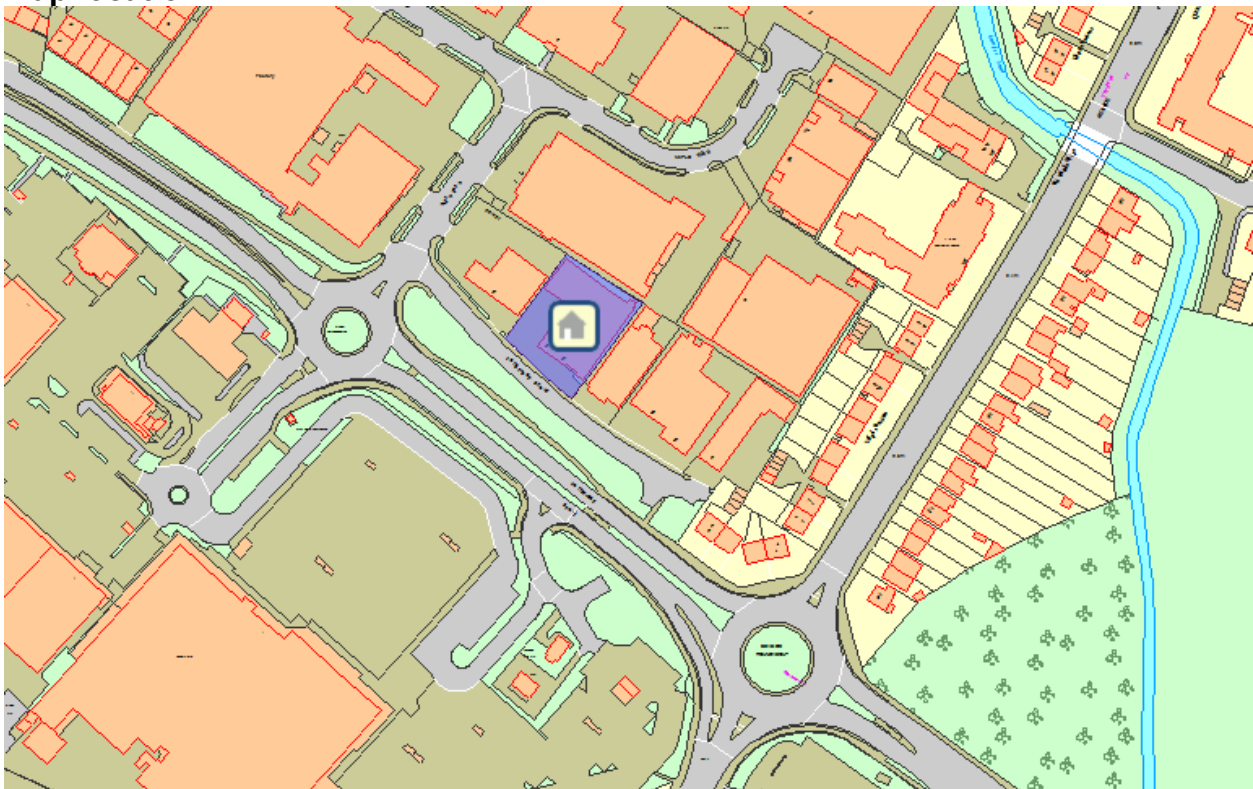


<b>App.No:</b> 190726	<b>Decision Due Date:</b> 27 November 2019	<b>Ward:</b> St Anthonys
<b>Officer:</b> Anna Clare		<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 28 October 2019		
<b>Neighbour Con Expiry:</b> 28 October 2019		
<b>Press Notice(s):</b> n/a		
<b>Over 8/13 week reason:</b> n/a		
<b>Location:</b> 26-28 Lottbridge Drove, Eastbourne		
<b>Proposal:</b> Change of use to part Class D2 (Assembly and Leisure) and Class A3 (Cafe) for a children's educational role play experience.		
<b>Applicant:</b> Mr Davie Langham		
<b>Recommendation:</b> Refuse Planning Permission		
<b>Contact Officer(s):</b>	<b>Name:</b> Anna Clare <b>Post title:</b> Specialist Advisor Planning <b>E-mail:</b> anna.clare@eastbourne.gov.uk <b>Telephone number:</b> 01323 4150000	

