

<b>App.No:</b> 130467 (PPP)	<b>Decision Due Date:</b> 24 October 2013	<b>Ward:</b> Devonshire
<b>Officer:</b> Richard Elder	<b>Site visit date:</b> 9 October 2013	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 26 September 2013 <b>Neigh. Con Expiry:</b> 26 September 2013 <b>Weekly list Expiry:</b> n/a <b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> Planning Committee item		
<b>Location:</b> Unit C, Glennys Estate, 158 Latimer Road, Eastbourne		
<b>Proposal:</b> Change of use from B1 (Business) to D2 (Leisure).		
<b>Applicant:</b> Mr Chris Field		
<b>Recommendation:</b> Refuse		

**Planning Status:**

- Predominantly business and light industrial use
- Flood zone 3

**Relevant Planning Policies:**

Eastbourne Borough Plan 2001-2011

- UHT1 - Design of New Development
- BI1 - Retention of Class B1, B2 and B8 Sites and Premises
- BI4 - Retention of Employment Commitments
- HO20 - Residential Amenity
- TR11 - Car Parking
- US5 - Tidal Flood Risk

Eastbourne Core Strategy Local Plan 2006-2027

- B2 - Creating Sustainable Neighbourhoods
- D2 - Economy
- C3 - Seaside Neighbourhood Policy

Genuine Redundancy of Business Premises SPG

**Site Description:**

The application site is a B1 business unit situated within the Glennys Estate at 158-164 Latimer Road which is a purpose built business/industrial estate comprising 9 units in total. The estate lies within a residential block surrounded by the rear of residential properties on Eshton Road to the south west, Beach Road to the north east and Sidley Road to the south east. Access into the site is from Latimer Road to the north west side of the site. Unit C is an end unit within the centre of the site close to the rear garden boundaries of nos. 34-38 Beach Road.

**Relevant Planning History:**

EB/2001/0727

Demolition of lock-up stores and erection of four industrial starter units.

Approved

2002-02-21

EB/2004/0315

Temporary (5 years) change of use of 40% of unit to retail use restricted to Stoveshop Smith and Gibbs.

Withdrawn

EB/2009/0642

Use of units as B1 & B8 (Lawful Development Certificate)

EB/2012/0722

Variation of conditions 3 and 7 of permission EB/1991/0527 (front of site):

Approved conditionally

2012-12-06

**Proposed development:**

Application involves the change of use of the B1/B8 business unit to a D2 leisure use to provide a personal training facility comprising a toilet, kitchen area, office, weight training area and movement training area for classes.

No external alterations are proposed.

The opening hours requested are the same as those approved in 2012 for the B1/B8 use being 07.00 – 19.00 hours, Monday to Saturday and closed on Sundays.

**Consultations:**

Local Highway Manager – REFUSAL recommended due to inadequate parking facilities within the site which would increase demand for on-street parking and additional congestion on the public highway.

Planning Policy Manager – REFUSAL recommended due to lack of marketing information submitted to demonstrate redundancy.

Environmental Health – No response received.

Neighbour Representations:

7 objections have been received and cover the following points:

- Major parking issues caused by 20+ customers within the surrounding roads where parking is currently difficult due to car valeting unit, nursery and café.
- Noise and disturbance from unit in the evenings and from people, car movements and music.
- Impact on privacy and wellbeing.

**Appraisal:**

The main considerations in the determination of this application relate to the acceptability of the change of use resulting in a class B use, highway safety considerations and the provision of sufficient car parking spaces for staff and customers.

Change of Use

Policies BI1 and BI4 of the Eastbourne Local plan aim to prevent the loss of land or buildings currently or last in class B1, B2 or B8 use for non-employment use and will not be granted unless the site or premises is genuinely redundant and is unlikely to be re-used or redeveloped for industrial or commercial use.

Policy D2 of the Eastbourne Core Strategy aims to protect good quality employment space, and resisting change of use. Any proposal will be considered in a sequential process which gives priority to retention unless the site is unviable for employment use or is otherwise unsuitable.

Policy BI1 requires applications to demonstrate that land or premises are genuinely no longer needed under one or more of the following considerations:

- Inability of the site to accommodate acceptable business development.
- Lack of market interest.
- Business use of the site would not be financially viable.

The applicants have submitted a letter from the commercial estate agents which confirms that the unit has been vacant since December 2010 without success. It confirms there are few applicants seeking this size and type of unit and the landlord has reduced the rent dramatically. The applicants were referred to the Genuine Redundancy of Business Premises Supplementary Planning Guidance prior to validation of the application which provides guidance on what to submit

to demonstrate redundancy. The only justification submitted is the letter from Tingley and no evidence of a marketing strategy, marketing method, rental market price or rent reductions have been submitted.

In addition, it has not been demonstrated that the current business unit is unsuitable for its B1/B8 purpose given it has been in existence since 1984.

