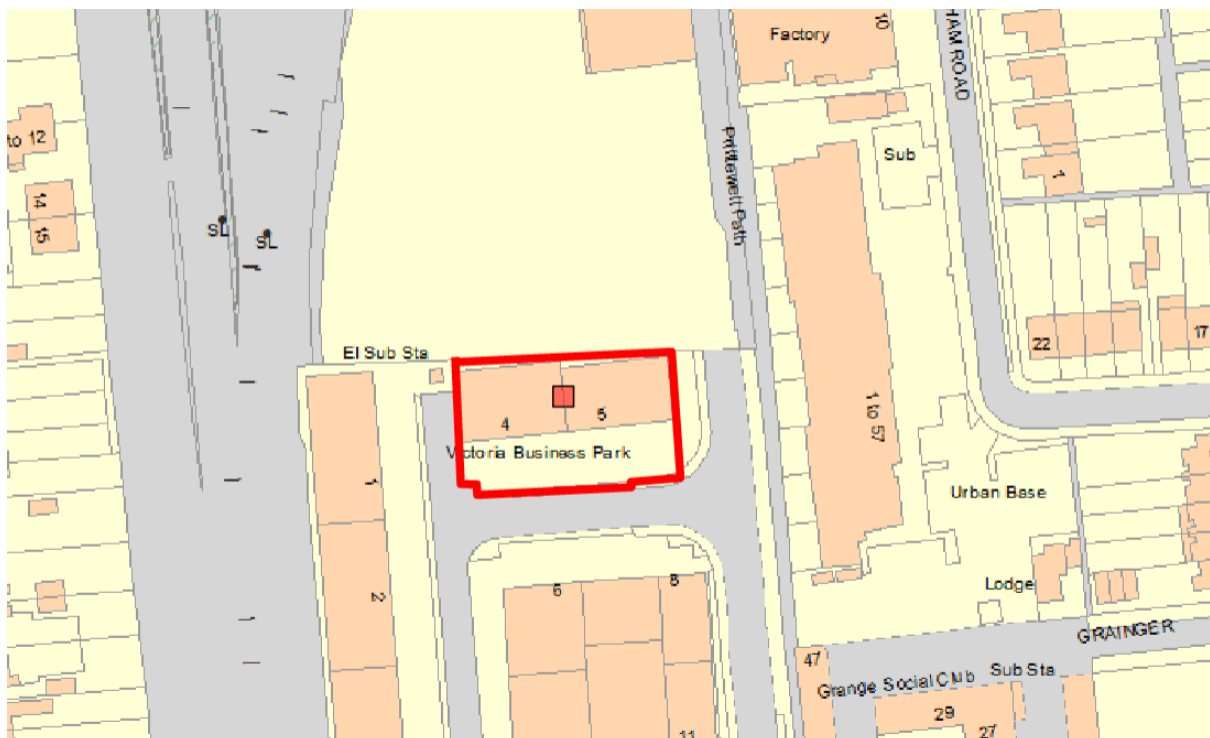


Reference:	17/00083/FUL	
Ward:	Victoria	
Proposal:	Change of Use from Ambulance Station (Sui Generis) to adult day centre (Class D1)	
Address:	Essex Ambulance Service, 4 - 5 Victoria Business Park, Short Street, Southend-on-Sea, Essex, SS2 5BY	
Applicant:	Eco Wings And Nights Ltd	
Agent:	Dovetail Architects Ltd	
Consultation Expiry:	14.02.2017	
Expiry Date:	17.03.2017	
Case Officer:	Janine Rowley	
Plan Nos:	3588_PL01; 3588_PL02; 3588_PL03; 3588_PL04A; 3588_PL05A	
Recommendation:	REFUSE PLANNING PERMISSION	