**Map location**



## **1 Executive Summary**

- 1.1 The site forms part of an existing designated industrial estate. The existing B8 use is protected therefore in principle the change of use would not be supported. The applicant has identified by way of a sequential test that there are no other available sites which meet their requirements in terms of size. However they have not shown that the site is suitable on the whole given the limited car parking and awkward access, this would likely lead to conflict with existing uses and as such the site is not considered suitable for the proposed use.

## **2 Relevant Planning Policies**

- 2.1 Core Strategy Local Plan 2013  
B1 Spatial Development Strategy and Distribution  
B2 Creating Sustainable Neighbourhoods  
C13 St Anthony's and Langney Point Neighbourhood Policy  
D1 Sustainable Development  
D2 Economy  
D8 Sustainable Travel
- 2.2 Employment Land Local Plan  
EL2: Industrial Estates
- 2.3 Saved Borough Plan Policies 2007  
B1 Retention of Class B1, B2 and B8 Sites and Premises  
BI2 Designated Industrial Sites  
TR11 Car Parking

## **3 Site Description**

- 3.1 The application site is one unit of three at 26-28 Lottbridge Drove. The unit to the front is a two storey block office like in appearance. The two units to the rear are double height, industrial/warehouse units which are accessible to the rear of the office unit. There is marked out car parking spaces within the site with an existing access onto the highway (Lottbridge Drove). The access road leads onto Lottbridge Drove proper via Birch Road.
- 3.2 The site is situated within the Birch Road Industrial Estate.

## **4 Relevant Planning History**

- 4.1 150053  
Proposed partial demolition and alterations to existing fenestration to sub-divide existing B8 Storage unit into two units. Existing B1 Offices to be retained with alterations to internal layout, together with creation of additional 3 car parking spaces.  
Planning Permission  
Approved Conditionally  
13 March 2015

## 5 Proposed development

- 5.1 The application proposes the change of use to provide a children's role play experience centre (use class D2) with associated café.
- 5.2 The proposed opening hours are 0930 to 1800, with 3 pre-booked able sessions which last 2.5 hours. The original submission was for a maximum of 50 *people* at any one time including staff and parents/care givers.

## 6 Consultations

### 6.1 Specialist Advisor (Planning Policy) – comments on original submission

- 6.1.1 This application seeks to change the existing carpet storage and showroom area into a children's education and play centre, with an attached café. It is not clear what the current use class of the building is: there is conflicting use classes given in different documents supplied with the application. It is suggested that the use class is A1 in some cases and B uses in others. The current 'official' use class for the site would appear to be B8, which may not be compatible to how the site is currently being used, as a carpet showroom and sales. There will be minimal internal alterations to the structure of the building. The unit is in the St Anthony's and Langney Point Neighbourhood, within a designated Industrial Estate (Birch Road, Hawthorn and Compton Industrial Estates).
- 6.1.2 Policy C13 of the Core strategy explains the vision for the St. Anthony's and Langney Point Neighbourhood as "*St Anthony's & Langney Point will increase its economic importance to the town through the provision of additional employment floorspace and jobs, whilst enhancing its levels of sustainability through the provision of additional affordable housing and community and health facilities and reducing the impact of the car*". The change of use does not provide additional employment floorspace. It is not clear what the net difference in jobs would be: the proposal would provide for 2 full-time jobs and 1 part-time job. The proposal would create additional children's educational and play facility in the Neighbourhood.
- 6.1.3 One of the 'Supply Issues' raised in the Employment Land Local Plan is the 'Loss of employment land to other uses,' which states that "*If losses of key sites continue within existing employment locations they have the potential to undermine the B class nature of these sites.*" This proposal does represent a net loss of class B floorspace within a designated industrial estate and as such is broadly in contravention with the aims of the Employment Land Local Plan.
- 6.1.4 The ELLP, paragraph 4.12, also raises the concern that "*A large collection of non B uses can erode the business nature of a location, which will have an adverse effect on occupier and investor perceptions of the Industrial Estates.*" The site is currently in use as a carpet showroom and sales. The proposed use could stand out from the activity that was previously here, as it is targeted towards children. As the day is split into three sessions, and the proposal would accommodate 50 people at a time, there could be periods where roughly 33 adults and 66 children leaving and arriving, it could hinder the perception of the area as an industrial estate. However, it is not in a prominent position on the

