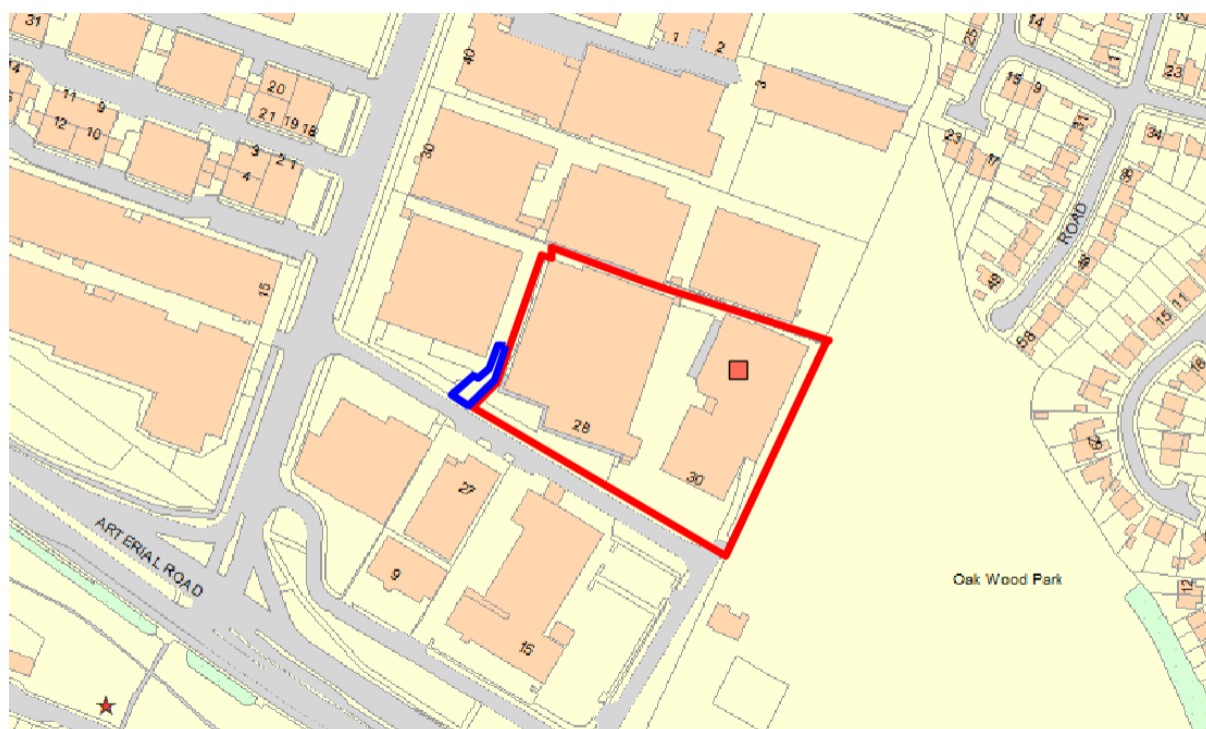


Reference:	16/02284/FULM	
Ward:	Eastwood Park	
Proposal:	Change of use from storage (class B8) and office (class B1(a)) to an education centre (class D1) (28 - 30 Stephenson Road)	
Address:	30 Stephenson Road, Eastwood, Essex, SS9 5LY	
Applicant:	South Essex College	
Agent:	VRG Planning Ltd	
Consultation Expiry:	08/02/17	
Expiry Date:	10/04/17	
Case Officer:	Ian Harrison	
Plan No's:	(PA)001, (PA) 002, (PA) 003, (PA) 004, (PA) 005, (PA) 006, (PA)007, (PA) 008 Rev P2, (PA) 009 Rev P2, (PA) 010 Rev P1 and SK (003) Rev P1	
Recommendation:	GRANT PLANNING PERMISSION	