## 1 The Proposal

- 1.1 Planning permission is sought to change the use of from an ambulance station (sui-generis) to an adult day centre (Class D1). The existing site benefits from 16 parking spaces.
- 1.2 The applicant has applied to change the use from an ambulance station (Class Sui Generis) to a use including offices (Class B1a) and adult day centre (Class D1). However, officers consider that the offices which would be used by a personal assistance company which books and receives calls for assistance to clients and patients offsite in their own home is an ancillary to the main use being D1.
- 1.3 This application has been submitted following the refusal of application 16/00965/FUL. Planning permission was refused for the change of use to an adult day centre (Class D1) for the following reasons:
  1. *"The proposal would result in the loss of land for employment use in an area designated for employment growth as set out by policy DM11 of the Development Management Document DPD1. The applicant has failed to demonstrate the proposed use would comply with part A, B, C and D of policy DM11 DPD2. The loss of this land would impair economic led regeneration contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy DPD1, Policy DM11 of the Development Management Document DPD2, which seeks to promote building a strong, competitive economy".*
  2. *"The applicant has failed to demonstrate that the proposed use would not result in unacceptable levels of traffic generation or an unacceptable increase in demand for on street car parking in the locality to the detriment of highway safety and efficiency and general amenity, and this would be contrary to Policy CP3 of the Core Strategy 2007 DPD1 and policy DM15 of the Development Management Document DPD2".*
- 1.4 The applicant has sought to apply for a change of use to an adult day centre (Class D1) as per the previously refused application 16/00965/FUL. However, additional information has been submitted in order to justify the loss of an employment site designated by the Development Management Document DPD2 together with additional information from the Care Quality Commission. The applicant states that the Ecowings and Magnolia Care Organisations have a significant amount of funding from the NHS, Southend, Basildon, Brentwood and Thurrock Local Authorities, plus Southend Council and Essex County Council contracted services.
- 1.5 The supporting information accompanying this application states when the previous application 16/01959/FUL was withdrawn; the supporting information was inaccurate in terms of calculations in relation to staff numbers.
- 1.6 The main differences from the previously withdrawn and refused application include 16 parking spaces would be retained onsite together with two drop off ambulance spaces. In addition, the number of people employed by the day care facility has been calculated and would include 18 full time and 15 part-time members of staff.

## **2 Site and Surroundings**

- 2.1 The application site is part of an industrial development of 11 units. The site is located within an area allocated for industry and warehousing (Use Classes B1, B2 and B8). The building is currently a sui-generis use used as an ambulance station.
- 2.2 The site is located at the end of Short Street, approximately 500 north of Queensway. To the east of the site is a block of residential flats. To the west and south of the site are similar industrial units. The area is of a commercial nature within the Southend Victoria Railway further to the west and the Southend Mail Delivery Centre further to the south.

## **3 Planning Considerations**

- 3.1 The main considerations in relation to 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, CIL and whether the proposal has overcome the previous reasons of refusal relating to application 16/00965/FUL.

## **4 Appraisal**

**National Planning Policy Framework; DPD1 (Core Strategy) policies KP1, KP2, CP4; DPD2 (Development Management) policies DM1, DM10, DM11 and the Design and Townscape Guide SPD1 (2009)**

- 4.1 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 states that the council seek the retention, enhance and development of Class B uses within employment areas. This site is located within the Short Street employment growth area. Planning application 02/00096/FUL was granted to erect 11 units for Class B1 and B2 industrial purposes. It is noted units 3, 4, 5, 9 were granted permission for a mixed use of offices (Class B1), general industrial (Class B2) and storage and distribution (Class B8). The existing building was previously changed from a B1/B2 use to a sui-generis use and the building was used as an Ambulance Station, but that use was only granted permission in exceptional circumstances, based on the benefits for the local community and necessary siting of the ambulance station in this location with access to the main routes within Southend. This proposal seeks to form an adult day care centre including a training facility (Class D1) with ancillary offices.
- 4.2 The supporting information accompanying this application states that the property will have offices to provide a personal assistance company for clients, patients relating to healthcare together with a training facility and day care centre for adults.
- 4.3 The existing site provides employment opportunities for 20 full time members of staff and the proposed change of use would provide 18 full time jobs and 15 part time jobs. Whilst the levels of employment would increase above that of the ambulance station it was noted that it considered acceptable in 2003 due to the wider community benefit and access to the main vehicle routes in Southend. The applicant contends the increased employment numbers will provide in accordance

with current planning policy.

Since the determination of the above application the Development Management Document DPD2 has been adopted in July 2015, which designates this industrial estate as an employment growth area and can be promoted as a location for modern employment floorspace.

4.4 Part 2 of policy DM11 of the Development Management Document DPD2 states that the Borough Council will support the retention, enhancement and development of Class B uses within the Employment Areas as designated on the policies map, in which this site is located. The policy states: *“Proposals that fall outside of a Class B employment use will only be granted permission where:*

- *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.(2 year marketing exercise); 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.*

The applicant has provided supporting information in relation to addressing the points as set out above.