industrial estate and is not very visible from the main road.

- 6.1.5 This change of use is not compliant with core principle of Policy EL2: Industrial Estates as it seeks to ensure that redevelopment and Change of Use within the Industrial Estate are class B only. However, it also states that *“The redevelopment or change of use of sites and premises within the designated Industrial Estate from class B use to alternate non-B class employment generating uses will only be supported where...a) the proposed alternative use is an employment generating use that cannot be located elsewhere due to its un-neighbourliness and, by being located within a designated industrial estate, will not have a significant adverse impact on adjacent land uses.”* The requirements of the proposal may mean it could be difficult to find an appropriate location elsewhere. A provided statement describes that *“We have researched and looked at similar businesses of this nature around the country and they too have chosen industrial type buildings due to the size and nature of the business.”* This does appear to be the case, however there is no specific justification supplied with the application indicating that it has to be the case in this instance.
- 6.1.6 Furthermore, in answer to section (b) of EL2, it is not clear that *“the site/premises is suitable for the proposed use,”* as there is unlikely to be adequate parking for the volume of people expected.
- 6.1.7 The proposed use would likely fall within the definition of a ‘Main Town Centre Use’ as described in the NPPF. There is a requirement for a sequential test to be carried out to be carried out on Main Town Centre Use applications which do not propose an application in an existing centre. Town Centres and then ‘Edge of Town Centres’ should be considered before ‘Out of Centre’ sites This is in accordance with paragraphs 86-90 of the NPPF.
- 6.1.8 The proposal would not be liable for a CIL payment, as there is no increase in floorspace.
- 6.1.9 It is considered that the change of use would not be consistent with an industrial estate, especially in this location due to constraints around parking.
- 6.2 Highways ESCC – first consultation
- 6.2.1 The site is currently used partly to display and sell carpets and partly as a carpet warehouse. East Sussex County Council Parking Guidance for Non-Residential Sites states that for this use, A1 non-food retail warehouse, there is a parking requirement of 1 space per 35m<sup>2</sup>; therefore 8 spaces are required. However, since much of the existing business involves visiting customers in their homes the actual parking demand at this site is likely to be less than 8 spaces.
- 6.2.2 The Tiny Town Centre is approximately 277sqm and has space for 30 children with a predicted 1 adult per 2 children ratio. It is anticipated that visitors to the Tiny Town Centre will originate from Eastbourne and the surrounding villages and towns and that the use of private vehicles to access the site is likely to be high. If all visitors and the staff were to travel by private vehicle the maximum parking requirement would be 18 spaces.

