

COMMITTEE DATE: 21/05/2018

APPLICATION NO: 17/1914/FUL
APPLICANT: Mr Marc Thornton
PROPOSAL: Change of use of premises from office (Use Class B1) to NHS Depression and Anxiety Service (DAS) (Use Class D1).
LOCATION: Elizabeth House
Emperor Way
Exeter
Devon
EX1 3QS

REGISTRATION DATE: 08/12/2017
EXPIRY DATE:

HISTORY OF SITE

There is no recent planning history for the premises, except for advertisement consent for signage and flagpoles granted in 2010.

DESCRIPTION OF SITE/PROPOSAL

The site comprises a two storey office building known as Elizabeth House and car park on the Exeter Business Park. The site is accessed off Emperor Way and is bounded by offices to the north, south and west. Landscaping separates the site from Ambassador Drive to the east. The Clare Milne Centre lies to the northwest, a charity providing learning and social support to disabled adults and children. There are two bus stops on Emperor Way and two more on Ambassador Drive. The former are served by the 56 and 56A, and the latter by 2B, 78 (Dartline Coaches), B and Red (P&R). The site is approximately 1.5km walking distance from Pinhoe Station.

The premises are currently vacant and extend to 278.5 sq m gross internal floorspace. The premises are currently being marketed to let as a detached office building by Alder King and are stated to be available from early 2018. It is understood that one of the neighbouring businesses has a lease to use the car park for its staff until the end of May. The car park has 14 spaces.

The site is unallocated in the Exeter Local Plan First Review. It is located within the Monkerton/Hill Barton strategic allocation in the Core Strategy. It is within an Existing Employment Area in the Exeter Employment Land Review (2009) (included in the monitoring and evidence base). The site is in Flood Zone 1. There are no above ground heritage assets within the vicinity.

The proposal is to change the use of the premises from Use Class B1a (office) to Use Class D1a (non-residential institutions for the provision of any medical or health services) in order to allow the premises to be occupied by the NHS Depression and Anxiety Service (DAS) for East and Mid Devon. The proposed floor plans show that the building will be sub-divided internally to provide a reception, office (11.7 sq m), meeting room (17.7 sq m) and five interview rooms on the ground floor, and a larger office (76.9 sq m), staff kitchen and two more interview rooms on the first floor. It's considered that the offices are ancillary to the overall use of the premises as

D1a, as opposed to forming a mixed B1a/D1a use, although this is finely balanced. The service will employ 30 people, providing a mix of telephone referral assistance from suitably trained mental health practitioners alongside face to face consultation from the proposed interview spaces. There will be around 18-20 people working in the building on a day to day basis, with the exception of monthly team meetings when the whole team will be in the building. The building will be used as a core hub for the service, but staff from the hub will also offer clinics/services within GP surgeries/other community locations across the East and Mid Devon area. The service is currently based in Tiverton, but the existing premises are considered to be unfit for purpose, which does not provide an equitable base to other DAS teams, creating a complex set up of clinical space within East and Mid Devon that has insecure tenure, is subject to unexpected financial costs and presents a high risk to continued business continuity. The NHS Depression and Anxiety Service (DAS) for Exeter that serves the general Exeter population is based in other premises closer to the City Centre (Compass House, 52 Magdalen Road), but are not considered capable of expansion. The information submitted with the application states that the East and Mid Devon team are engaged with local businesses in the eastern part of Exeter, including the Met Office and EDF. Therefore, the site will be more accessible for employees of these businesses.

Half the car parking spaces will be allocated to patients (7 spaces) and half to staff (7 spaces) on a rota basis. The premises will be open from 8am to 8pm. There will be gaps between appointments to ensure that spaces will be available.