## **1 The Proposal**

- 1.1 The application seeks planning permission for the change of use of two buildings at a 1.14 hectare site to the north of Stephenson Road within the Progress Road Industrial Estate.
- 1.2 The site currently contains two buildings that have a combined footprint of approximately 6,450 square metres. The existing floor plans show that 28 Stephenson Road has an internal area of 6,147 square metres over two floors. The building is built into the changing ground levels of the site. The entrance at the south of the building provides access to the first floor of accommodation. 30 Stephenson Road has an internal area of 2,984 square metres over two floors with a large undercroft area that is stated to measure 1678 square metres.
- 1.3 The proposal is to use the buildings for education purposes in conjunction with vocational courses available at South East Essex College related to construction, motor vehicles and engineering. It is understood that a number of these activities currently/formerly occurred within Basildon and Thurrock but are proposed to be relocated to the application site. The submitted floor plans show that 30 Stephenson Road would be used for training purposes related to the maintenance of motor vehicles with associated classrooms and other ancillary student facilities such as lockers and a refectory. 28 Stephenson Road would be used for training purposes related to construction industry trades such as carpentry, tiling, plumbing, electrical engineering and bricklaying. The submitted plans indicate that 30 Stephenson Road would be converted first under 'Phase 1' of the change of use and 28 Stephenson Road would change later under the terms of 'Phase 2.'
- 1.4 The applicant's submissions demonstrate that 108 parking spaces would be available at the application site. The submissions suggest that there would be 81 members of staff and up to 180 students at the site at any one time.

## **2 Site and Surroundings**

- 2.1 The application site is located to the north of Stephenson Road. The site measures a maximum of 128 metres wide and 102 metres deep and contains two buildings that are described above.
- 2.2 The site is allocated as part of a designated employment area.

## **3 Planning Considerations**

- 3.1 The main considerations of this application are the principle of the development (including the loss of the existing uses), parking and highway safety and any impact on neighbouring properties.

## **4 Appraisal**

### **Principle of Development**

**National Planning Policy Framework 2012, Core Strategy Policies KP1, KP2, CP1, CP3, CP4 and CP6, Development Management DPD Policies DM1, DM3, DM10 and DM11 and DM15**

- 4.1 The site is designated as an employment area in the Development Plan and as such it is noted that policy CP1 states that *“The Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas.”* That policy also states that 1500 jobs will be created within Shoeburyness in the 20 year period from 2001 to 2021.
- 4.2 Policy CP1 also states 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.” It does however go on to state that *“to promote economic regeneration development will be expected to enhance the town’s role as a cultural and intellectual hub [and] a higher education centre of excellence.”*
- 4.3 DM11 (Employment Areas) states that 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 it conforms with one of the following four criteria:

*“A. 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*

*B. 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*

*C. 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; or*

*D. 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.*

- 4.4 Criteria B is not applicable and no case has been made by the applicant in relation to Criteria C. The applicant's statement highlights the content of Criteria A which allows for a change of use where "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." The proposed use is not a Sui Generis Use, it is considered to fall within Use Class D1 and therefore this ground for supporting a change of use of land is not directly applicable. However it is considered that the intention and tone of the policy can be afforded some weight to this proposal on the grounds that the type of education that is proposed at the site is akin to uses that would occur within an employment area.
- 4.5 The applicant also highlights Criteria D which allows for a change of use where the proposed use will be *"a complimentary 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."* Overall, the proposed use is considered to be a primary and stand-alone use that would not be purely supportive of or ancillary to any other uses within the employment area. However, its nature is such that it is considered to compliment and support uses falling within Class B due to the specific type of educational use provided.
- 4.6 The existing buildings are in use and it is therefore the case that the proposed change of use would require the vacancy of the existing building by the current businesses. Preferably these would stay within the Southend-on-Sea Borough and the Progress Road Employment Area but this cannot be guaranteed. The applicant states that in addition to the students, there would be a net increase in employment at the site of 6 people.
- 4.7 Policy Table 7 in conjunction with policy DM10 (Employment Sectors) of the development plan sets out key employment sectors and locations for development associated with those sectors. The creation of a Higher Education Centre of Excellence is identified as a key employment sector but the application site is not a priority location area for such development. This policy is therefore considered to be of limited relevance to this proposal.
- 4.8 Policy CP1 (Employment Generating Development) states that "Development proposals involving employment must contribute to the creation and retention of a wide range of jobs, educational and re-skilling opportunities."
- 4.9 With respect to education facilities, paragraph 72 states that *"the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education."* It is considered relevant to give weight to this statement in respect of this application. Moreover, paragraph 162 indicates that Local Planning Authorities and infrastructure providers (including education organisations) should work together to take account of the needs of the area.