- 6.2.3 The submitted plan indicates that there will be 4 parking spaces available on-site for staff and visitors and further parking available on the adjacent public highway.
- 6.2.4 With the change of use there will be a significant increase in parking requirements which cannot be accommodated within the site. The submitted information provides no justification for the significant shortfall in the level of parking provided on-site and as a result I have concerns that the overspill will exacerbate any existing on-street car parking pressures in the area.
- 6.2.5 Trips:  
The submitted information does not detail the level of traffic currently generated by the existing (A3) retail use of the site; however, it is understood that whilst a showroom is provided on site a majority of business involves staff visiting customers in their homes. With this in mind the proposed use, which could generate up to 30 trips per session from visitors and additional trips generated by the staff, is likely to result in a significant increase in the level of traffic generated by the site per day.
- 6.2.6 Despite this increase in traffic I have no major concerns from a highway safety or capacity perspective.
- 6.2.7 Accessibility:  
There are bus stops on Seaside and Lottbridge Drove within 400m of the site providing regular connections with Eastbourne and further afield. It is however expected that many of the visitors to the Tiny Town Centre will use private vehicles.
- 6.2.8 Conclusion:  
I object to this application for the following reason:
- 6.2.9 The proposal could not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on the Lottbridge Drove and would therefore be contrary to para 105 of the National Planning Policy Framework
- 6.3 Highways Comments – Second Consultation following reduction in proposed numbers
- 6.3.1 Further to my objection on 30 October 2019 the applicant has submitted new information to address concerns about the provision of parking.
- 6.3.2 The original proposal was for a soft play centre with a capacity for 45 persons, comprising 30 children and 15 adults, and additional staff. The proposal has now been scaled back to provide for up to 15 children with 7 to 8 adults and 3 staff, so a total of 25 to 26 persons. A 30 minute gap between sessions would reduce the overlap of visitors to the centre.
- 6.3.3 The on-site parking has increased from 4 spaces to 6 spaces. A 7th space

shown on the submitted plan is substandard in length and vehicles using the space would overhang onto the footway. Two of the spaces are adjacent to walls and are not convenient for parents with children to use.

- 6.3.4 Although there is on-street parking available in the vicinity of the site this is generally in high demand, used by existing businesses.
- 6.3.5 The applicant will encourage the use of buses to travel to the site by offering discounted rates. However I consider that parents with young children may consider a private vehicle more convenient than buses. This scheme may however influence staff modes of transport should this scheme be open to the staff.
- 6.3.6 Although the scale of the centre has been reduced and 2 more parking spaces have been made available I am still concerned that there is no capacity for overspill onto the public highway in this location. Site visits have indicated that parking demand in the vicinity of the site is high.
- 6.3.7 I am therefore still concerned about the parking availability for users of this site and maintain highway objection. A parking survey of the public highways in the vicinity of the site undertaken between the hours of 9am and 6pm is recommended to ascertain whether there is sufficient availability for on-street parking to accommodate the shortfall. In the event that this is demonstrated satisfactorily, highway objection can be withdrawn. The applicant should submit a scope for the parking survey to this authority prior to commissioning a survey.

## **7 Neighbour Representations**

- 7.1 No comments received.

## **8 Appraisal**

### **8.1 Principle**

- 8.1.1 The application site is situated within a designated industrial estate. This proposal does represent a net loss of class B floorspace and as such is broadly in contravention with the aims of the Employment Land Local Plan.
- 8.1.2 However policy EL2: Industrial Estates states that the change of use of sites and premises within the designated Industrial Estate from class B use to alternate non-B class employment generating uses will only be supported where;
  - 8.1.3 a) the proposed alternative use is an employment generating use that cannot be located elsewhere due to its un-neighbourliness and, by being located within a designated industrial estate, will not have a significant adverse impact on adjacent land uses.
- 8.1.4 This is in line with Policy D2 of the Core Strategy Local Plan 2013 which states that a sustainable economy will be achieved by protecting 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.

