REF. NO. F/13/73428

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Change of use from Magistrates Court (sui Generis) to music studio, training / tuition space and office accommodation (D1). Magistrates Court Leigh Road Eastleigh SO50 9DE

SITE VISIT DATE – Application site inspected pre-application 9th May 2013 and 19th February 2014

ARE PLANS ACCURATE? – The submitted drawings and associated explanation allow this change of use application to be assessed.

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? – In accordance with the Local Planning Authorities publicity of planning proposals all relevant occupiers of adjacent premises have been consulted in addition to the displaying of a site notice.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	This planning proposal seeks to change the use of the application building from Magistrates Court (Sui Generis) to music studio, training and tuition space and office accommodation (D1).
SITE AREA	The application site has an area of 0.12 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Not applicable
TOPOGRAPHY	The application site is flat and level.
TREES	There are no protected trees on the application site. There is overgrown landscaping and scrub to the front and immediately north of the building.
BOUNDARY TREATMENT	Landscaped bank and trees to the north side boundary, open forecourt frontage to the east addressing the private road highway , the south boundary consist of post and wire, continued along the rear west boundary to the M£ junction beyond.
SITE CHARACTERISTICS	Former Magistrates Court with rear parking, accessed off Villeneuve St. Georges Way and facing the entrance to the Council's current Civic Offices.
CHARACTER OF LOCALITY	The surroundings are dominated by commercial premises being sites of employment, consisting of office blocks to the east, the Council Offices and associated car park to the south. The Fire and Rescue Station to the north, with the Gateway Hotel and motor car dealership to the west and north-west respectively.

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RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
Z/009268/000/00	Erection of Courthouse.	Raise No Objection 28th May 1965
Z/009268/001/00	Erection of Magistrates Court, Offices and Probation Department.	Raise No Objection 30th July 1968
Z/009268/002/00	Additional offices and toilet facilities.	Development Allowed 20th December 1978
F/12/70218	Temporary change of use from Magistrates Court (Sui Generis) to ancillary office (B1a) accommodation for Eastleigh College.	Temporary Planning Permission Expiring 31st March 2013

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
	This planning proposal has not generated any third party correspondence.

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Housing & Environmental Health	It is understood that there is to be a single occupier of the building for a short duration. This reduces the potential for conflicts in the use of the building with regards to noise. NO OBJECTION
Hampshire Fire & Rescue Service	Access and facilities for Fire Service Appliances and Firefighters should be in accordance with Approved Document B5 of the current Building Regulations. Hampshire Fire and Rescue would strongly recommend that consideration be given to include the installation of Automatic Water Suppression Systems as part of a total fire protection package.

POLICY CONTEXT

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

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011): Saved Policies - 59.BE 104.T 118.E 186.IN
Revised Pre-submission Eastleigh Borough Local Plan 2011-2029: DM1 DM12 DM24 DM35
Supplementary Planning Document: Quality Places
Supplementary Planning Document: Residential Parking Standards
Supplementary Planning Document: Planning Obligations

NATIONAL PLANNING POLICY GUIDANCE

The National Planning Policy Framework includes guidance on promoting healthy communities, in particular paragraph 70 as follows;

"70. To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;"

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to temporary utilisation of vacant premises, promotion of a vibrant cultural strategy for the arts, protection of the amenities of the area and sufficient parking provision

COMMENT ON CONSULTATION RESPONSES

The observation of the consultee is acknowledged.

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

Proposal

This planning application is to establish a temporary change of use of the former Eastleigh Magistrates Court building. It is proposed to use the building "as is" to develop a proof of concept, providing a creative music offer for Eastleigh and surrounding area. There is a limited time frame for the project, due to future planning proposals for the site and its surroundings. Accordingly, there is a limited budget for the project, with no proposals to convert or change any aspect or physically alter the building. The current building provides an excellent flexible space for music practice, tuition and professional development, engaging with the general public and greatly enhancing the cultural offer for the residents of Eastleigh and the wider region.

The development of an inspirational community space for music that will provide valuable opportunities for people to connect, create and collaborate. Whether professional musicians, music educators or those just starting out, the space will be accessible, innovative and engaging. The space will be open to the public and well provide practice studios for bands, and ensembles, tuition spaces for one to one and group lessons, training space for professional development and social space for visitors to interact. The space will be a focal point for the community, providing engaging

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

workshops and music activity.

A variety of spaces will be available for public hire, from small tuition/training rooms, to large halls. The space will also provide office accommodation for existing and emerging music organisations, creating a hub of activity for music that reaches far into the town and across the region. The space will be a focal point for the community, providing engaging workshops and music activities for children, younger people and adults especially vulnerable and disadvantaged groups.

Excellent access arrangements to the building with provision of disabled access. There is a large car park to the rear, with convenient parking for disabled vehicles.

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 application 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 community, new development and parking “saved” policies of the prevailing local plan.

The change of use application is simply to use the current premises, the former Magistrates Court for a temporary period, for music studio, training, tuition space and associated office accommodation. In the short term this application can be viewed as an enhancement of community facilities. Providing a “proof of concept” that this activity will flourish and become part of Eastleigh’s musical culture. It should be acknowledged that the current use of the premises for Magistrates Court, has become surplus to requirements, with the Local Authority exploring a comprehensive package of re-development including the now vacant adjacent Council Offices. This proposal representing a short term beneficial use of current vacant premises. In strictest planning policy terms this proposal entails the loss of an established employment site. However, for the reasons outlined this is short term and provides benefits to the wider community. The relevant saved policy being 186.IN that allows proposals for the improvement of facilities for use by the community. Subject to there being no unacceptable harm to the residential amenity of occupiers of neighbouring properties. On the basis of the location of the application site in the context of nearby residential homes, namely the flatted development some 250 metres to the north-east, no formal third party correspondence and no objection from the Head of Housing and Environmental Health. It is not considered that this short term proposal will cause any detrimental impact to neighbours. Accordingly, complying with saved policy 181.IN of the extant local plan.

Character & Appearance

The predominant character of the application site and its surroundings is one of a recent employment area including office accommodation. Such premises are sizeable with associated frontages, open parking and landscaping which address the heavily trafficked Leigh Road.

The proposal will not undermine or alter this physical or functional pattern of existing development as no external alterations are proposed. 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 terms of noise, fumes, dust overlooking, loss of daylight, loss of outlook vibration, or from

ASSESSMENT OF PROPOSAL

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floodlighting or security lighting. Notwithstanding the proposal to use the application site for cultural activities, the Magistrates Court is located in a designated employment area bounded on all sides by commercial premises and Fire Brigade Head Quarters and where residential properties are some significant distance away. Accordingly, there is no unacceptable harm to the amenities currently enjoyed by occupiers of surrounding residential properties.

Highway Matters

On the basis of the short-term nature of this proposal looking to establish concept within the Borough of Eastleigh and the significant current parking arrangements, including the currently available two car parks associated with the now vacant Council Office premises. There are not considered to be any material harm to highway matters.

The proposal is considered to provide short term benefit to the wider community in terms of a variety of musical performances and participation.

OTHER MATERIAL CONSIDERATIONS

Also of relevance is the Revised Draft Eastleigh Borough Local Plan 2011-2029. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

For the reasons outlined in this report the recommendation is to permit a personal permission to the applicant, for a short term timescale linked to the future use of the former magistrates Court site and its commercial surroundings.