MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. X/15/76742

DESCRIPTION	Relief of condition 11 of planning permission Z/37905/001 to allow full residential use of approved live/work unit
ADDRESS	81 Fawn Crescent Hedge End Southampton SO30 2QD

SITE VISIT DATE	06 August 2015
ARE PLANS ACCURATE?	It is considered that sufficient information has been provided to allow for the assessment of the application.
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The application seeks to relieve condition 11 of planning approval Z/37905/001 dated 20/06/2003 in order to allow for the use of the premises for solely residential purposes. The current ground floor 'work' element is proposed to be converted to a kitchen and exercise room to be used in conjunction with the existing living accommodation on the upper floors of the building.
SITE AREA	80.4sqm (extent of application plot).
RESIDENTIAL DEVELOPMENT DENSITY (NET)	n/a
TOPOGRAPHY	The site slopes gently down from front to rear.
TREES	There will be no trees affected by the proposals.
BOUNDARY TREATMENT	The front boundary of the site with the highway footpath is marked by a 1m high black metal railing. The property's rear garden is surrounded by 1.8m high timber fencing.
SITE CHARACTERISTICS AND CHARACTER OF LOCALITY	The application building is a mid-terrace property which forms one of four live-work units approved as part of planning permission Z/37905/001 (Nos. 81 to 87 Fawn Crescent). These units are situated to the southern side of the road with each originally having a work area (B1 use) at ground floor level with living accommodation being present on the two upper floors. No. 85 has, however, since been granted consent (see below planning history) for the relief of the relevant condition restricting the work element to allow for full residential occupation.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
81 Fawn Crescent		
Z/37905/001/00	Residential development for 149 units, dental surgery unit, live-work units, public open space, footways, cycleways, car parking and new roads with vehicular access from Locke Road.	PERMIT – 20/06/2003

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
85 Fawn Crescent		
X/10/66939	Removal of condition 11 of planning permission Z/37905/1 to allow residential use of entire building	REFUSE PLANNING PERMISSION – 21/07/2010
X/12/71784	Removal of condition 11 of planning permission Z/37905/001 to allow residential use of entire building	PERMIT – 01/02/2013

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Hedge End Town Council	Hedge End Town Council raised no objections to the application.
Head of Environmental Health	The Head of Environmental Health raised no objection in principle to the proposed development, nor did they wish to recommend any conditions.
Head of Transportation and Engineering	The Head of Transportation and Engineering raised no objection in principle to the application. Assuming the ground floor bedroom is the 'work' area, then the property is currently assumed to be 2-bed. Following a relief of condition, it is therefore assumed the property would be 3-bed. In line with the EBC Parking Standards, 2 and 3-bed require the same quantum of parking, and as such there would be no uplift of parking associated with this unit. If the unit is not currently 2 or 3-bed, and is expanding to a unit larger than 2 or 3-bed, please advise as a re-assessment of the application will be required accordingly.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area

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

Eastleigh Borough Local Plan Review (2001-2011), Saved Policies 59.BE, 71.H, 120.E.
Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising: Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014, Policies DM1, DM12, DM24.
Supplementary Planning Document: Quality Places
Supplementary Planning Document: Residential Parking Standards

CHARACTER APPRAISAL AREA

Hedge End, West End and Botley Character Area – *HEWEB 68* (Summary Description Only):

"1990s to present day terraced/detached (multi-family) on an interconnected network/cul-de-sac on the western edge of Wildern".

SPECIAL POLICY AREA

The site does not fall within a designated special policy area.

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework (NPPF):

The following sections of the NPPF are of particular relevance to this proposal:

- Paragraph 14 which sets out that at the heart of the NPPF is a presumption in favour of sustainable development that should be seen as a "golden thread running through both plan-making and decision taking".
- Paragraph 17 which sets out the 12 core principles that should underpin decision taking. These include that planning should "…proactively drive and support sustainable economic development" and "…always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".
- Paragraph 20 states that "to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.
- Paragraph 37 which states that "planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to the principle of the development proposed, the impact of the proposals on the character of the area, residential amenity, highway matters, and the economic need and demand for the live-work premises in this location.

COMMENT ON CONSULTATION RESPONSES

The comments received are noted. In the interests of clarity, in response to the comments of the Head of Transportation and Engineering, the property currently has two bedrooms and will remain as such with the 'work' area of the unit proposed to be converted to a kitchen and exercise room.