- 8.1.5 The building is currently occupied, however has been marketed for the past 12 months, and my understanding is the lease is due to expire for the current users and they marketed in advance of their departure but they will be leaving the unit regardless of the decision on this application. The fact the unit is currently occupied does question whether the use is redundant or whether the site is unsuitable for the authorised use. However the applicant has submitted evidence of marketing and stated a lack of interest for the authorised use given the awkward access for deliveries etc.
- 8.1.6 In order to establish that the use cannot be accommodated elsewhere it is necessary to undertake a sequential test setting out the sites which are available and reasoning for rejection for the proposed use. The applicant has submitted evidence of a search for other sites and set out why this unit meets their needs when others do not. On balance it is considered that the evidence submitted is robust to show that the applicant has considered other sites but not been able to locate suitable accommodation for the size/height. However the site is far from ideal given the awkward access.
- 8.1.7 Criteria b) of Policy EL2 of the Employment Land Local Plan states that the applicant should demonstrate several points including;
- there is evidence demand and need for the proposed alternative employment generating use
  - why the site is suitable for the proposed use
- The applicant has submitted a planning statement to address the above policy.
- 8.1.8 The applicant submits that the unit meets their demands in terms of the size requirements, open space and height, to accommodate the equipment, and that they wanted a site within the urban area of Eastbourne.
- 8.1.9 They have also attempted to evidence a demand for the use by way of their marketing and 'likes' of their facebook page The nearest centres for this type of use appear to be, Burgess hill, Maidstone or Sevenoaks, therefore relatively long distances from Eastbourne, this shows the use does not exist in Eastbourne.
- 8.1.10 The planning statement says that the use would employ 2x full time employees and 4x part time employees, but this was based on the greater number of visitors (50 rather than the reduced 25). The Applicant advised that with 25 visitors the number would be at least 2x full time and 1x part time but they would review that when operational. The ELLP provides employment density assumptions of, for a B8 use, 1 employee per 70m<sup>2</sup>, therefore 5 for this site, the proposal falls before this at a minimum of 2.5.
- 8.1.11 Given the unit is to the rear of the site with no public facing elevation, and the awkward nature of the access it is to be considered whether the site is suitable for such a public use.

8.1.12 The unit is to the rear of an existing office over two floors, and adjacent a further B Unit. To either side of the site are car garages. The proposed use could cause conflict from the amount of comings and goings, and by nature of it being child orientated and the awkward access could result in confusion within the site for visitors. The use could put off potential users of the adjacent offices and B use to the rear of the site.

8.1.13 Car parking could also be a potential cause of conflict as there would be very limited amount of spaces attributed to the use whilst other spaces are attributed to other units within the site.

## 8.2 Car Parking, Access and Highways Impacts

8.2.1 ESCC highways raised an objection to the original submission of 30 children, and subsequently upheld their objection to the reduced number of 15 children per session on the basis that the proposal could not provide adequate parking facilities within the site. The lack of adequate car parking would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on Lottbridge Drive.

## 8.3 Conclusion

8.3.1 There are concerns over the impact of the proposed use on the other surrounding uses. The awkward access could lead to conflict, and the increase in visitors could impact on the surrounding industrial uses. In principle it is considered that it has not been evidenced how the site is suitable for the proposed use, contrary to policy EL2 of the Employment Land Local Plan.

8.3.2 There is also concern over the lack of on site parking and inability for on street parking to accommodate the overspill. Therefore resulting in additional congestion on the public highway.

8.3.3 Overall it is not considered that the site is suitable for such a use and therefore the scheme cannot be supported.

## **9 Human Rights Implications**

9.1 The impacts of the proposal have been assessed as part of the application process. Consultation with the community has been undertaken and the impact on local people is set out above. The human rights considerations have been taken into account fully in balancing the planning issues; and furthermore the proposals will not result in any breach of the Equalities Act 2010.

## **10 Recommendation**

10.1 Refuse planning permission for the following reasons:

- 1) The applicant has failed to demonstrate that the site is suitable for the proposed use, specifically that once delivered the use would not compromise the wider functioning of the Industrial Estate by way of the



increased footfall, nature of the footfall and the lack of on site car parking contrary to Policy EL2 of the Employment Land Local Plan 2016 and Policy D2 of the Core Strategy Local Plan 2013.

- 2) The proposal could not provide for adequate parking facilities within the site which would result in additional congestion on the public highway causing interference with the free flow and safety of traffic on Lottbridge Drove and would therefore be contrary to paragraph 105 of the National Planning Policy Framework.

## **11 Appeal**

Should the applicant appeal the decision the appropriate course of action to be followed, taking into account the criteria set by the Planning Inspectorate, is considered to be written representations.