- 4.10 Policy KP2 states that a primary role of Southend should be as a *‘higher education centre of excellence.’* Moreover, policy CP6 states that *“New development should demonstrate that it will not jeopardise the Borough’s ability to improve the education attainment, health and wellbeing of local residents and visitors to Southend”* and also states that the Council will support *“improvements to existing, and the provision of new, facilities to support the needs of education, skills and lifelong learning strategies particularly by....securing the physical infrastructure needed to maximise the impact of the Higher Education/University Campus in the Town Centre and the provision of academic and vocational education/training at a new Prospects College in east Southend.”*
- 4.11 In summary it is considered that there are policies to resist unjustified losses of employment floorspace within the Borough but also policies to support the provision of education and training facilities. It will therefore be necessary to reach an on balance recommendation. Although educational, it is noted that the proposed use would be of a character that is akin to and supportive of an employment use and would most appropriately located within an employment area. For this reason and also due to the policy support for educational facilities that is set out above and the jobs that would be formed as part of the educational use, it is considered on balance that no objection should be raised to the proposed development in principle.
- 4.12 The National Planning Practice Guidance states that conditions should only be imposed where they are necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects.
- 4.13 Given the wide range of uses that are included within Use Class D1 and the context of the application site, it is considered that the use of the site should be restricted so that the use remains the use that has been sought and assessed above. A condition to this effect has therefore been recommended.
- 4.14 The applicant has suggested the imposition of a condition to control the phasing of the change of use of the site. It is considered that such a condition is appropriate at the site to ensure that the parking at the site is controlled and proportionately shared between the uses at the site.

## **Design**

### **National Planning Policy Framework 2012, Core Strategy Policies KP2 and CP4, Development Management DPD Policy DM1 and SPD1**

- 4.15 It should be noted that good design is a fundamental requirement of new development to achieve high quality living environments. Its importance is reflected in the NPPF, in Policy DM1 of the Development Management DPD and in the Policies KP2 and CP4 of the Core Strategy. The Design and Townscape Guide (SPD1) also states that *“the Borough Council is committed to good design and will seek to create attractive, high-quality living environments.”*

- 4.16 As no external alterations are proposed it is considered that no objection should be raised to the application on those grounds.
- 4.17 Policy DM1 requires that the internal layout of development takes account of all potential users. Given the public use of the building it is considered appropriate to seek the submission and agreement of further details relating to the internal arrangement of the building to ensure that all areas of the building are fully accessible.

### **Impact on Neighbouring Properties**

#### **NPPF; DPD 1 (Core Strategy) Policies KP1, KP2, CP1 and CP4; Development Management DPD Policy DM1, DM3, DM10 and DM11 and SPD 1 (Design & Townscape Guide (2009))**

- 4.18 Policy DM1 of the Development Management DPD also 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.”
- 4.19 The site is located within an area of commercial uses with the nearest residential property being approximately 80 metres from the application site. The use would not be likely to generate noise and disturbance that is materially different or worse to that which could already be created within the employment area. Therefore, subject to the imposition of the reasonable and planning-related conditions that are recommended by the Council’s Environmental Health Officer, it is considered that the proposed change of use would not have a detrimental impact on residential amenity. It is also considered that the proposed use would not prejudice the operation of the wider employment site.