COMMENT ON REPRESENTATIONS RECEIVED

No third party representations have been received in relation to the proposals.

PLANNING OBLIGATION/CONSIDERATIONS

As there will be no net increase in the number of residential units on the site, there are no planning obligations required.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Legislative Background:

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."

Development Plan Policies:

Saved Policy 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.

Saved Policy 71.H states that the Council will encourage mixed use developments where appropriate and will consider the need for a mix of uses on a site by site basis with the objectives of reducing the need to travel and introducing vitality into urban areas.

Saved Policy 120.E states that within the urban edge, proposals for B1, B2 and B8 uses on new sites and proposals for the redevelopment or extension of existing industrial, office and business sites which are not identified on the proposals map, will be permitted provided all the following criteria are met. They: (i) cause no demonstrable harm to the amenities and environment of occupiers of nearby existing or proposed housing; (ii) do not generate traffic which would result in unacceptable traffic levels on adjoining roads or endanger other road users; and (iii) do not conflict with policy 134.TC on the location of office development. The redevelopment of industrial sites not identified on the proposals map to residential use will be permitted provided (iv.) a residential use is appropriate to the surroundings; (v.) it does not involve the loss of a site which, in terms of amenity, is particularly suitable for an industrial use; and (vi.) the employment base and range of industrial premises in the local area is not markedly reduced.

MATERIAL CONSIDERATIONS

Assessment of proposals:

The above referenced planning policies seek to encourage mixed use developments with the objectives of reducing the need to travel and introducing vitality into urban areas (71.H), and to ensure that the employment base and range of commercial premises in a local area is not markedly reduced by their redevelopment for residential purposes (120.E).

Whilst it could be argued that the loss of this type of employment premises is in conflict with the aims of these policies and that it may limit the opportunities for, and options available to, start-up businesses, this must be balanced against the site specific factors in this particular case and the realistic potential of the unit actually being utilized for ‘live-work’ purposes. These factors include the overwhelmingly residential use and nature of surrounding properties, as well as the poor market demand for live-work units in this area, with some appraisal information having been provided to demonstrate this as part of the submission. It is also evident that each of the neighbouring live-work units that formed part of the original development and which includes No. 81, have failed to utilize their employment space in the manner that had originally been intended,

ASSESSMENT OF PROPOSAL

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something which notably contributed to the granting of planning permission for the same condition to be relieved for No. 85 Fawn Crescent in 2013.

In addition, it is considered that a full residential use is appropriate to its surroundings, and the residential amenity of the occupiers of neighbouring properties as well as of the application unit itself would not be unduly harmed by such a change, which includes by way of noise from potential 'work' based B1 operations undertaken on the ground floor of the neighbouring live-work units should this be being utilized for such a purpose or come to be so in the future. Indeed, whilst the noise assessment provided in support of the application is specific to No. 85 (having been submitted as part of their 2013 application), the Council's Environmental Health Team are satisfied that its content is equally applicable to No. 81 and as such have raised no objection to the application on these grounds. As the number of bedrooms within the property will not increase, in line with the Council's Residential Parking Standards Supplementary Planning Document there is no requirement for any additional car parking to be provided. For these reasons, it is considered that the application accords with the requirements of Saved Policy 59.BE, parts v. and vii. of which respectively require that development provides a satisfactory means of access and layout for vehicles and that it does interfere or adversely harm the amenity of the occupiers of residential properties.

Conclusion:

It is acknowledged that the relieving of condition 11 would result in a loss of potential employment space and reduce the range of premises in the area. However, it is apparent that the unit and those that neighbour it are not being, and may have never been, utilized for a combined 'live-work' purpose and that there is little potential or demand for them to be so in the immediate area, something which is deemed to be a significant and overriding material consideration in the determination of this application. For these reasons and that the proposals are acceptable in other regards (i.e. parking, residential amenity, and the use of the premises for residential purposes), it is recommended that permission be granted for the relief of Condition 11 in respect of No. 81 Fawn Crescent.

OTHER MATERIAL CONSIDERATIONS

Also of relevance Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. 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

It is recommended that the relief of condition 11 of planning permission Z/37905/001/00 be granted in respect of No. 81 Fawn Crescent.