SCC Highways – No objection

5.8 **SCC Environmental Health (Pollution & Safety) – No objection**

The Environmental Health Service have no substantiated noise complaints on record concerning the actual use of the building as an education/training facility and after carefully considering this application we have no objections to the retrospective internal alterations to allow conversion of existing industrial use (Class B2) to form an education and training facility.

5.9 **SCC Planning Policy – No objection subject to a temporary 3 year permission**

The site is safeguarded for light industry and research and development uses within use class B1(b) and B1(c). It is understood that insufficient marketing evidence has been provided since 2014 to support the proposed departure from the site employment allocation on a permanent basis. However a temporary 3 year consent would be acceptable to bring this vacant unit back into use. During that 3 year period the Local Planning is undertaking an employment land appraisal as part of the local plan review evidence. Therefore during the 3 year temporary period we may have changed the site employment allocation if there is oversupply of employment land. During that temporary period, the applicants would also have opportunity to gather further marketing evidence to demonstrate there is no market demand for B1(b) or B1(c) use in this location. Of course, there is no guarantee that in 3 years-time that a permanent departure would be acceptable.

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;
- Delivery of employment opportunities and need for educational facilities;
- Safeguarding character and amenity;
- Parking highways and transport and;
- Mitigation of direct local impacts.

6.2 Principle of Development

6.2.1 The proposed change of use is a departure from the local plan (policy RE11(x)) as the proposed use fails to safeguard the premises for uses within class B1(b) and B1(c). This departure has been advertised as such. Policy CS7 coincides with the thrust of paragraph 81 of the NPPF to consider alternative uses where the safeguarded use is not considered to be viable by the market, whilst the need to provide specialist education facilities is of great importance to the government's planning agenda (paragraph 94 of the NPPF).

6.2.2 Although the proposed educational use is a departure from the Local Plan, it can be supported in principle subject to the applicant demonstrating that there is no market demand for B1(b) and B1(c) use. That said, the Planning Policy team have advised that, if the applicant is not able to provide any up to date marketing information, a 3 year temporary consent can be granted because during that time an employment land appraisal will be conducted as part of the Council's Local Plan review when evidence and employment site allocations could be revised where necessary. As such, when it comes round to the point of that unit needing to renew the consent, the site allocation may have changed and the use may then be acceptable. Furthermore, an assessment of the 'planning balance' should weigh up the benefits of the educational facilities against achieving the other socio-economic priorities of the Local Plan.

6.3 Delivery of employment opportunities and need for educational facilities

- 6.3.1 The previous application (ref no. 17/01251/FUL) was refused on the basis of the lack of evidence to show that the safeguarded use would no longer be commercially viable. The proposal would still result in the loss of a safeguarded industrial unit. Prior to applicant taking occupation in 2017, the unit was reported as being vacant since February 2014. The marketing evidence supplied by 'Hughes Ellard' indicates that very limited market interest was shown between February and December 2014. There is no other marketing evidence provided since that period. The alternative use proposed would indeed still offer a level of employment with a maximum of 8 staff supervising students as well as support/administrative staff.
- 6.3.2 Given the circumstances of the upcoming Local Plan evidence review of allocated employment sites, the Policy team have recommended that a 3 year temporary consent can be granted. This is acceptable to the applicant. When it comes round to the point of the unit needing to renew the consent, the allocation may have changed and the use may be acceptable. Furthermore, the applicant would be expected to gather further marketing evidence if they reapply to make the permission permanent after the temporary consent expires. This would be consistent with the policy approach set out in paragraph 81 of the NPPF.
- 6.3.3 NPPF paragraph 94 expects the LPA to take a proactive, positive and collaborative approach to meeting the requirement to ensure that a sufficient choice of school places is available to meet the needs of existing and new communities, and widen the choice in education. The government attaches great importance to delivering this requirement. The benefits of the educational facility are recognised as it will provide for a specialist need for residents in the city and widen the choice in education for vulnerable adults and those with learning disabilities, whilst significant weight should be afforded to the delivery of these facilities given the importance attached by the government.

6.4 Safeguarding character and amenity

- 6.4.1 The educational use of Unit 4 itself has not significantly changed the appearance of the building from the street scene, whilst the layout of the building lends itself to the facilities of the training centre. Local residents are concerned that the intensification of use and its location within the cul-de-sac of Hollybrook Road would negatively impact on the amenity of the residents living within Hollybrook Road. This is from noise disturbance and nuisance due to increased traffic visiting the premises, students smoking outside which already allegedly happens with the residents of Northbrook House, and late night social events planned for the students. They also state that businesses are not permitted to work after 5pm during the week and only from 8am to 1pm on a Saturday, although this allegedly has not been enforced properly.
- 6.4.2 The Industrial Estate has co-existed for many years within the heart of the surrounding residential area, including Vincent Road and Hollybrook Road, mainly because the compatible and quiet nature of light industrial businesses. In terms of the comings and goings and associated activities, the scale and nature of the proposed use in the ground floor unit is considered to be compatible with the commercial nature of the industrial estate. Whilst this suggests an alternative commercial/institutional use may be appropriate for the premises given the established use, a judgement still needs to be made whether there would be a harmful intensification of use to the detriment of the amenity enjoyed by the local residents and businesses.