SUPPORTING INFORMATION SUPPLIED BY THE APPLICANT

- Design Statement (Kirkham Board Associates, 2 December 2017)
- 2018-02-19 – End Users Statement re Parking, Staff Numbers and Use (Justine Curtis, Clinical Team Lead, Depression and Anxiety Service, East and Mid)
- Supplementary Information (Kirkham Board Associates, 8 March 2018)
- Further Supplementary Information (Kirkham Board Associates, 29 March 2018)
- 2018-03-30 – Travel info for planning application – Elizabeth House
- 2018-03-30 – Example of Employee Travel Plan
- 2018-05-02 – NHS South Devon & Torbay CCG email

REPRESENTATIONS

One objection was received from South West Builders Federation, the owners of Richmond Court opposite the site, due to a lack of parking for the proposed use. They state that the roadway to the cul-de-sac was not designed for the volume of traffic that the change of use would result in, particularly as it already suffers from very heavy on road parking, which could inhibit the safe and prompt access of a fire engine or ambulance to properties at the end of the roadway, including the Clare Milne Centre. There are no pavements to the cul-de-sac, which would mean that with current parking levels on the road, pedestrians having to walk in the line of traffic at great risk to themselves. They consider that the change of use would result in a serious increase in Health and Safety Risk to all users of the cul-de-sac.

CONSULTATIONS

The Local Highway Authority (DCC): The existing access onto Emperor Way meets the relevant visibility standards for the speed limit. There are no recorded accidents at the access in the last 5 years. The change of use is unlikely to have a significant impact on the highway and does not form a reason for refusal. The applicant is reminded that Emperor Way and

Ambassador Drive are public highway and have existing parking restrictions. The applicant should promote sustainable transport modes. A simple travel plan should be introduced (condition recommended). The plans do not show cycle parking provision, therefore the plans should either be amended to include this or a suitable condition added accordingly in line with the Sustainable Transport SPD. This will promote modal change, especially as the site is in close proximity to the E4 Strategic Cycle Route.

Living Options Devon: No comments on the suitability of the premises or the location for the proposed use. Questioned whether there will be Blue Badge parking (one space required as a minimum), power assisted entrance door, wheelchair accessible lift, and if the toilet on the ground floor will be accessible and compliant with Part M of the Building Regulations.

Delegation Briefing: Officers recommended refusal of the application, due to conflict with Policy CP2. Members decided that the application should be determined by the Planning Committee. Officers have since changed their recommendation to approval following a closer examination of the context of Policy CP2 in relation to the specific use.

Environmental Health (ECC): No comments received.

PLANNING POLICIES/POLICY GUIDANCE

Government Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Core Strategy (Adopted February 2012)

Core Strategy Objectives
CP2 – Employment
CP10 – Meeting Community Needs
CP19 – Strategic Allocations

Exeter Local Plan First Review 1995-2011 (Adopted 31 March 2005)

AP1 – Design and Location of Development
AP2 – Sequential Approach
E3 – Retention of Employment Land or Premises
CS2 – Community Health Services
T1 – Hierarchy of Modes
T2 – Accessibility Criteria
T3 – Encouraging Use of Sustainable Modes

Development Delivery Development Plan Document (Publication Version, July 2015)

DD1 – Sustainable Development
DD3 – Retention of Employment Land
DD4 – Provision of Local Services in Employment Areas
DD5 – Access to Jobs
DD20 – Accessibility and Sustainable Movement

DD21 – Parking
DD23 – Other Community Facilities
DD25 – Design Principles

Exeter City Council Supplementary Planning Documents

Sustainable Transport SPD (March 2013)

OBSERVATIONS

The Principle of the Proposed Development / Retention of Employment Use

Policy E3 does not permit the loss of employment land or premises where it would harm business or employment opportunities in the area. This policy is generally consistent with Policy CP2, which states that Exeter Business Park together with other employment areas of the city will be retained in employment use, except where their loss would not cause harm to business or employment opportunities or where there are unacceptable amenity impacts for local residents. Paragraph 5.25 of the supporting text to this policy states that it is vital that existing employment sites, premises and allocations that are viable for continued employment use are safeguarded, and the release of viable employment sites or premises to other uses may only be made where their loss would not cause harm to business or employment opportunities, or where there are unacceptable amenity impacts for local residents.

