

<b>App.No:</b> 140958 (PPP)	<b>Decision Due Date:</b> 13/09/2014	<b>Ward:</b> Hampden park
<b>Officer:</b> Leigh Palmer	<b>Site visit date:</b> 12 <sup>th</sup> August 2014	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 31/07/2014 <b>Neighbour Con Expiry:</b> 21/08/2014 <b>Weekly list Expiry:</b> 31/07/2014 <b>Press Notice(s):</b> 02/09/2014		
<b>Over 8/13 week reason:</b> Reported to committee outside of the statutory time frame due to committee cycle and awaiting internal and external consultee responses		
<b>Location:</b> Land at the former Cosmetica site, Faraday Close Eastbourne		
<b>Proposal:</b> Demolition of existing buildings and erection of food store together with car parking, landscaping and access		
<b>Applicant:</b> ALDI STORES LTD		
<b>RECOMMENDATION Refuse Planning Permission</b>		

### **Executive Summary:**

As the Country in general and Eastbourne in particular emerge from recession the Council's position is that there will be growing demand within the Eastbourne Core Strategy Local Plan period (2027) for employment land.

Given this perception and as endorsed by evidence based emerging policy it is considered that to meet the projected household growth in the area there is a requirement to ensure an adequate supply of employment land/floorspace within the Plan period. Due to the geographical constraints on the Borough and the limited number of sites available, the Plan sees the majority of this land being provided within existing employment areas (industrial estates).

The application site falls within an established industrial area and as such, in accordance with the ambitions of the Plan, it should be retained to assist in meeting future growth.

The Council accept the views of the applicant in that in its current state the existing former Comsetica building is redundant and not fit for modern employment purposes. It is, therefore, unlikely that the building will be reoccupied. However given the scarcity of the employment land within the Borough it is considered that sites like the application should be retained to support the anticipated future growth in commercial or industrial uses during the Plan period.

The applicants take the counter view. They argue that there is currently a lack of market interest in the current building, despite planning applications to make it more attractive to the market. In addition they state that the costs required to facilitate the creation of

modern employment space would not provide a sufficient return on investment and therefore would not proceed. They argue that given their perceived lack of market interest in the current site and the lack of market viability in a redevelopment scheme it remains entirely likely that the site would remain vacant and fall into greater disrepair. If this were the case then the benefits that they say will accompany the application would not be realised.

The planning application should be determined in accordance with the Council's planning policy as set out in the Eastbourne Core Strategy Local Plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration which must be given significant weight. The NPPF requires to the Council to *"plan proactively to meet the development needs of business and support an economy fit for the 21st century"* (paragraph 21) and to *"set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth"* and *"identify strategic sites for local and inward investment to match the strategy and to meet anticipated needs over the Plan period"*.

The NPPF also states that *"planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose"* (paragraph 22). It is considered that there is a reasonable prospect of the site being used for commercial/industrial employment purposes during the Plan period.

The principal other material considerations include, in no particular order:-

- the prospect that the proposed development is the only realistic opportunity to see a redevelopment of the site within the short term
- the fact that the site has been vacant for a significant period of time without any interest
- the fact that the site/building has been on the Difficult Property Group for a significant period and is considered in its current state not to be making a positive consideration to the site and surrounding area.
- the prospect of delivery of new employment opportunities in the short term.
- the provision of easy/ready access to a low cost retailer for the residents of Hampden park
- the development of the site for employment uses also supports the vision for the Neighbourhood?
- no objections to the height, scale, massing and appearance of the proposed building or layout of the site
- no material highway impacts
- no material impacts upon the amenities of the occupiers of adjoining residents, in terms of noise and disturbance, loss of daylight, sunlight and overshadowing.
- the redevelopment of the site introduces a number of green initiatives which will ensure that the building is efficient and sustainable.
- of those residents who have engaged in the application process there is support for the proposal.

