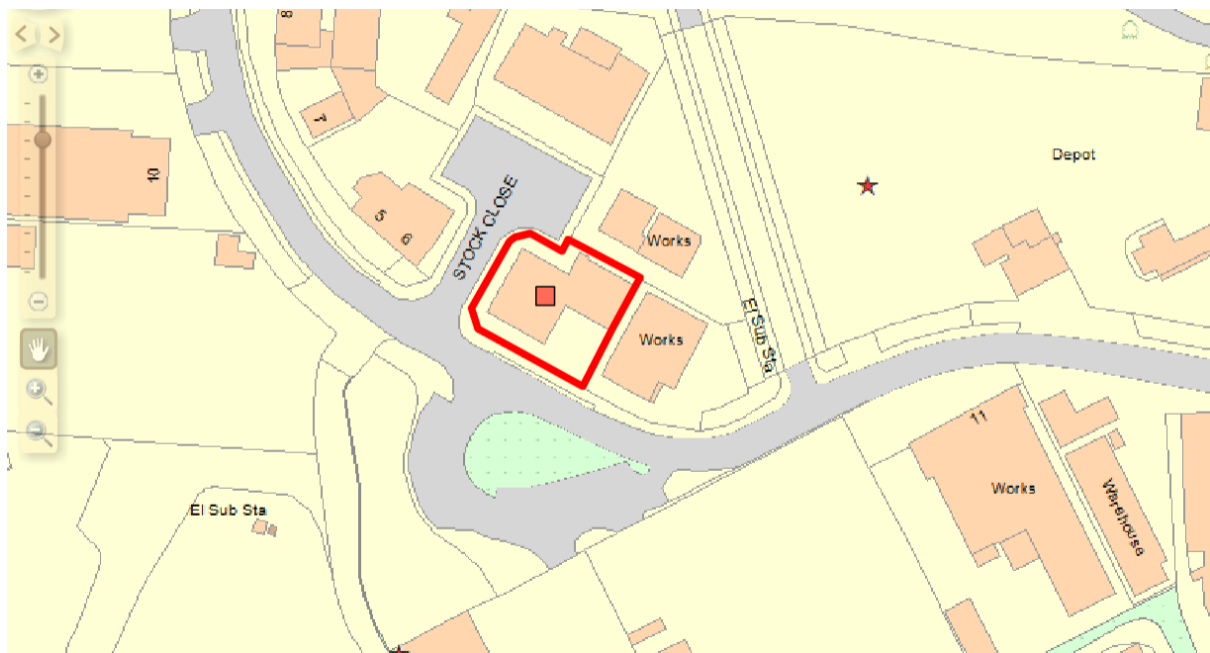


Reference:	17/01332/FUL	
Ward:	St Lukes	
Proposal:	Change of use from light industrial (Class B1(c)) to dance and theatre school (Class D1), erect new entrance to front and single storey front and side extension	
Address:	1A Stock Road Southend-On-Sea Essex SS2 5QA	
Applicant:	Mrs Wendy Headford	
Agent:	Ergotechnics Ltd	
Consultation Expiry:	28 th September 2017	
Expiry Date:	12 th February 2018	
Case Officer:	Abbie Greenwood	
Plan Nos:	A101C, A102B, A103, A104B, A105	
Recommendation:	REFUSE PLANNING PERMISSION	