6.4.3 The facility accommodates up to 4 students and 4 staff members of staff (1:1 ratio) in a half-day session, with 8 students attending a day. Currently there no more than four students attending a session. The training activities take place within the building itself with purpose built facilities and classrooms such as a catering kitchen to teach cooking, so it is considered that the nature of the use would not cause any undue noise disturbance to local residents living nearby. Furthermore, the hours of use are confirmed as 08:00-17:00 Monday to Friday and, therefore, would be in keeping with the nature of the residential area and the typical business hours of the surrounding businesses. The social events in the 'education room/workshop' would include Christmas and Easter parties, discos, birthdays but these would take place during the afternoon sessions. This timing of the social activities can be conditioned to avoid disturbance in the evenings for local residents. Although there may be a combined impact from the activities of Northbrook House, this use was allowed under permitted development so limited weight can be attached to its impact.

6.5 Parking highways and transport

6.5.1 In relation to the visitor trips in association with the use, the facility accommodates up to 8 staff accompanied students in a session. Currently there are no more than four students attending a session (AM or PM). The catchment area currently encompasses Southampton and Fareham. The applicant has advised that there is minimal car ownership for the students who visit the facility. The majority of the students who use the facility do so from the flats above, so there is no added traffic in this respect. For students from other facilities, car ownership (mobility car) is minimal, due to their disabilities others will either use public transport or a unit vehicle. There will be two sessions held during the day and, therefore, the developments could generate slightly higher trip rates during peak hours than the previous light industrial use. However, the level of trip impact is not considered to be significant in terms of highway safety. As such, the Highway's Officer has confirmed that there are no major highway's safety concerns with regards to the impact on the flow of traffic and access to the site. Furthermore, an occupancy condition can be applied to avoid a more traffic intensive D1 end user such as nursery or church using the premises.

6.5.2 The concerns of local residents are noted with regards to anti-social parking from the proposed use. That said, there are currently a total of 18 available car parking spaces for students and staff. There are also numerous on street parking bays with 2 hour restrictions in the vicinity which would also accommodate the 'pickup' and 'drop off' movements. The applicant has been requested to provide a plan to show the allocated parking area so this can be conditioned and retained whilst the use is in duration.

6.6 Mitigation of direct local impacts

6.6.1 The previous scheme was refused, in part, for not providing new footpath surfacing. Although the level of trip impact is not considered significant, the local environment has a mixed commercial/residential character which includes vehicular/HGV movements throughout the day, which is not the most pedestrian friendly and could be improved with better footway surface. Notwithstanding there is already an existing safe pedestrian route from Hollybrook Road across the car park adjacent to the site and the surfacing improvements to this route would benefit the less ambulant visitors, it would not be reasonable to expect the development to fund this mitigation measure given that the permission would only be granted on temporary

basis. Footway resurfacing works should be considered if an application for permanent change of use is submitted and could be improved with better footway surface.

7. Summary

7.1 In summary, the departure from the Local Plan can be supported. This is because the educational use of the premises can be reverted back to the safeguarded light industrial use after the temporary 3 year period if then found to be commercially viable under future market conditions and is not reallocated for other purposes under the emerging site allocation policies for employment. The delivery of the educational facility can be afforded significant weight given the importance attached by the government and opportunity to widen educational choice. Following the assessment above, the proposed use is not considered to harmfully impact on the character and amenity of the area, and highways safety. As such, it is considered that the 'planning balance' would therefore weigh in favour of the benefits from delivering the educational facility.

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) (g) 4. (g) (vv) 6. (a) (b)

SB for 16/07/19 PROW Panel

PLANNING CONDITIONS

1. Time Limited (Temporary) Permission Condition (Performance)

The development hereby approved shall be discontinued either on or before the period a period of 3 years from the date of this decision notice. After this time the land and buildings shall be restored to their former condition, or to a condition to be agreed in writing by the Local Planning Authority prior to this time, and the use of the premises shall revert back to B1(c) (industrial use).

Reason: To enable the Local Planning Authority to review the viability and allocation of safeguarded use and ensure that the use is reverted back after the permission expires to the safeguarded use to comply with the employment site allocation under the current Development Plan (policies REI11 and BAS12).

2. Refuse & Recycling (Time-limited)

Within 2 months of the date of the decision notice, details of storage for refuse and recycling, together with the access to it, shall be submitted to and approved in writing by the Local Planning Authority. The storage shall be provided in accordance with the agreed details within 1 month of approval and thereafter retained as approved for the duration of the use hereby approved. Unless otherwise agreed by the Local Planning Authority, except for collection days only, no refuse shall be stored outside of the store hereby approved.