As with any planning application there is a balance that needs to be struck between the policy position and competing material considerations and their relevant weight in the decision making process. The application should be determined in accordance with the Council's adopted policy to secure the long term retention of the land for employment purposes unless it is considered that the material considerations set out above and any others indicate otherwise.

Given the primacy of the Planning Policy position along with the fact that it has been adopted very recently, and the fact that it is consistent with the NPPF, it is considered that the other material considerations do not either individually or cumulatively amount to a sufficient case to outweigh the 'in principle' planning policy objection to the proposal.

Given this the application is recommended for refusal.

### **Planning Status:**

Located on the edge of Brampton Road industrial/employment area  
Flood Zones 2 and 3

### **Relevant Planning Policies:**

#### **Eastbourne Borough Plan (2001-2011) Saved Policies**

Policy NE28	Environmental Amenity
Policy UHT1	Design of New Development
Policy UHT2	Height of Buildings
Policy UHT4	Visual Amenity
Policy UHT10	Design of Public Access
Policy UHT11	Shopfronts
Policy HO20	Residential Amenity
Policy TR1	Locations for Major Development Proposals
Policy TR2	Travel Demands
Policy TR5	Contributions to the Cycle Network
Policy TR6	Facilities for Cyclists
Policy TR7	Provision for Pedestrians
Policy TR8	Contributions to the Pedestrian Network
Policy TR11	Car Parking
Policy T12	Car Parking for those with Mobility Problems
Policy SH1	Retail Hierarchy
Policy TC3	Public Car Parking
Policy B12	Employment Area
Policy B11	Retention of B Class land

#### **Eastbourne Core Strategy Local Plan (2006-2027)**

Policy C7	Hampden Park Neighbourhood Policy
Policy B1	Spatial Development Strategy and Distribution
Policy B2	Creating Sustainable Neighbourhoods
Policy D1	Sustainable Development
Policy D2	Economy
Policy D4	Shopping
Policy D8	Sustainable Travel
Policy D10a	Design

Sustainable Building Design SPD

Trees and Development SPG

Demonstrating Genuine Redundancy of Business Space SPG

National Planning Policy Framework NPPF 2012  
12 Core Principles including

The following are considered to be determinative elements of the NPPF that are relevant to this application:

Paragraph 14 *"presumption in favour of sustainable development*

Paragraphs 18-22 (Building a strong competitive economy)

*"plan proactively to meet the development needs of business and support an economy fit for the 21st century"* (paragraph 21);

and to *"set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth"* and *"identify strategic sites for local and inward investment to match the strategy and to meet anticipated needs over the Plan period"*.

*"planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose"* (paragraph 22).

### **Site Description:**

The application site comprises land approximately 0.9ha in area located at the junction of Mountfield Road and Lottbridge Drove. Access to the site is currently from Faraday Close at the southern corner of the site, currently there is not serviced from Lottbridge Drove.

The site is currently occupied by a vacant industrial building that covers the majority of the plot, with the remainder laid to hard-surfacing. The existing building was constructed approximately 50 years ago and has a long standing B1/B2 use. There are some trees that lie along and adjacent to the boundaries of the site, none of these are covered by Tree Preservation Orders.

There is currently no dedicated car parking for the site/building.

The site is currently bounded by a combination of 1.8m chain link and 2m close boarded fencing.

The nearby plots (built 1960's – 70's) on the industrial estate follow common architectural themes, large buildings covering almost entire plots. The commercial building utilizes a palette of material comprising in the main a brick plinth with cladding over. The commercial units across the estate are generally one storey in industrial height this equates in broad terms to 4.5 residential storey.

The existing building is 8.4m high, 80m long and 80m wide.

To the west and north are detached and semi-detached residential properties with narrow and relatively long back gardens. The residential properties are faced in brickwork, render and cladding.