### **Highways and Transport Issues:**

#### **National Planning Policy Framework, Policy KP2, CP3 and CP4 of the Core Strategy, Development Management DPD Policies DM1, DM3 and DM15 and the Design and Townscape Guide.**

- 4.20 Policy DM15 states that B1 (Business) and B8 (Storage and Distribution) uses should be served by parking at a maximum rate of 1 space per 30 or 150 square metres respectively. The current use of the buildings is stated as being a mixture of the two uses and given the figures stated by the applicant this would have led to a maximum parking provision of 117 parking spaces.
- 4.21 The parking standards state that D1 (Further and Higher Education) uses should be served by parking at a maximum rate of 2 spaces per 15 students, one for the students and one for the associated members of staff. The applicant states that there would be 81 members of staff and 180 students and therefore a maximum parking provision of 24 spaces would be justified.

- 4.22 The submitted plans show that 108 parking spaces would be available at the site which would represent an overprovision in comparison to the maximum figure that is justified by the parking standards. However, given the location of the site, the likelihood that users of the facility will be bringing tools and equipment to the site that would not be compatible with public transport and the catchment area of the proposed use it is considered that this level of parking provision can be supported at this site.
- 4.23 In this location and as the applicant has demonstrated that the proposed use would result in less vehicle movements than the current use, it is considered that no objection should be raised on the grounds of highway safety or the free-flow of traffic.
- 4.24 It is recommended that a condition is imposed to require the submission, agreement and implementation of a travel plan to encourage and maximise the use of sustainable transport where possible.

## **Sustainability**

### **Core Strategy Policies KP2, CP4 and CP8, Development Management DPD Policy DM2 and SPD1**

- 4.25 Policy KP2 of the Core Strategy states; *“All development proposals should demonstrate how they will maximise the use of renewable and recycled energy, water and other resources”* and that *“at least 10% of the energy needs of a new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)”*. The provision of renewable energy resources should be considered at the earliest opportunity to ensure an integral design
- 4.26 It is considered that the modification and change of use of the building will give grounds and reason to improve the sustainability of the existing building in accordance with local and national policies. It is recommended that conditions are imposed to require a scheme of energy strategy and scheme of water efficiency to be submitted to and approved by the Local Planning Authority.

## **Community Infrastructure Levy**

- 4.27 As the development creates no new floorspace at the application site and represents a change of use from one commercial use to an educational use, the development is not CIL liable.

## **5 Conclusion**

- 5.1 For the reasons set out above, it is considered that, on balance, the use of the land at the application site for vocational educational purposes can be supported. The proposed development would have no materially harmful impacts on the character of the area, the amenity of residents or highway safety and it is therefore

considered that the development can be approved subject to conditions.

## **6 Planning Policy Summary**

- 6.1 National Planning Policy Framework 2012.
- 6.2 Development Plan Document 1: Core Strategy Policies KP1 (Spatial Strategy), KP2 (Development Principles), CP1 (Employment Generating Development), CP3 (Transport and Accessibility), CP4 (Environment & Urban Renaissance) and CP6 (Community Infrastructure).
- 6.3 Development Plan Document 2: Development Management Policies DM1 (Design Quality) DM2 (Low Carbon Development and Efficient Use of Resources), DM3 (Efficient and Effective Use of Land), DM10 (Employment Sectors), DM11 (Employment Areas) and DM15 (Sustainable Transport Management)
- 6.4 Community Infrastructure Levy Charging Schedule.
- 6.5 Supplementary Planning Document 1: Design & Townscape Guide, 2009.

## **7 Representation Summary**

### **Environmental Health Officer**

- 7.1 The Council's Environmental Health Department raise no objection subject to the following conditions:
  - 1. With reference to BS4142, the noise rating level arising from all plant and equipment should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.
  - 2. Construction hours restricted to 8am – 6pm Monday to Friday, 8am – 1pm Saturday and not at all on Sundays or Bank Holidays.
  - 3. During any Construction and Demolition. Given the site's location to other properties no burning of waste material on the site.
  - 4. With reference to the spray booth, before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions, unless otherwise agreed in writing by the Local Planning Authority.