1 The Proposal

- 1.1 This application seeks planning permission to change the use of Unit 1A Stock Road from a light industrial unit (Class B1(C)) to a dance and theatre school (Class D1).
- 1.2 The proposal will include a small extension to the south of the building to provide an entrance lobby and an addition to the east elevation to provide a linking corridor. The proposed extensions are single storey only. The lobby measures 2.7m x 3.1m with an eaves height of 2.2m and a maximum height of 3.2m. The link section has a width of 1.5m, and eaves height of 2.5m and a maximum height of 3m. The extensions will be clad with orange profiled steel cladding, with a black/grey profiled steel roof and black aluminium windows and doors. The building will house a reception area, 3 dance studios, wcs, storage and a small kitchen at ground floor and ancillary offices at first floor. The building including extensions would equate to 450 sqm. The dance school will relocate from the existing premises at Rayleigh Weir.
- 1.3 The applicant has confirmed that the peak times for classes would be from 4pm until 9.30 pm weekdays and 9am until 4pm Saturdays when it is likely that all 3 studios would be in use. During the school day from 9am until 4pm the use of the studios will be much less and it is expected that only 1 studio may be operational during these times. This could be for Active Life (retirement) classes or adult fitness for local workers from the industrial estate. The use of the studios on Sundays and in school holidays will be more on an ad hoc basis such as for examinations, additional rehearsals for show and workshops by for visiting dance specialists. The applicant has also confirmed that the business currently employs the equivalent of 6 full time staff.
- 1.4 The submitted plans show that 10 parking spaces are proposed within the application site. 4 of these will be 'locked in' as tandem spaces. This will require the existing crossover to the front to be widened and an additional crossover to be constructed onto Stock Close to the west.
- 1.5 It should be noted that the Council officers have tried to work with the applicant, directing them to the relevant policies and identified what would be required to meet the policy requirements. The applicant has been given every opportunity to provide enhanced supporting information in relation to this application.

2 Site and Surroundings

- 2.1 The site is located on Stock Road at its junction with Stock Close. The existing building on the site is a detached 1970s style light industrial unit. It is two storeys, red brick with a flat roof to the front and has an attached brick warehouse element to the rear. The building was last used as a printers/label makers/engravers but is now vacant.
- 2.2 The surrounding buildings are industrial units of a similar age and scale. Opposite is the civic amenity site and small parking area.

- 2.3 The site is located within Stock Road Industrial Site within an area allocated as an Employment Area within the Core Strategy and Development Management Document.

3 Planning Considerations

- 3.1 The main issues for consideration include the principle of the change of use, the impact on the design of the existing building and wider street scene, any impact on neighbours, parking implications and CIL.

4 Appraisal

Principle of Development

National Planning Policy Framework, Policies KP1, KP2 and CP1, CP4 and CP6, CP7 of the Southend-on-Sea Core Strategy (2007), Policies DM1, DM10, DM11 and DM15 of the Southend-on-Sea Development Management Document (2015)

- 4.1 Government guidance with regard to planning matters is set out in the National Planning Policy Framework (NPPF). The NPPF states that there are three dimensions to sustainable development. These are economic, social and environmental.
- 4.2 In relation to the economic strand of the definition of sustainable development, paragraph 3 of the NPPF states that the planning system will contribute to building a strong competitive economy by *'ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure'*.
- 4.3 Paragraph 17 states that planning should *"be genuinely plan-led"*. Paragraph 161 states *"the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs. Reviews of land available for economic development should be undertaken"*.
- 4.4 Paragraph 22 of the NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regarded to market signals and the relative need for different land uses to support sustainable local communities.
- 4.5 Policy KP1 seeks sustainable development by focussing appropriate regeneration and growth towards Priority Urban Areas and the main industrial/employment areas which includes Stock Road.

4.6 Policy CP1 of the Core Strategy states that *“The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas.”* and that *“Permission will not normally be granted for development proposals that involve the loss of existing employment land and premises unless it can be clearly demonstrated that the proposal will contribute to the objective of regeneration of the local economy in other ways, including significant enhancement of the environment, amenity and condition of the local area.”*

4.7 Stock Road industrial Estate is identified as an employment growth area in the Development Management Document. Policy DM11 of the Development Management Document states that the Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas . Section 2 of policy DM11 relates to the use of designated employment areas and states:

‘The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas shown on the Policies Map and described in Policy Table 8. Proposals that fall outside of a Class B employment use will only be granted permission where:

2A the development proposal is a ‘sui generis’ use of a similar employment nature, which is compatible with and will not compromise the operating conditions of the Employment Area; or

2B. the development proposal is in conformity with a planning brief, or similar planning policy document, that has been adopted by the Borough Council for the concerned site, which sets out other appropriate uses; or

2C. it can be demonstrated to the Council’s satisfaction that:

- i) there is no long term or reasonable prospect of the site concerned being used for Class B purposes*, and*
- ii) the use is compatible with and will not compromise the operating conditions for other employment uses or the potential future use of neighbouring sites for employment uses; and*
- iii) the alternative use cannot be reasonably located elsewhere within the area it serves**; and*
- iv) the use will not give rise to unacceptable traffic generation, noise, odour or vehicle parking.*

2D. it can be shown that the development will be a complementary and supporting use, which is both subservient and ancillary to the principal employment uses and serves the day-time needs of the estate’s working population and will not result in a material change to the Class B character and function of the area.