### **Relevant Planning History:**

EB/2009/0338 Conversion into 11 smaller units Granted 18/08/2009

EB/2010/0287 Cladding Granted 30/06/2010

EB/2010/0061 Separate access to units 8&9 Granted 03/03/2010

EB/2011/0557 Formation of new access from Lottbridge Drove Granted 06/01/2012

### **Proposed development:**

The application involves the demolition of the existing buildings and hard surfacing at the site to be replaced by a new food store (ALDI) with access, servicing, car parking and landscaping.

Hours of use:-

- Mon – Sat 08:00 23:00,
- Sun 10 :00 16-00 (or six hours trading limits)

The proposed building is to be located towards the rear of the site (SW corner) and is single storey in form.

The building has a footprint of 1807sqm gross retail floorspace with 1254sqm net retail floor space. and a width of approximately 34m, length of approximately 65m and a height from ground level approximately 6m.

The building is formed with curtain wall glazing to the entrance of the building with the remainder being formed by white render. The building is to be flat roofed. The scheme proposes solar panels on the roof.

Between the building and Lottbridge Drove is an access to a car parking court (charcoal coloured paving) providing 114 spaces, including 7 disabled and 10 parent and child spaces and 10 covered cycle spaces.

The scheme proposes a new left in left out access onto Lottbridge Drove and also a supplementary egress access onto Faraday Close.

The closest residential building in Brampton Road is some 40m from the new building and the new development on The Pubb site is some 48m distant from the new building.

The building is to be serviced on the SW corner of the building/plot; this is adjacent to commercial building and will be screened by a 2m high fence.

High amenity value trees that lie on/adjacent to the boundary of the plot have been retained and incorporated into a substantial landscaping scheme.

Corporate branding will form part of the development however whilst these are shown on the plans accompanying this application they will form the content of a separate advertisement application.

External illumination will be sufficient to meet operational needs and will be controlled via planning condition.

The building will comply with modern construction techniques and will incorporate 'A' rated appliances, heat recovery from fridges, low energy light fittings, water saving sanitary goods and photovoltaic panels on the roof.

All Aldi stores are committed to recycling and have a cardboard and paper bailer, all plastics, batteries and food waste are collected and returned to the depot for recycling. In terms of general waste Aldi use a national waste disposal company.

The ALDI brand operate a coin operated trolley system so as to encourage the return of trolley to collection points.

## **SUPPORTING REPORTS**

The application is accompanied by a 13 supporting reports the main points from these are listed below:-

## 1 STORE OPENING SCHEDULE, WAGES AND TRAINING

A statement from the property director for the applicant states that the development of this site has Aldi's full board approval and forms a key site in their new store programme.

Subject to obtaining planning permission in November 2014 then it is anticipated that the site/store would commence in August 2015 with the store opening in February 2016.

This board commitment endorses the NPPF approach of supporting the delivery of sustainable development.

The applicants pay 'market leading' pay rates for the retail sector.

The applicants take training very seriously and at all levels creates a training programme that suits the individuals needs and involves all kinds of activities.

The applicants are keen to promote from within as this is a mutually beneficial model and it means the applicant is able to grow with people who understand the business, but importantly that colleagues at all levels have a clear career pathway and targets to enable them to develop a career within the retail sector. The Council may also be aware of recent press coverage and the applicants intention to take on at least one new apprentice in new stores from 2015.

It is common within a development such as this that the applicants will recruit three senior managers, with the remainder of the positions being store assistants and stock assistants. There is a clear career path for school leavers through to store managers.

## 2 APPLICANTS REBUTTAL STATEMENT TO THE PLANNING POLICY POSITION

The applicants have commissioned further evidence from The Harris Partnership (sensitively appraisal into viability-marketing of the site) and from Tingley Commercial Property Consultants (evidence of local market trends in the employment sector).

These statements outline that the retention of the site/building would be contrary to the aims and aspirations of the NPPF in that para 15 states that the development process should secure sustainable economic growth without delay and that para 22 states that the development process should avoid the long term protection of sites allocated for employment use where there is no prospect of the site being used for that purpose.

