REF. NO. F/12/70218

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Temporary change of use from Magistrates Court (Sui Generis) to ancillary office (B1a) accommodation for Eastleigh College Magistrates Court Leigh Road Eastleigh SO50 9DE

SITE VISIT DATE- Application site inspected 20th February and 7th March 2012.

ARE PLANS ACCURATE? The submitted drawings allow a comprehensive assessment of the proposed change of use.

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? All adjacent occupiers to the application site have been consulted in addition to the posting of a site notice in accordance with the major planning application status of the scheme. Accordingly, the Local Planning Authority's procedure for the publicity of planning applications has been followed.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	This application seek approval to change the use of the site from a Magistrates Court to Office accommodation for administration purposes for Eastleigh College
SITE AREA	4788.7 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Not Applicable
TOPOGRAPHY	Flat site
TREES	No TPO's, scrubs and landscaping to the front and immediate north of the building.
BOUNDARY TREATMENT	Landscaped bank and trees to the side (north) fronting Leigh Road and to the rear (west) beyond the rear car park that backs onto the M3 junction.
SITE CHARACTERISTICS	Former magistrates court with rear parking, accessed off Villeneuve St Georges Way and facing the entrance to Eastleigh Borough Council
CHARACTER OF LOCALITY	The surroundings are dominated by commercial premises and thereby sites of employment consisting of Office blocks to the east (EBC), their car park to the south and Fire Station to the North and The Gateway and Hendy Ford motor garage to the West and North West

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/09268/000/00	Erection of Courthouse	RNO 1965
Z/09268/001/00	Erection of Magistrates Courts, Offices and Probation Department	RNO 1965
Z/09268/002/00	Additional offices and toilet facilities	RNO 1978

REF. NO. F/12/70218

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
LOCAL GROUP	There are no local pressure groups operational in this location.
OTHER	No third party correspondence generated by this planning proposal.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Transportation & Engineers	No objection. It is understood that the application site will temporarily house up to 70 college administrative staff, with no visitors or students. Whilst the application forms states zero car parking spaces, it is furthermore understood that the on-site car parking will be utilised, which holds approximately 7 vehicles plus potential parking on the access roads into these car parks. These should be of sufficient numbers to allay concerns raised by traffic management in regard to overspill parking into both the EBC and Fleming Park car parks. No Developer's Contributions are required on the basis as this is a temporary change of use. However, if the situation changes and a permanent permission is requested, then Developer' Contributions will need to be calculated accordingly in line with Hampshire County Council Transport Contribution Policy.
Head of Regeneration & Planning Policy	No objection.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Existing Employment Area

DEVELOPMENT PLAN POLICIES

Eastleigh Borough Local Plan Review (2001-2011) 59.BE, 104.T, 117.E, 118.E
Supplementary Planning Guidance : Residential Amenity in the Borough of Eastleigh

PLANNING POLICY GUIDANCE / STATEMENT

PPS 1 - Delivering Sustainable Development
PPS 4 - Planning for Sustainable Economic Growth
PPG 13 - Transport

POLICY COMMENTARY

The above policies combine to form the criteria against which this application will be assessed with particular regard to retention of employment uses and adequate parking provision.

COMMENT ON CONSULTATION RESPONSES

The observations of the consultees are acknowledged.

COMMENT ON REPRESENTATIONS RECEIVED

COMMENT ON REPRESENTATIONS RECEIVED

No third party correspondence generated by this planning proposal.

PLANNING OBLIGATION/CONSIDERATIONS

Due to the temporary nature of this change of use application, Developer's Contributions are not sought to off set the impact of the proposed development on local infrastructure.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Principle

The site is located within the Urban Edge and an established area of employment. Accordingly, the principle of development is acceptable subject to the considerations of the employment, new development and parking "saved" policies of the prevailing local plan.

Proposal / Need

This change of use application is simply to use the current premise, the Former Magistrates Court (Sui Generis), for a temporary period of twelve months to accommodate 70 administration staff from Eastleigh College. Notwithstanding the site is to be used on a temporary basis, the proposed office use of the premises remains an employment activity not breaching the aims of "saved" planning policy 117.E. These aims being to ensure there is sufficient jobs to meet the needs of the labour force and to enhance competitiveness. To note, saved policy 118.E is not relevant to this development as the proposed use seeks approval for a B1 (a) use.

The application site is located within an established employment area and the proposal simply changes the use of the premises to a B1 (a) use with no material amendments proposed physically to the premises. Accordingly, there will be no external impact on the character and appearance of the area thereby, not breaching "saved" policy 59.BE that requires development to take full and proper account of the context of the site including the character and appearance of the locality.

Impact on Character

The predominant character of the application site and its surroundings is one of a recent commercial employment area including office accommodation, most notably Eastleigh Borough Council opposite. Such premises are sizeable with associated frontages, open parking, and landscaping which address a road used by vehicular traffic

This proposal will not undermine or alter this physical or functional pattern of existing development as no external alterations are proposed and the site is only accessed by staff and does not provide a public facility, as the Council building does and the Magistrates Court once did. As such this development will have minimal impact physically and functionally on the character and appearance of the area.

Residential amenity

"Saved" policy 59.BE looks to ensure any new development are an appropriate use for the locality and avoids unduly interfering, disturbing or conflicting with adjoining or nearby uses, especially in

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

terms of noise, fumes, dust, overlooking, loss of daylight, loss of outlook, vibration, or from floodlighting or security lighting. Notwithstanding the proposal to use the site for office activities, the Magistrates court is located in a designated employment area bounded on all sides by commercial premises, including office accommodation, and where residential properties are some significant distance away. Therefore there is no unacceptable harm to the amenities currently enjoyed by occupiers of surrounding houses.

Highway matters

The consultation response from the Head of Transportation and Engineering fully rehearses the argument on the car parking requirements concluding no objection to the proposal. According with "saved" policy 104.T states permission will only be granted for development that provides adequate off-highway parking provision, which the site has in abundance to the rear. This is further compounded by the applicant's confirmation in their design and access statement that the site will not be open to the public or students.

Summary

The proposed change of use, although losing a public facility (albeit redundant), reconvenes an appropriate employment use which congruously falls into character with other employment premises in close proximity to the site. Such administrative use consisting of 70 staff also retains adequate car parking. Therefore these factors combine to meet the criteria of saved policies 59.BE, 117.E and 104.T.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The recommendation is to permit the change of use for a year temporary planning permission.