**This should include a minimum 2 year active marketing exercise where the vacant site / floorspace has been offered for sale or letting on the open market at a realistic price and that no reasonable offers have been refused. In exceptional cases related to site-specific circumstances, where the vacancy period has been less than two years, a robust market demand analysis which supplements any marketing and vacancy evidence may be considered acceptable.*

Appendix 4 sets out the information to be provided in relation to marketing and market demand.

*** The Borough Council will make a judgement about the extent of the area based upon the site concerned and the proposed use.*

- 4.8 In addition Appendix 4 of the Development Management Document provides the following information on the requirements for a robust marketing assessment:

PART A - Marketing

In instances where policies require marketing information to be submitted, the following details will be used to assess the acceptability, or otherwise, of the information submitted and any marketing undertaken.

Marketing evidence requires demonstration of an active marketing campaign for a continuous 2 year period, whilst the premises were vacant, which has shown to be unsuccessful.*

Marketing must be through a commercial agent at a price that genuinely reflects the market value of the lawful use. It must be shown to the council's satisfaction that marketing has been unsuccessful for all relevant floorspace proposed to be lost through redevelopment or Change of Use.

Active marketing should include all of the following:

- 1. A visible advertisement board posted in a prominent location on site, including relevant contact information (subject to advertising consent, if required);*
- 2. Registration of property with at least one commercial property agent and continuously advertised on the agent's website;*
- 3. Property details and information available to enquirers on request;*
- 4. Property marketed at a reasonable price reflecting market conditions, including in relation to use, condition, quality and location of the premises/site;*
- 5. Property marketed for the appropriate use or uses as defined by the relevant planning policy.*

Sufficient detailed information is required to be submitted alongside any planning application to demonstrate compliance with the above criteria. Additionally, information should be submitted regarding:

- i. the number and details of enquiries received;*
- ii. the number of viewings;*
- iii. the number, type, proposed uses and value of offers received;*
- iv. reasons for refusal of any offer received, and/or reasons why any offers fell through;*
- v. the asking price and/or rent that the site or property has been offered at, including a professional valuation from at least three agents to confirm that this is reasonable;*
- vi. the length of marketing period, including dates, and*
- vii. the length of the vacancy period.*

- 4.9 It is also noted that a number of evidence base documents for the Local Plan are also relevant to this application as they include more detailed surveys and studies of the Borough's Employment Areas. The Southend-on-Sea Survey of Key Employment Areas (September 2013) states that of the 93 premises within Stock Road Industrial Estate, of these premises 86 (96%) were in use for B use classes and only 9 units were vacant equating to 9.7%. This is a low vacancy rate in comparison to some of the other employment areas in the Borough. Stock Road is recognised as being one of the primary and better performing industrial areas in the town. It should be noted that this survey is currently being updated and draft survey data from late 2017 shows that of the 93 units, 89 were noted as having a B class use (96%) and that vacancy rate has risen slightly to 11 units (11.5%), which is still considered to be low in comparison to other employment areas.
- 4.10 In relation to Stock Road Industrial Estate the 2010 Employment Land Review 2010 stated that *"The site is located in northern Southend and comprises of a mixture of different quality premises with some modern B1 office units and older post war B2/B8units. Overall the premises are in reasonable use for a mix of employment purposes, however retail trade and vacant premises are at present undermining its employment status. Parts of the site have been development over time and are in poor condition, whilst newer modern premises are of higher quality, e.g. Key Med. There should be continued market interest in the location, however currently there are several units available for rent. There is potential for redevelopment of older parts of the site in the long term on a piecemeal basis, however currently the site will primarily support existing employment rather than providing floorspace to facilitate growth."*
- 4.11 The Employment Land Review recommends that the site should be protected for employment purposes and potentially redeveloped for modern premises for employment uses. Existing employment sites are considered to have continued value in employment use and therefore should continue to be protected from loss in the first instance. These aspirations are addressed in Policy DM11 of the Development Management Document which identifies the site as an Employment Growth Area.
- 4.12 Therefore a change of use for a building in this area will only be granted where it conforms to one of the four criteria 2A-2D in policy DM11 above. The proposed development falls outside Criteria 2A, 2B and 2D as it relates to a use falling within Use Class D1 which is not ancillary to, supportive of or similar to an employment use that falls within Class B and the site is not supported by an adopted planning brief. Criterion C is therefore the only applicable exception to the policy. The policy states that all the four criteria within part 2C must be met. These criteria are examined below.
- 4.13 In relation to criteria 2Ci) and Appendix 4 of the Development Management Document the marketing agent has confirmed that the application site became vacant in December 2015. An offer was received in December 2015 (£135,000) to use the building as a gym. This was provisionally accepted and the premises were removed from the market. This sale fell through in February 2016 and the property was put back on the market. In June 2016 a second sale was agreed with an industrial user (£130,000) and the building was again removed from the market. This buyer also withdrew at the end of December 2016.