A letter submitted in support of the application states that the Exeter office market continues to experience an acute shortage in supply, in particular in the City Centre. Whilst this was submitted to demonstrate the lack of available sites in the City Centre, it points out that there is an overall shortage. Therefore, it could be argued that the loss of any office in the city will cause harm to business and employment opportunities, contrary to Policies E3 and CP2. Furthermore, no evidence has been provided to demonstrate that the premises are not viable for continued use as offices.

However, the Core Strategy (and emerging Development Delivery DPD) defines Employment Land as all land and buildings within/designated Classes B1, B2 and B8, and other uses of employment character or which generate substantial employment or economic benefits and which may include sui generis uses such as car showrooms. The Local Plan First Review defines it as all land and buildings within/designated Classes B1, B2 and B8, and other uses of employment character which may include sui generis uses such as car showrooms. The 2009 Employment Land Review on the other hand only considers activities within the B Use Classes, although it states that the importance of other activities to the local economy is recognised. The NPPF is also an important material consideration. Whilst it does not include a definition of Employment Land, it defines Economic Development as development, including those within the B Use Classes, public and community uses and main town centre uses.

The proposed use is considered to fall within the definitions of Employment Land in the Core Strategy and Local Plan First Review, as a use of employment character. This takes into account the mixed character of the use, functioning partly as a clinic and partly as a health call centre. Therefore, whilst it could be argued that the proposal harms business opportunities (interpreting business as the B Use Classes only), due to the loss of an office, it's considered that the proposal accords with Policies CP2 and E3 as the site will be retained in employment use (applying the definitions of Employment Land above and taking into account the NPPF). Furthermore, it's considered the change of use will not cause harm to employment

opportunities, taking into account the nature of the employment that will be provided (partly office based) and that the number of staff will be comparable to the number of staff if the premises were retained as offices (21-35 people following the Employment Density Guide (HCA, 2015) depending on the type of office). It is also a positive material consideration that the premises can easily be converted back to office use.

Notwithstanding the above, Policy CP10 is also applicable as the proposal is for a community (health) use. This states that facilities that serve the city as a whole should be located in the City Centre or, if this is not feasible, at sustainable locations readily accessible by all modes of travel. Facilities which serve neighbourhood needs should, wherever possible, be located within or close to district or local centres or at locations easily accessible to the local community, particularly by foot or bicycle. According to the information provided, the service will serve East and Mid Devon, as well as East Exeter including local businesses. It's therefore difficult to determine in this case which of the above the facility falls into. However, as a number of sites in the City Centre have been looked at and alternative modes of transport to the car are available close to the site, the proposal is considered to accord with Policy CP10.

The proposed change of use is therefore considered to be acceptable in principle, subject to conditions restricting any change to other uses falling within Class D1 and permitted development rights allowing change of use from D1 to other Classes.

Parking / Impact on Local Highways

There are 7 interview rooms and 7 car parking spaces will be allocated to visitors/patients, which is considered to be acceptable given the information states that there will be gaps between appointments to ensure that there are spaces available. At least one of these spaces should be a disabled space. The NHS Trust will also encourage visitors/patients to utilise sustainable modes of transport.

This leaves 7 spaces for 30 staff. The information states that on average about half the team will be in the building on a day to day basis, although the whole team will meet in the building once a month. The indicative car parking standards in the Sustainable Transport SPD do not include a standard for D1a uses. There is a standard for Hospitals (Use Class C2) of 1 space per 4 staff and 1 space per 3 visitors (this would require 8 spaces for 30 staff, or 5 spaces for 20), however the standard for offices of 1 space per 30 sq m is considered more relevant to the proposed use, which would require 9 spaces. The standards are indicative, allowing for an element of flexibility. Therefore, officers do not consider that the application can be refused, due to a lack of car parking.