These reports outline that there is a substantial amount of available land/sites within Eastbourne and in/on industrial areas that could be realistically assessed as support the employment market area, including areas outside of Eastbourne but on its geographical boundary (Stones Cross, Polegate, Westham and Hailsham).

These reports concluded that given the viability of the site including redevelopment is extremely marginal that it is highly probable that the site will not be developed within the plan period and even less likely that to be redeveloped on a speculative basis.

## 3. STATEMENT OF COMMUNITY INVOLVEMENT

The applicants have engaged significantly prior to formally submitting this application. The engagement involved:-

- Pre meetings with EBC and ESCC
- Visits to local traders
- Local interest groups

- Leaflet drop to 3,500 neighbouring shops and residential properties.

From the leaflet drop there was an 87% (539) support for the site being developed into a new ALDI store. The support for the scheme made the following points:-

- Good quality food at affordable prices
- Pleased to develop derelict site
- Development brings employment
- ALDI provide for the needs of all of the community
- Bexhill is too far to use ALDI
- Good that it will be accessible on foot
- Would be a benefit to the whole of Eastbourne

#### 4. TRANSPORT ASSESSMENT

This document analysed the capacity of nearby roads and roundabouts and concluded that this development would not have any material impact upon the site or surrounding area.

#### 5. TRAVEL PLAN

This document acknowledges the role that travel plans have on reducing the dependency of car borne journeys. From the Census data 63% of trips use the private motor vehicle the applicants have an aim to try to secure a reduction in car borne trips to their site by 10%. The delivery of the travel plan will be secured by a planning condition.

#### 6. ARCHAEOLOGY

There is the potential for later prehistoric and Roman deposits at the site. It is accepted that these deposits may be impacted by twentieth century development however it would be prudent to secure an archaeological watching brief over the development; this could be controlled via planning condition.

#### 7. FLOOD RISK ASSESSMENT

This report acknowledges that the site is located in an area at risk of flooding; however given the sea protection measures the risk of flooding is low. In addition the scheme proposes a reduction in the extent of building and hard-surfacing at the site and as a consequence would increase the amount of soft landscaping at the site. This would result in a reduction in the risk of surface water run-off.

#### 8. SUSTAINABILITY ASSESSMENT

This report outlines a raft of energy related initiatives that the store/site will adopt and the applicants claim that the development will exceed the local plan requirements. There is the anticipation that with the heat recovery and photovoltaics that 40% of the sites energy needs will be met.

#### 9. ARBORCULTURE REPORT

This report outlines that on and adjacent to the boundaries of the site there are some high amenity value trees; these are to be retained and protected during the demolition and construction phase of the development.

There are some trees to be lost to facilitate the development; these are low value low amenity trees.

The applicant has committed to support (via cash contribution) the provision off site tree replacements.

## 10. CONTAMINATION REPORT

This report has analysed the existing ground conditions and recommends that a watching brief is adopted in order to ensure that if any unexpected contamination is encountered during the development of the new facility that it is adequately dealt with.

## 11. ECONOMIC STATEMENT

This report outlines the issues in relation to the economic justification for the loss of the existing facility. This report should also be read in connection with the supplementary statements submitted as a rebuttal to the Council's Planning Policy Position (No 2 above). These rebuttal statements give further analysis as to the market viability of the redevelopment potential. They conclude that the viability of the site is extremely marginal, given this and the risks involved in this redevelopment over the development of a green field site means that that it is very unlikely that the site will be developed on a speculative basis.

The report outlines that since Cosmetica vacated the building site in 2009 it has been left vacant. Since this time the owners have initiated a number of planning applications in an attempt to secure investment and let the building site. These have included breaking the unit up into smaller units, profiling the entrance into the building and creating a new and dedicated access onto Lottbridge Drive.