The site was remarketed from January 2017. In May 2017 an offer of £115,000 was made by the applicant and this was accepted. The site has been off the market from this time. During the last period that the building was on the market (January – May 2017) a number of enquiries were received regarding the premises. The selling agent has confirmed that during this last period on the market there were a number of queries about the property which resulted in 8 accompanied viewings and a couple of offers although these did not result in the agreement of a sale.

- 4.14 The selling agent has also confirmed that the property was initially only advertised online and in the estate agents. There was no for sale board at the premises because the owner was concerned about vandalism. However, one was erected at the property from January 2017 following the second failed sale.
- 4.15 In relation to the other requirements of Appendix 4, two independent valuations of the property have been carried out by two other local agents who both valued the property at £125,000.
- 4.16 In relation to the suitability of the site for industrial use the selling agent has commented that the current premises is an older style light industrial unit and that these type of units are generally less desirable than the newer units on the northern section of this estate (Temple Farm). She also states that this is reflected in the value of the unit which is typically around 25% less than the more modern unit in this area. The agent also comments that the proximity of this particular site to the civic amenity site was also a concern for some potential buyers.
- 4.17 It would seem therefore that there has been interest in this property from a variety of prospective buyers, including industrial users, which resulted in the owner accepting a number of offers on the building over the last two years. Each time an offer was accepted the premises were removed from the market which means that it has only been actively marketed for 10 months in the last 2 years (from Feb – June 2016 and Jan-May 2017). It is noted that the agent has expressed concerns regarding the desirability of a unit of this age in the market place for industrial users, however, no comment has been made on the suitability of the site for redevelopment to accommodate a new modern industrial building and the available evidence suggest the existing building may be suitable for certain businesses.
- 4.18 It is therefore considered that the applicant has not demonstrated that there is no long term of reasonable prospect of the site concerned being used for Class B purposes and criteria 2C i) of policy DM 11 has not been met.
- 4.19 In regard to criteria 2C ii), which relates to the compatibility of the scheme with surrounding operators, it is considered that the proposed dance and theatre school would not compromise the operation of the neighbouring units, wider industrial estate or its future potential for employment uses. It is therefore considered that criteria ii) can be met.

