

Reference:	16/01182/FUL
Ward:	Prittlewell
Proposal:	Change of use of ground floor from office (Class B1) to non-residential education facility use (Class D1), erect a single storey rear extension, install dormer to the rear and alter front elevation
Address:	181 West Road, Westcliff-on-Sea, Essex SS0 9DH
Applicant:	Mr Warner
Agent:	Mr Kirubaharan
Consultation Expiry:	10.08.2016
Expiry Date:	23.08.16
Case Officer:	Janine Rowley
Plan Nos:	Location Plan 106; Proposed Elevations 206; Proposed ground floor 306; First floor 406; Roof Plan 506; Sections 606
Recommendation:	GRANT PLANNING PERMISSION



1 The Proposal

- 1.1 Planning permission is sought to change the use of ground floor from an office (Class B1) to non-residential education facility use (Class D1), erect a single storey rear extension, install dormer to the rear and alter front elevation. It should be noted following a site visit on the 20th July 2016 it was noted works have commenced retrospectively in relation to the single storey rear extension.
- 1.2 The proposed single storey rear extension is 4.3m wide x 6.9m deep x 3.25m (3.8m lantern rooflight) high with a flat roof. The proposed dormer is 1.85m wide x 3.5m deep x 2.1m high. External alterations are proposed to the existing shopfront.
- 1.3 The supporting information accompanying this application is limited however the applicant has confirmed the following:
 - The proposed opening hours 1600 to 2100 Monday to Friday and 0900-1700 Saturday, Sundays and Bank Holidays
 - The premises will be used as a 'tutor centre' with a total of 8 pupils and two members of staff at one time and a receptionist.
 - The proposal will provide an educational facility for GCSE and A Level students.

2 Site and Surroundings

- 2.1 The site is located to the northern side of West Road located within a row of commercial premises and was previously used as an office and close to the junction with Westborough Road to the west. To the east is a local food shop and to the west are residential properties. The character surrounding area is residential. The site is not situated within a designated area by the Development Management Document DPD2.

3 Planning Considerations

- 3.1 The main considerations of this application are the principle of the development, design and impact on character of the area, traffic and transportation issues and impact on residential amenity.

4 Appraisal

Principle of Development

National Planning Policy Framework, DPD1 (Core Strategy) policies KP1, CP1, CP4; DPD2 (Development Management Document) policies DM1, DM11, DM15 and the Design and Townscape Guide SPD1 (2009)

- 4.1 The existing use on site relates to vacant office premises. The site is not situated within a specific area designated by the Development Management Document DPD2. Policy CP1 of the Core Strategy seeks to protect existing employment generating uses stating "*Industrial and distribution uses will be supported on existing and identified industrial/employment sites, where this would increase employment densities and/or reinforce their role in regeneration*". Policy DM11 of the Development Management Document DPD2 states: "Outside the

Employment Areas (Policy Table 8), proposals for alternative uses on sites used (or last used) for employment purposes, including sites for sui-generis uses of an employment nature, will only be permitted where it can be demonstrated that: (i) it will no longer be effective or viable to accommodate the continued use of the site for employment purposes (qualitative appraisal); or (ii) Use of the site for B2 or B8 purposes gives rise to unacceptable environmental problems. It will need to be demonstrated that an alternative use or mix of uses will give greater potential benefits to the community and environment than continued employment use.

- 4.2 The proposal is to convert the existing offices to an education facility. The applicant has submitted further details relating to the existing use. The offices have been vacant since 2005 and the previous owner Holland (Associated Ashblended Limited) relocated to larger premises. The site has remained vacant since the applicant purchased the property. The applicant has confirmed there are a number of offices within industrial estates and also along London Road. The applicant believes the small floorspace will not attract businesses and it is noted that the proposed change of use will provide an education facility benefitting students creating employment and supporting training and skills in the borough. In light of this, subject to all other material considerations being satisfied below the application is acceptable in principle.

Design and impact on the character of the area

National Planning Policy Framework, DPD1 (Core Strategy) policies KP2, CP4; Development Management Document DPD2 policy DM1 and Design and Townscape Guide SPD1.

- 4.3 The proposed change of use will include a single storey rear extension, whereby works have commenced on site to provide additional area for the class rooms associated with the education use. The single storey rear extension is considered to relate in design and scale to the existing building.
- 4.4 Paragraph 366 of the Design and Townscape Guide SPD1 states: *“Proposals for additional roof accommodation within existing properties must respect the style, scale and form of the existing roof design and the character of the wider townscape. Dormer windows, where appropriate, should appear incidental in the roof slope (i.e. set in from both side walls, set well below the ridgeline and well above the eaves). The position of the new opening should correspond with the rhythm and align with existing fenestration on lower floors. (Note: one central dormer may also be an appropriate alternative.) The size of any new dormer windows, particularly on the front and side elevations, should be smaller to those on lower floors and the materials should be sympathetic to the existing property. The space around the window must be kept to a minimum. Large box style dormers should be avoided, especially where they have public impact, as they appear bulky and unsightly. Smaller individual dormers are preferred”*.
- 4.5 The proposed dormer to the rear elevation is set down from the ridge, in from the walls and above the eaves. The box type dormer appears incidental to the roofslope and will not have a detrimental impact on the overall character and appearance of the existing building or wider area. The roof extension will provide additional floorspace for the existing flat.
- 4.6 No objections are raised to the proposed rooflights to the front of the building, there

are a number of other properties with a similar arrangement and the rooflights will not harm the character and appearance of the existing building or the streetscene.