4.5 In relation to Criteria A, the existing use of the building is sui generis previously used as an ambulance station and has been vacant since the beginning of 2016. This proposal seeks to convert the building to a day care centre D1. The applicant states the key point in relation to the proposed change of use is:

*“The key point to highlight is that Eco Wings and Magnolia Care are businesses and are helping to fulfil the Councils and NHS responsibilities, in caring for those less able to look after themselves and help them achieve this for themselves. There is a large question as to whether the use is D1 or B1 due the number of people employed by the organisation and is greater than the number of clients using the property at any one time. Although under planning it is a D1 use, it will employ and does employ more people to sq ft of the building than any other building on the estate. Thus fulfilling the policy and aspiration of the council more than most potential occupiers”.*

4.6 The applicant has referred to a permission for a change of use within the Progress Road industrial estate. Permission was given to change the use of a sui-generis use

to a KFC under application 11/00493/FUL and the permission was given consent for the following reason:

*“The nature of the use of the site as a car showroom, being sui generis and the level of employment provided was a significant consideration. The period of vacancy of the site and the level of employment were given significant weight. Taking these matters into account the committee was of the view that to allow the development would not prejudice the above policies and that it would not set a precedent for the future, in which it was appropriate to grant permission subject to conditions”.*

- 4.7 Since the determination of the above planning application, the Development Management has been adopted in July 2015 and specific reference to policy DM11 refers to the Southend Central Area, in which this site is located is a primary location for major economic growth with particular reference to Class B1 use. In light of the above, officers considers the proposed change of use will compromise the employment area and therefore fails to comply with criteria A of policy DM11 of the Development Management. Criteria B is not relevant in this instance.
- 4.8 With respect to Criteria C, the applicant has confirmed the site has been vacant the beginning of 2016 and supporting information has been received from Ayers and Cruiks stating that there has been no interest in relation to B1/B2/B8 and therefore the proposed use would be more appropriate in this location taking into account the links to transport and town centre. The applicant states that the use is compatible and will not compromise the operating conditions for other employment uses and there are no other alternative sites available in the borough reasonably located close to the town centre as the existing site. The applicant also states that the building needs to be fully accessible to people with disabilities in which the existing building is and suitable to accommodate ambulances. However, the policy considers there is a need for employment uses in this location given planning permission was granted for a mix of Class B1 business, B2 general industrial and B8 storage and distribution (reference: 16/00366/FUL dated 10<sup>th</sup> May 2016).
- 4.9 In relation to criteria D, the applicant states that the proposed day care centre in terms of the organisations of Eco Wings and Magnolia Care should be included in relation to Health and Medical Industries, Business and Financial Services and a Culture and Intellectual Hub as set out in policy DM10 of the Development Management Document DPD2. The applicant contends the two organisations proposed would comply with policy DM10 in respect of part 1 and 2, which state:

*“Policy DM10-Employment Sectors*

- 1. Development that contributes to the promotion of sustainable economic growth by increasing the capacity and quality of employment land, floorspace, and jobs will be encouraged.*
- 2. The Southend Central Area, as defined in the Southend Central Area Action Plan, will form the primary location for major economic growth particularly for Class B1 office uses”.*

- 4.10 However, officers consider the proposed use fails to compliment and support uses within Class B due to the day care centre proposed. The proposal would materially change the character and function of the employment area; it is considered that the proposed change of use fails to comply with the aforementioned planning policies.

- 4.11 It is acknowledged the NPPF makes it clear that the long term protection of sites allocated for employment should be avoided. As set out in part B of policy DM11 of DPD2 above, the proposed change of use does not comply with current planning policy and current policy safeguards employment use to ensure no permanent loss within specific employment growth areas.
- 4.12 Notwithstanding the supporting information submitted and although the proposal will facilitate the occupation of a vacant unit the site is located within an identified industrial/employment site for employment uses and employment growth area. These are defined 'employment' uses. It is considered the proposal would result in the loss of land for employment use in an area designated for employment growth as set out by policy DM11 of the Development Management Document DPD2. The loss of this land would impair economic led regeneration growth contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy DPD1 (2007), Policy DM11 of the Development Management Document DPD2 (2015), which seeks to promote building a strong, competitive economy. This amended application has failed to overcome reason 01 of application 16/00965/FUL.

#### **Design and Impact on the Street Scene**

**National Planning Policy Framework, Core Strategy Policies KP2 and CP4, Development Management DPD2 policies DM1, DM3 and DM5 and the Design and Townscape Guide (SPD1)**

- 4.13 The National Planning Policy Framework requires new development to reinforce local distinctiveness. Policy KP2 and CP4 of the Core Strategy, Policy DM1 and the Design and Townscape Guide advocate the need for any new development to respect the character of the area and complement the local character.
- 4.14 No external changes are proposed to the external appearance of the units, which is welcomed.