- 4.20 Criteria 2C iii) requires the applicant to demonstrate that the proposed use cannot reasonably be located elsewhere in within the area it serves. In response to this the applicant has submitted information which states that she has been seeking premises in the area since the 1990s and has viewed a large number of buildings during this time. Many of these were dismissed because they were too expensive or lacked parking. Offers were made on other buildings but fell through. The current building at Rayleigh Weir was secured towards the end of the 1990s but this was seen as a temporary home only. This building is now in need of significant and costly repairs.
- 4.21 Whilst it is noted that a large open floor plate with a reasonable floor to ceiling height is required for this type of use, it is considered that the applicant has not demonstrated that this kind of building can only be found within an industrial estate. Indeed it is noted that there are other similar businesses located throughout the Borough and wider catchment area in a variety of locations many of which are outside employment areas. It is therefore considered that the applicant has not demonstrated that this use could not be located outside an industrial estate.
- 4.22 Finally criteria 2C iv) requires that the development should not give rise to unacceptable traffic generation, noise, odour or vehicle parking. It is noted that the impact on traffic and highways is discussed in more detail below, however, the Council's Highway Officer has not objected to the proposal and it is generally considered that the proposed use would be able to meet this criteria.
- 4.23 Overall therefore it is considered that the proposal does not meet the criteria which would justify the loss of the existing B1 use of the unit. Therefore the proposal is found by officers to be contrary to policy DM11.
- 4.24 Policy CP7 of the Core Strategy seeks to support provision of sport and recreation facilities for children, young people and the wider community. It is acknowledged the provision of a leisure/community facility at a possible benefit of the use include supply of sport and community facilities, however, this is not considered to outweigh the objection to the in principle loss of the employment use.
- 4.25 The applicant has been advised that the proposal is contrary to Policy DM11 and has asked that the Council consider a personal permission in this instance as her particular business has a proven track record in providing a valuable service to the wider community. She comments that the dance school goes over and above the usual provision of lessons and also does valuable work with Southend Hospital to help children with mobility difficulties, blind and deaf children and amputees to strengthen muscles and improvement their movement. A personal permission means that the site would return to the previous B use if the applicant, in this case Mrs Wendy Headford, is no longer running the proposed business.
- 4.26 Whilst is it acknowledged that the applicant has done valued work with the local community through her business it is considered on balance that the case for 'exceptional circumstances' has not been justified to an extent where this overrides the policy position on the protection of employment (B use class) uses in this case.

Design and Impact on the Streetscene

National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policy DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.27 The existing building is a 1970s style light industrial until and has a fairly utilitarian appearance. Two small extensions are proposed to the existing building - a small lobby to the front to signal the entrance for visitors and a linking corridor to the side to provide access to the largest room without needing to pass through the other large spaces. Both extensions are simple additions of a modern appearance with monopitched roofs and colourful cladding. These will contrast with the character of the existing building but will add interest to it and wider streetscene.
- 4.28 The Industrial estate is an eclectic mix of buildings with no particular style or design merit. This approach to the building development is therefore considered to be acceptable and policy compliant from a design and character perspective.

Impact on Neighbouring Properties

National Planning Policy Framework, Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007), Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.29 Policy DM1 of the Development Management DPD states that development should *“Protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight.”*
- 4.30 Paragraph 17 of the National Planning Policy Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 4.31 Policy KP2 of the Core Strategy seeks to secure improvements to the urban environment through quality design. Policy CP4 seeks to maintain and enhance the amenities, appeal and character of residential areas.
- 4.32 Policy DM3 of the Development Management Document seeks to support sustainable development which is appropriate in its setting, and that protects the amenity of the site, immediate neighbours, and surrounding area, having regard to matters including privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.

- 4.33 There are no residential properties close to the site. To the east, north and west are industrial premises and to the south is the civic amenity site. A short distance to the north behind the neighbouring industrial unit is Sutton Road Cemetery. It is not considered that there are any concerns relating to overlooking of sensitive uses or that the proposed extensions would have an unacceptable impact on the outlook of neighbouring buildings. It is possible that the dance school may use amplified music in the classes, however, any assessment of the potential noise nuisance needs to be balanced against that which could arise from the existing lawful use as an industrial unit. As such it is considered that the proposed use would not result in a material increase in noise and disturbance when compared with the lawful use of the site, to such a degree as would warrant a refusal of planning permission. The impact on neighbours is considered to be acceptable in all regards.