- 4.7 The alterations to the shopfront will remove the articulation and depth from the frontage, however this is not a conservation area and the proposed design appears to replicate the existing form albeit in a flat form which is considered acceptable in this instance subject to matching materials.

Traffic and transportation

National Planning Policy Framework; DPD1 (Core Strategy) policies KP2, CP4, CP3; DPD2 (Development Management Document) policy DM15 and the Design and Townscape Guide SPD1.

- 4.8 The existing site does not benefit from off street parking currently. Policy DM15 of the Development Management Document DPD2 would require 1 space per 30sqm of internal floorspace and 1 space for the flat above. The existing internal floorspace equates to 67sqm, therefore two parking spaces would be required for the B1 use and 1 space for the flat. The proposed internal floorspace equates to 86sqm therefore requiring 1 space per full time staff, whereby the applicant has confirmed there are two full time members of staff and one space would be required for the flat above. Therefore the parking requirement is the same. Whilst the proposal may extend the period of traffic movements associated with the site taking into account the opening hours and number of students (8) it is not considered the proposal will harm the highway network. The number of people (visitors or staff) can be controlled by condition but it would be almost impossible to control the manner in which they arrive at the site as any condition requiring the continued use of the a certain number of people to walk could not be realistically monitored. However, noting that the parking standards are a maximum standard it is considered that the proposal is not contrary to the policies of the development plan.
- 4.9 In addition, the site is located in close proximity to Victoria Avenue and London Road and is considered a sustainable location which is served well by public transport and is within reasonable walking distance of the mainline railway station Southend Victoria and the centre of town. Taking into account the limited number of pupils (8) and numbers of staff (2 full time and 1 part time) on balance, is not considered to have an adverse impact on the highway network. A condition will be imposed to ensure details of cycle storage are provided to encourage members of staff and pupils to attending the education facility to use are provided on site. There is space to the rear of the site to accommodate the storage or to the front on the forecourt, however this can be dealt with by condition.

Impact on residential amenity

National Planning Policy Framework DPD1 (Core Strategy) policy CP4; DPD2 (Development Management Document) policy DM1 and the Design and Townscape Guide SPD1.

- 4.10 Policy DM1 of the Development Management DPD requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities *“having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight.”*
- 4.11 The supporting information accompanying this application states the education facility will have two members of staff and a maximum of 8 students at one time. The proposed opening hours are between 1600-2100 Monday to Friday and 0900 to 1700 during weekends and at holiday times. The existing flat will continue to benefit from a separate pedestrian access from West Road. The nearest residential properties include the flat above the proposed change of use and to the east and west of the site. On balance, taking into account the existing shop opening hours to the east of the site, which exceed those proposed subject to appropriate conditions no objection is raised in terms of impact on residential amenity.
- 4.12 Whilst vehicular traffic movements will increase to the site on balance taking into account the surrounding area and the sustainable location of the site with access to non-car forms of transport on balance it is not considered the proposal will have a harmful impact on the amenities of nearby residents.
- 4.13 In terms of any ventilation or air conditioning units required, a condition will be imposed to ensure full details are submitted to and agreed in writing by the local planning authority to safeguard the amenities of existing residential occupiers.
- 4.14 It is considered that the proposed change of use will not result in an unacceptable level of noise and disturbance, whilst activity will increase during early evening and at weekends day for visitors to 181 West Road on balance it is not considered to result in demonstrable harm to the amenities of existing occupiers surrounding the building. Furthermore, a condition will be imposed to ensure hours of opening are conditioned together with the use in the interests of existing residential occupiers surrounding the site. The proposal is therefore considered in accordance with the National Planning Policy Framework, Core Strategy DPD1 policy CP4 and DPD2 policy DM1.

Community Infrastructure Levy

- 4.15 You are advised that as the proposed extension(s) 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.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework

- 5.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP4 (The Environment and Urban Renaissance) CP1 (Employment Generating Development)
- 5.3 Development Plan Document 2: Development Management Document policy DM1 (Design Quality), DM11 (Employment Areas), DM15 (Sustainable Transport Management)
- 5.4 SPD1 Design & Townscape Guide 2009
- 5.5 Community Infrastructure Levy
- 5.6 Waste Management Guide

6 Representation Summary

Traffic and Transportation

- 6.1 Consideration has been given to the proposed change of use in relation to the impact upon the public highway. The proposed use is comparable with the existing use in terms of traffic generation. It is considered that the proposal will not have a detrimental impact on the highway the site does benefit from being in a sustainable location with regards to public transport with good links in close proximity. consideration should be given to providing cycle storage as this will give all users of the site an alternative travel option. Therefore no highway objections are raised.