Whilst the double yellow lines (which are faded) are flouted on a daily basis, the Local Highway Authority has no concerns with regard to highway impacts (although it has reminded the applicant that parking restrictions exist). As confirmed by site visit, significant overspill parking is already occurring on Emperor Way (on the cul-de-sac – no overspill parking was observed on Emperor Way leading to the Met Office). However, there are no recorded accidents attributed to vehicles in the last 5 years. The tight bends in the cul-de-sac, together with the on-street parking, block paving, landscaping and lack of footways, mean that the cul-de-sac is functioning like a Home Zone, where motorists are forced to drive very slowly and carefully. Whilst pedestrians and disabled people visiting the Clare Milne Centre were observed sharing the highway with moving vehicles, the increase in daily vehicle movements to the premises from visitors/patients over the vehicle movements associated with continued use as offices is not considered to be significant enough to warrant refusal of the application. It is also apparent that

there is no space for further overspill parking, which should discourage staff from choosing to drive to the site and choose sustainable transport modes instead.

The Local Highway Authority has recommended conditions to secure a Travel Plan to encourage sustainable modes of transport and cycle parking in accordance with the Sustainable Transport SPD. These will be positive benefits of the proposal compared with continued use as offices.

CIL/S106

The development is not CIL liable and a s106 legal agreement is not considered necessary.

RECOMMENDATION

APPROVE with the following conditions:

1. Standard Time Limit – Full Planning Permission

The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91(1)(a) of the Town and Country Planning Act 1990 (as amended).

2. Approved Plans

The development hereby permitted shall be carried out in complete accordance with the approved plans listed below, unless modified by the other conditions of this consent:

- Site Location Plan (Dwg No: 17062.01.01)
- Proposed Floor Plans (Dwg No: 17079.P02.11 Rev A)

Reason: In order to ensure compliance with the approved plans and for the avoidance of doubt.

3. Travel Plan

No part of the development shall be occupied until a travel plan (including recommendations and arrangements for monitoring and review) has been submitted to and approved in writing by the Local Planning Authority. Thereafter the recommendations of the travel plan shall be implemented, monitored and reviewed in accordance with the approved document, or any amended document subsequently approved in writing by the Local Planning Authority.

Reason: To encourage travel by sustainable means in accordance with Policy T3 of the Exeter Local Plan First Review and the Sustainable Transport SPD.

4. Staff Cycle Parking

Prior to the occupation of the development hereby permitted, cycle parking for staff and access thereto shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking and access thereto shall be maintained for the lifetime of the development.

Reason: To provide suitable cycle parking for staff in accordance with the Sustainable Transport SPD (Table 2 and Paragraph 5.3.1).

5. Visitor Cycle Parking

Prior to the occupation of the development hereby permitted, cycle parking for visitors and access thereto shall be provided on the site in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The cycle parking and access thereto shall be maintained for the lifetime of the development.

Reason: To provide suitable cycle parking for visitors in accordance with the Sustainable Transport SPD (Table 2 and Paragraph 5.4.1).

6. Disabled Parking Space

Prior to the occupation of the development hereby permitted, one disabled parking space shall be provided in the car park in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The disabled parking space shall be maintained for the lifetime of the development.

Reason: To provide suitable car parking for disabled users in accordance with the minimum standards set out in Table 4 of the Sustainable Transport SPD.

7. Restrict Use Classes Order

The premises shall be used for mental health consultation rooms and offices (to provide an NHS Depression and Anxiety Service) only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To control the use in the interests of the amenity of the area and development plan policies.

8. Restrict GPDO

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

Part 4, Class D – shops, financial, cafes, takeaways etc to temporary flexible use

Reason: To control the use in the interests of the amenity of the area and development plan policies.

Local Government (Access to Information) 1985 (as amended),

Background papers used in compiling the report:

Files of planning applications available for inspection from the Customer Service Centre, Civic Centre, Paris Street, Exeter. Telephone 01392 265223