Traffic and Transport Issues

National Planning Policy Framework, Policies KP2 and CP3 of the Southend-on-Sea Core Strategy (2007), Policy DM15 of the Southend Development Management Document (2015) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009)

- 4.34 Policy DM15 of the Development Management Document requires that all development should meet the off-street parking standards. For commercial development the standards are maximum standards.
- 4.35 The submitted plans show that 10 parking spaces are proposed within the application site. Four of these will be locked in as tandem spaces. This will require the existing crossover to the front to be widened and an additional crossover to be constructed onto Stock Close to the west. The applicant has confirmed that the business currently employs the equivalent of 6 full time staff. There can be a maximum of 3 classes at any one time having up to 15 pupils. Classes run concurrently but it is not unusual for children to attend two or more classes which follow on.
- 4.36 The Council's Highways Officer comments that existing use and proposed use are comparable in traffic generation terms, adequate parking has been provided as part of the development. It is also noted that the site within walking distance of the bus services along Sutton Road and there are some on street parking close to the site that could serve the site. As noted in Section 1 above, the peak times for the business are 4pm-9.30pm weekdays and Saturday daytime. This contrasts with the peak times for the industrial estate and therefore it is likely that there will be on street parking provision available for the most popular class times.
- 4.37 The Council's Highway Officer also comments that the proposal should be encouraged to provide secure cycle parking and a Travel Plan. If the proposal were to be found to be acceptable it is considered that these items could be required by way of a condition.
- 4.38 It is therefore considered that the proposed provision of 10 spaces is sufficient to serve this development in this location and there are no highway objections to this proposal.

Community Infrastructure Levy

CIL Charging Schedule 2015

- 4.39 In this instance, CIL Regulation 42 (Exemption for Minor Development) applies. As the development includes only a commercial change of use, and the gross internal area of new build (i.e. the extension to the existing building) resulting from the development will be less than 100sqm, the proposal is not CIL liable.

5 Conclusion

- 5.1 The applicant has failed to demonstrate that there is no long term or reasonable prospect of the site being used for B class uses, and that the proposed use cannot reasonably be located elsewhere within the area that it serves. On this basis it is concluded that the use of the premises as proposed would undermine the employment growth area and the long term availability of employment-generating development in the Borough. On balance, there are found to be no material planning considerations of sufficient weight to outweigh the harm caused by this conflict with development plan policy. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP1, KP2 and CP1 of the Core Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).

6 Planning Policy Summary

- 6.1 National Planning Policy Framework (2012)
- 6.2 The Southend-on-Sea Core Strategy (2007): Policies KP1 (Spatial Strategy) KP2 (Development Principles) CP1 (Employment Generating Development). CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) CP6 (Community Infrastructure) CP7 (Sport, Recreation and Green Space)
- 6.3 The Southend-on-Sea Development Management Document (2015): Policies DM1 (Design Quality), DM3 (The Efficient and Effective Use of Land) DM10 (Employment Sectors) DM11 (Employment Areas) DM15 (Sustainable Transport Management)
- 6.4 Supplementary Planning Document 1: The Southend-on-Sea Design & Townscape Guide (2009)
- 6.5 CIL Charging Schedule 2015
- 6.6 Southend on Sea Employment Land Review May 2010

7 Representation Summary

Transport & Highways

- 7.1 It is not considered that the proposal will have a detrimental impact upon the public highway. The existing use and proposed use are comparable in traffic generation terms, adequate parking has been provided as part of the development. The applicant should be encouraged to provide secure cycle parking with the proposal to encourage alternative travel choices for staff and patrons.

Environmental Protection

- 7.2 No comments received.

Parks

- 7.3 No comments received.

Public Consultation

- 7.4 6 neighbours have been notified. No responses have been received.
- 7.5 A letter of support has been received from Sir David Amess MP.

8 Relevant Planning History

No planning history

Recommendation

REFUSE PLANNING PERMISSION for the following reasons:

- 01 The applicant has failed to demonstrate that there is no long term or reasonable prospect of the site being used for B class uses, and that the proposed use cannot reasonably be located elsewhere within the area that it serves. On this basis it is concluded that the use of the premises as proposed would undermine an employment growth area and the long term availability of employment-generating development in the Borough. There are found to be no material planning considerations of sufficient weight to outweigh the harm caused by this conflict with development plan policy. This is unacceptable and contrary to the National Planning Policy Framework, Policies KP1, KP2 and CP1 of the Core Strategy (2007) and Policies DM3 and DM11 of the Development Management Document (2015).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application and therefore, the proposal is not considered to be sustainable development. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future.

Informatives

01 You are advised that as the proposed extension to your property equates to less than 100sqm of new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.