Design and Regeneration

- 6.2 No objections to the change from office to educational use although it is noted that two internal rooms will have no daylight or outlook and this is not ideal however not a requirement for use and there may be some borrowed light from the roof lantern if the doors are glazed.

No objection to the proposed extension to the rear as this will have no public impact.

The alterations to the shopfront will remove the articulation and depth from the frontage which is a shame however this is not a conservation area and the proposed design appears to replicate the existing form albeit in a flat form which is considered acceptable in this instance subject to matching materials.

No objection to the change of use of the upper floor to a flat or the proposed dormer and rooflights although it is noted that there is no amenity provision.

Public Consultation

6.3 A site notice displayed on the 20th July 2016 and 12 neighbour notified of the proposal. One letter of representation received stating:

- Parking is limited to the forecourt of the property which at present consists of an empty shop/office, located at the junction of Westborough Road and West Road, between Macdonald Avenue and Gainsborough Drive. West Road being a feeder road between London Road and Victoria Avenue;
- The only way off street parking can be achieved is if one vehicle parks to the front of the property, which will affect access to the premises. A boundary wall shall be erected;
- Dropped kerbs have not been provided even though properties in this location park to the forecourt and there will be a dependency on staff and parents to park on the highway, which has extensive double yellow lines;
- Without a bus service residents in the area and attendees of this education establishment will have to use their own vehicles.
- Outside the property is a central reservation [**Officer Comment: There is no central reservation within the highway**];
- There does not appear to be an emergency exit;
- Loss of amenity space for the flat above [**Officer Comment: The existing flat does not benefit from any amenity space as existing**];
- The entrance to the flat will be blocked if parking is to the front and will further reduce parking in the area;
- It is not clear if there is a separate amenity space for the pupils and does the amount of pupils attending have enough personal needs i.e. toilets including disabled facilities which will be located within this establishment.

6.4 Councillor Garston and Councillor Davidson have requested this application be dealt with by Development Control Committee.

7 Relevant Planning History

7.1 None.

8 Recommendation

8.1 **Members are recommended to GRANT PLANNING PERMISSION for the following reasons:**

01 **The development hereby permitted shall be begun not later than 3 years beginning with the date of this permission.**

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

02 **The development hereby permitted shall be carried out in accordance with the approved plans Location Plan 106; Proposed Elevations 206; Proposed ground floor 306; First floor 406; Roof Plan 506; Sections 606.**

Reason: To ensure that the development is carried out in accordance with the development plan.

- 03 The premises shall not be open for use as an education facility other than during term time between the hours of 1600-2100- Monday to Friday and 0900-1700 Saturday, Sundays and Bank Holidays.**

Reason: To safeguard the amenities of adjoining residents, in accordance with policy DM1 of the Development Management Document DPD2.

- 04 The premises shall be used only as an educational facility within in (Class D1) and for no other purpose including any other purpose within Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.**

Reason: To define the scope of this permission in light of protecting the character and appearance of the area and the absence of parking facilities at the site, in accordance with policy DM1 and DM15 of the Development Management Document DPD2.

- 05 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings hereby approved or are required by conditions to this permission.**

Reason:

In the interests of visual amenity and to ensure that the appearance of the building makes a positive contribution to the character and appearance of the area. This is set out in National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

- 06 No air conditioning, ventilation, heating or fume extraction, plant or machinery shall be installed until details of design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the local planning authority. The equipment shall then be installed and operated only in accordance with the agreed details.**

Reason: To minimise the impact of the proposals on the character and appearance of the street scene and amenities of adjacent occupiers in accordance with This is set out in National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

- 07 Prior to commencement of the proposed use, details of cycle storage shall be submitted to and approved by the local authority. The development shall only be carried out in accordance with the approved details and retained thereafter.**

Reason: To ensure that satisfactory secure off-street bicycle parking is provided in the interests of sustainability, amenity and highways efficiency and safety, in accordance National Planning Policy Framework, DPD1 (Core Strategy) 2007 policy KP2 and CP4, DPD2 (Development Management Document) policy DM1, and SPD1 (Design and Townscape Guide).

- 08** No music or amplified speech shall be provided to the external area without first obtaining written approval from the Local Planning Authority.

Reason: To protect the environment of people in neighbouring properties and general environmental quality, and in the interests of visual amenity, in accordance with the NPPF, DPD1 (Core Strategy) 2007 policies KP2 and CP4, and DPD2 (Development Management Document) policy DM1.

Informative

- 1** You are advised that as the proposed extension(s) 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.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.