Reason: To regularise the breach in planning control. 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.

3. 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, the development hereby approved shall be used only for the purposes indicated in the submitted details (including the email received from the applicant on 23rd May 2019) and not for any other purpose, including any other use within Use Class D1.

Reason: In the interest of the amenities of neighbouring occupiers and highways safety and to secure management of the use.

4. Hours of Use (Performance)

The use hereby approved shall not operate outside the following hours:

Monday to Friday – 08:00 – 17:00

This shall include any social activities in association with the approved use.

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

5. Occupancy limit (Performance)

The maximum number of students and teaching staff attending the educational facility shall not exceed 8 at any time.

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

6. Parking (Time-limited)

Within 2 months of the date of the decision notice, the allocated layout of the 18 parking spaces available (as confirmed by the applicant in the email received on 23rd May 2019) shall be submitted to and agreed in writing by the Local Planning Authority. The spaces shall be laid out in accordance with the plans hereby approved within 1 month from approval and thereafter retained as approved duration of the use hereby approved.

Reason: To prevent obstruction to traffic in neighbouring roads and in the interests of highway safety.

7. 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 - (as amended 2015)

CS6	Economic Growth
CS7	Safeguarding Employment Sites
CS11	An Educated City
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS25	The Delivery of Infrastructure and Developer Contributions

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

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP16	Noise
REI11	Light Industry

Bassett Neighbourhood Plan (July 2016)

BAS12	Employment Use
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Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - September 2013)

Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2019)

Relevant Planning History

17/01251/FUL – Refused 13.02.2018 (*see Appendix 3*)

Change of use from industrial (class B2) to education and training facility (retrospective)
[Departure from Local Plan - policy REI11)

Unit 1 Northbrook Industrial Estate

15/00430/PA56 – No objection 20.05.2015

Application for prior approval for a change of use of first floor from offices (use class B1)
to 5x 1-bed flats and 13 x studio flats (use class C3)

17/01251/FUL/35458



DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town and Country Planning (Development Management Procedure) (England) Order 2015

Concept Design & Planning
Rob Wiles
Morgans Yard
Shepherds Road
Bartley
Southampton
SO40 2LH

In pursuance of its powers under the above Act and Order, Southampton City Council as the Local Planning Authority, hereby gives notice that the application described below has been determined. The decision is:

FULL APPLICATION - REFUSAL

Proposal: Change of use from industrial (class B2) to education and training facility (retrospective) [Departure from Local Plan - policy RE111)

Site Address: Unit 4, Northbrook Industrial Estate , Vincent Avenue, Southampton SO16 6PB

Application No: 17/01251/FUL

For the following reason(s):

01.Loss of safeguarded employment use

There is insufficient evidence submitted to demonstrate that by marketing the premises over a period of at least 12 months there is no reasonable prospect of a site being used for B1(b/c) uses. Although there may be employment benefits it is unclear whether this is comparable to the previous usages. The loss of the safeguarded employment uses for local employment opportunities is therefore considered a greater economic loss to the existing community that would outweigh the benefit gained from the specialist educational and training use. Whilst the economic and social importance is acknowledged from delivering these type of educational facilities and greatly encouraged by paragraph 72 of the NPPF, insufficient justification has been given to the necessity of delivering these facilities to meet the needs by the existing community. As such, the proposal would be contrary to the aims of policy RE111(x) of the Local Plan Review (March 2015 amended), CS7 of the Core Strategy (March 2015 amended), BAS12 of the Bassett Neighbourhood Plan (July 2016)and paragraph 22 of the NPPF.

02.Lack of S106 agreement

In the absence of a completed Section 106 Legal Agreement, the proposals fail to mitigate against their direct impacts and do not, therefore, satisfy the provisions of Policy CS25 of the adopted Local Development Framework Core Strategy (2015) as supported by the Council's Developer Contributions Supplementary Planning Document (2013) in the following ways:-

(i) Site specific transport works for highway improvements in the vicinity of the site which are directly necessary to make the scheme acceptable in highway terms have not been secured in accordance with policies SDP4 of the Local Plan Review (2015) and CS18, CS19, and CS25 of the

Southampton Core Strategy (2015) and the adopted Developer Contributions SPD (2013). This a contribution of £5,000 towards local footway improvements including the slurry seal of nearby footways to make the route more accessible for less ambulance/confident students living within the local area.



Samuel Fox
Planning & Development Manager

13 February 2018

For any further enquiries please contact:
Stuart Brooks

IMPORTANT NOTE TO APPLICANT

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings:

Drawing No:	Version:	Description:	Date Received:	Status:
C17/051.02	Revision A	Proposed Plans	25.08.2017	Refused