#### **Traffic and Transportation**

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

- 4.15 The site is located along Short Street; the existing parking provision for both units remains unchanged from the original business units when the industrial estate was formed. There are 8 spaces available for unit 4 and 8 spaces to unit 5.
- 4.16 The Council acknowledges guidance within the National Planning Policy Framework 2012 (NPPF) which encourages the reduction in the reliance of the car and promotes methods of sustainable transport. It also advocates that in high density locations development should be encouraged with little or no off-street parking; however this should be subject to the safeguarding of the character and appearance of the area. The existing site benefits from 16 parking spaces to the front of the site and is currently vacant. The proposal will include 18 full time and 15 part time members of staff. Policy DM15 of the Development Management Document DPD2 states 1 space per full time staff and waiting facilities are required

where appropriate. As stated above, 16 vehicle parking spaces are available to the front and there are two drop spaces for ambulances. Whilst there is a short fall of two parking spaces as set out in policy DM15 of the Development Management Document, taking into account the location of the site with specific reference to a number of public car parks including Short Street, Essex Street and Victoria Car Park together with the bus interchange at Victoria Avenue and Southend Victoria Station no objection is raised to the proposed change of use on highway grounds. The proposal has therefore overcome reason 02 of application 16/00962/FUL.

### **Impact on residential amenity**

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

- 4.17 Policy DM1 of the Development Management Document states that any new 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. Paragraph 343 of SPD1 (under the heading of Alterations and Additions to Existing Residential Buildings) states, amongst other criteria, that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect light, outlook or privacy of the habitable rooms in adjacent properties.
- 4.18 The original consent relating to the redevelopment of the sites for 11 units to include Class B1 and Class B2 uses was not restricted in terms of opening hours and noise insulation to the building for noise prevention was applied and implemented (02/00096/FUL). The proposed opening hours include 0800-1600, which will not harm of the area, being on an industrial estate considering the character.

### **Community Infrastructure Levy (CIL) Charging Schedule.**

- 4.19 This application is CIL liable. If the application had been recommended for approval, a CIL charge would have been payable. If an appeal is lodged and allowed the development will be CIL liable. Any revised application may also be CIL liable.

### **Conclusion**

- 4.20 Notwithstanding the applicants case, the proposal would result in the loss of land for employment use and compromise the operating conditions of the Employment Area contrary to policy DM11 of the Development Management Document DPD2. The proposed parking is deemed acceptable taking into account the sustainable location of the site.

## **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), CP1 (Employment Generation), CP3 (Transport and Accessibility), CP4 (The Environment and Urban Renaissance)

5.3 Development Plan Document 2: Development Management Document Policies DM1 (Design Quality), DM10 (Employment Sectors), DM11 (Employment Areas), DM15 (Sustainable Transport Management)

5.4 SPD1 Design & Townscape Guide 2009

5.5 Community Infrastructure Levy (CIL) Charging Schedule

## **6 Representation Summary**

### **Design and Regeneration**

6.1 No comments.

### **Traffic and Transportation**

6.2 No objections.

### **Neighbour Notification**

6.3 65 neighbours notified of the proposal and no letters of representation received.

6.4 Councillor Gilbert has requested this application be dealt with by Development Control Committee.

## **7 Relevant Planning History**

7.1 Change of Use from Ambulance Station (Sui Generis) to an Adult Day Centre (Class D1) (Amended Proposal)- Withdrawn (16/01959/FUL)

7.2 Change of Use from Ambulance Station (Sui Generis) to an Adult Day Centre (Class D1)- Refused (16/00962/FUL)

7.3 Change of Use from Ambulance Station (Sui Generis) to two Commercial Units (Class B1 Business/B2 General Industrial/B8 Storage and Distribution)- Granted (16/00366/FUL)

7.4 Use premises (Class B1 and B2) as ambulance station (Sui Generis), alter elevations and lay out 13 car parking spaces to front- Granted (04/00110/FUL)

7.5 Use premises for mixed use classes, offices (Class B1), general industrial (Class B2) and storage and distribution (Class B8)- Granted (03/00839/FUL).

7.6 Layout access road onto Short Street, erect 11 units (2822sqm) for Class B1 and Class B2 industrial purposes with parking and vehicular accesses- Granted (02/00096/FUL).

## **8 Recommendation**

8.1 **Members are recommend to REFUSE PLANNING PERMISSION subject to the following reason:**



- 1 The proposal would result in the loss of land for employment use in an area designated for employment growth as set out by policy DM11 of the Development Management Document DPD2. The loss of this land would impair economic led regeneration contrary to the National Planning Policy Framework, Policy CP1 of the Southend on Sea Core Strategy DPD1 (2007), Policy DM11 of the Development Management Document DPD2 (2015), which seeks to promote building a strong, competitive economy.

#### **Informative**

- 1 Please note that this application would be liable for a payment under the Community Infrastructure Levy Regulations 2010 (as amended) if planning permission had been granted. Therefore if an appeal is lodged and subsequently allowed, the CIL liability will be applied. Any revised application would also be CIL liable.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.