As insufficient evidence relating to the genuine redundancy of the site has been submitted, it has not been demonstrated that business use on the site is no longer viable and therefore genuine redundancy cannot be accepted and the proposal would be contrary to Policies BI1 and BI4 of the Eastbourne Local Plan and Policy D2 of the Eastbourne Core Strategy.

#### Residential Amenity Impact

Policy HO20 of the Eastbourne Local Plan requires new development proposals to respect residential amenity.

Policy B2 of the Eastbourne Core Strategy seeks to protect the residential and environmental amenity of existing and future residents.

The submitted planning statement indicates that the proposed use as a personal training facility would involve music for exercise classes which would be kept to a sensible volume with the use of a decibel meter. The unit is located within a predominantly residential area and backs onto rear gardens of houses along Beach Road. The north east elevation of this unit is only 10 metres from the rear elevations of nos.34-38 Beach Road and 6 metres to the rear garden boundary.

It is not known what sound proofing qualities the existing building possesses or what would be required to upgrade the sound proofing to protect surrounding residents from the music as concern would be raised over the sound proofing quality of the metal cladding to the upper half and roof of the building, the large roller shutter to the front and the fire exit door to the north side. Therefore, it is considered that the building within which the unit is located and the location of the unit so close to the rear of residential houses is inappropriate for a gym/training facility as it has not been demonstrated that the building is fit for purpose.

The proposed opening hours of 7.00 – 19.00 hours would match that of the existing permitted hours of the existing business unit granted permission in 2012. However, it is considered that an opening time of 07.00 hours is too early for this type of use in this area. A closing time of 19.00 is generally too early for a training facility which tends to attract younger professionals after normal working hours. As such, it is considered that the opening hours are not considered acceptable on amenity grounds or viable for a use such as this.

Therefore, as the application stands, it is considered that the proposed use, suitability of the building and its location and opening hours are not appropriate given the residential nature of the surrounding area and the potential noise disturbance from music and exercise classes to surrounding residents.

As such, it is considered that the proposal would adversely affect residential amenity, contrary to Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

#### Car Parking and Highway Considerations

Policy TR11 of the Eastbourne Local plan states that new development must comply with approved maximum car parking standards as set out in the East Sussex County Council Highways SPG parking standards.

The submitted planning statement indicates that proposed use as a personal training facility would potentially attract around 20 customers at any one time and would have 1 employee. The proposal has not provided any details of parking facilities for customers and staff. As such, it is assumed that parking would be provided in and around the surrounding streets which would add to increased on-street parking demand and congestion on the public highway, to the detriment of local residents, particularly in the early evening hours.

As such, it is considered that the proposal would be contrary to Policy TR11 of the Eastbourne Core Strategy and East Sussex County Council Parking Standards Guidance.

#### **Human Rights Implications:**

None.

#### **Conclusion:**

The proposed change of use to a D2 exercise training facility is considered unacceptable as it has not been sufficiently demonstrated that business use on the site is no longer viable or suitable and therefore genuine redundancy cannot be accepted.

The proposed use, suitability of the building and its location and opening hours are not appropriate given the residential nature of the surrounding area and the potential noise disturbance from music and exercise classes to surrounding residents.

The proposal has not provided any details of parking facilities for customers and staff which would add to increased on-street parking demand and congestion on the public highway, to the detriment of local residents. As such, the proposal would be contrary to Policies BI1, BI4, H020 and TR11 of the Eastbourne Local Plan and Policies B2 and D2 of the Eastbourne Core Strategy.

## **Recommendation: REFUSE**

### **Reasons For Refusal:**

1. The proposed change of use to a D2 exercise training facility is considered unacceptable by virtue of the failure to submit any sufficient marketing evidence to demonstrate that the existing B1/B8 business unit is no longer viable or suitable and, therefore, genuine redundancy cannot be accepted. As such, it is considered that the proposal is contrary to Policies BI1 and BI4 of the Eastbourne Local Plan, Policy D2 of the Eastbourne Core Strategy and the Genuine Redundancy of Business Premises SPG.
2. The proposed use, suitability of the building and its location and opening hours are not considered appropriate given the residential nature of the surrounding area and is likely to adversely affect surrounding residential amenity from noise and disturbance from music and exercise classes. As such, it is considered that the proposal is contrary to Policy H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.
3. The proposed change of use is considered to be unacceptable by virtue of the lack of sufficient on-site parking facilities for customers and staff which would significantly add to increased on-street parking demand and congestion on the public highway, to the detriment of local residents, particularly in the early evening hours. As such, it is considered that the proposal is contrary to Policies TR11 and H020 of the Eastbourne Local Plan and Policy B2 of the Eastbourne Core Strategy.

### **Informatives**

The application has been determined in accordance with the following submitted plans and documents:

Site location plan received 28 August 2013.

Block Plan received 28 August 2013.

Proposed layout floor plan received 10 September.

Planning Statement received 28 August 2013.

Estate Agent letter dated 13 August 2013 received 28 August 2013.

**Appeal:** Should the applicant appeal the decision the appropriate followed, taking into account the criteria set by the Planning Inspectorate, is considered to be **written representations.**