## **Public Consultation**

- 7.2 79 neighbouring properties were notified of the proposal and a site notice was posted at the site. No letters of objection have been received.

## **8 Relevant Planning History**

- 8.1 No planning history at the site is considered to be of relevance to this proposal.
- 8.2 With respect to 28 Stephenson Road, application 08/01279/FULM proposed the formation of a new entrance and the alteration of the elevations of the building and the parking layout. An application (09/01491/ADV) for signage was withdrawn.
- 8.3 At 30 Stephenson Road, application 07/01058/FUL was approved to allow the demolition of the front two storey section of the building, its re-cladding and the alteration of the elevations, with a erect new screen to an electrical substation.

## **9 Recommendation**

- 9.1 **GRANT PLANNING PERMISSION** subject to the following conditions:

- 01 **Condition:** The development hereby permitted shall begin not later than three years from the date of this decision.

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

- 02 **Condition:** The development hereby permitted shall be carried out in accordance with the following approved plans: (PA)001, (PA) 002, (PA) 003, (PA) 004, (PA) 005, (PA) 006, (PA)007, (PA) 008 Rev P2, (PA) 009 Rev P2, (PA) 010 Rev P1 and SK (003) Rev P1.

**Reason:** To ensure that the development is carried out in accordance with provisions of the Development Plan.

- 03 **Notwithstanding the provisions of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015, the buildings at the site shall be used for no purposes other than as a vocational education and training centre for the construction, motor-vehicle and engineering industries and not for any other uses falling within Use Class D1. Notwithstanding the content of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any legislation amending, revoking or re-enacting this order, the buildings shall be used for no other purposes falling within Use Class D1 as defined by the Town and Country Planning (Use Classes) Order 1987.**

**Reason:** To enable future control to be retained in relation to the use of the building and to reflect the specific circumstances that have provided justification for the proposed use at the application site.

- 04 Condition: With reference to BS4142, the noise rating level arising from all plant and equipment used at the site should be at least 5dB(A) below the prevailing background at 3.5 metres from the ground floor façades of the nearest noise sensitive property and 1m from all other facades of the nearest noise sensitive property with no tonal or impulsive character.**

**Reason: In the interests of the amenities of neighbouring residents in accordance with the National Planning Policy Framework, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.**

- 05 Before the use hereby permitted commences, a scheme for the installation of equipment to control the emission of fumes and smell from the spray painting booths installed at the premises shall be submitted to, and approved in writing by, the Local Planning Authority and the approved scheme shall be implemented in full. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In the interests of the amenities of neighbouring residents in accordance with the National Planning Policy Framework, Policy DM1 of the Development Management Document and the Design and Townscape Guide, 2009.**

- 06 Prior to the occupation of either of the buildings for these uses hereby approved, a scheme of improvements to the building relating to energy efficiency and water efficiency shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme before it is brought into use.**

**Reason: In the interests of providing sustainable development in accordance with Policy KP2 of the Core Strategy and Development Management Document policy DM2.**

- 07 Prior to the commencement of the development hereby approved, details of the phasing of the change of use of the application site in terms of the delivery of floorspace and parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented only in full accordance with the approved phasing details.**

**Reason: To ensure that adequate parking is available for the uses at the site in accordance with Development Management Document Policy DM15.**

- 08 Prior to the occupation of the buildings for these uses hereby approved, details shall be provided of the accessibility measures to be implemented within the building to ensure the building is available for use by as a wide a range of users as possible. The development shall be implemented in accordance with the approved details prior to it being brought before it is brought into use or occupied.**

**Reason:** In the interests of providing adequate accessibility within the building in accordance with Development Management Document policy DM1.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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.

#### **Informative**

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](http://www.southend.gov.uk/cil) for further details about CIL

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