Despite these attempts to make the site more marketable no new tenant or sale of the building/site has been forthcoming and the report outlines that this is based on a blend of viability issues and also the nature and age of the existing building, the costs involved in the refurbishing of the building and the lack of modern facilities including car parking. The report goes on to mention that the existing modern units in Brampton Road and Courtlands Road have been difficult to let over the recent years.

The co-authors of the report (Tingleys) outline that on their books they have 175,000sqft of available B1 B10 space within 10miles of Eastbourne Train Station and that this is considered more than enough to meet the likely short and long terms demands for space.

The report includes a marketing strategy for the site and also includes the number and frequency of interest and concludes that since 2009 only ALDI have been the enquirer to provide a genuine and immediately deliverable scheme.

The siting of the building on this site would secure the redevelopment of a long standing derelict site and would go some way to supporting the wider viability of the Hampden Park area through linked trips. Despite the regeneration benefits of the scheme the development would create 30-40 linked new job opportunities.

## 12. PLANNING STATEMENT

This report outlines that for the applicant the scheme complies with the national advice including the relevant paragraphs of the NPPF.

The NPPF states the planning system is about helping to make this (sustainable economic growth) happen...Development that is sustainable should go ahead without delay – a



presumption in favour of sustainable development that is the basis for every plan and every decision.

This report argues that the Council's approach to the safeguarding of employment land within the local plan is out of date and needs to be supplemented/superseded by relevant material. The applicants point out that the Employment Land Local Plan (ELLP) is not adopted and as such should be given little weight in the assessment of the application. Even if the ELLP has full weight in Development Management purposes then for viability reasons this report argues that the economic regeneration benefits of this scheme should outweigh the retention of the B space land.

Policy D2 of the Core Strategy makes it clear that employment opportunities across the town can come from a number of differing employment uses and not only B Use Class. Policy D2 states that support should be given to encourage development which supports improvements in the local jobs market through additional jobs and employment classifications.

The Core Strategy sets out a strong objective to create jobs regardless of the Use Class but the quality of the employment offer should be a material consideration in the decision on this application.

The regeneration benefits of this scheme help to support the vision for the Hampden Park neighbourhood which seeks to increase levels of sustainability and reduce the levels of deprivation in the neighbourhood whilst assisting in the delivery of housing and employment opportunities of the town.

This report argues that given the size and scale of the development there should not be any material impact upon the amenities of the occupiers of the adjoining properties due to loss of light or noise impacts from servicing or other activity associated with trading.

The proposed landscaping would enhance the appearance of the site within the street scene.

### 13. RETAIL ASSESSMENT

This report looks into the retail offer and the locational based approach to the siting of retail development.

The ALDI brand does not include specialist butcher, fishmonger, delicatessen, chemist or bakery and does not sell cigarettes, lottery ticket, newspapers/magazines. There is a limited bakery range and a limited wines and spirits range. In addition it is typical that 15-20% of the store will be set aside for weekly non-food retail promotions.

The ADLI brand is viewed as supporting local traders and centres as it does not and cannot provide a 'one stop shop' solution, customers have to visit other outlets to complete their shop.

The ALDI brand is a consistent format with a limited range of products and has been identified as a Limited Assortment Discounter (LAD).

The report identifies that Eastbourne has few LAD's and to some degree this submission mitigates this shortfall.

The applicant claims that 90% of the stores trade will come from Hampden Park and the immediate vicinity and they have a strong desire to locate in Hampden Park.

There are no suitable sites within the functioning retail centre of Hampden Park and as such the application site being 200m from the centre is deemed to be edge of this centre and as such is considered to be the most sequentially preferable location for the development where there is the desire to meet the local demand.

In assessing sites further afield then regard should be had to suitability, viability and availability of ALDI to occupy in the short term. As commented above the applicant sees themselves serving the local community of Hampden Park and as such the application site is seen as the only available and appropriate site albeit it's the edge of centre location.

For completeness this report analyses 5 sites within the Town Centre Action Area Plan and also Langney Shopping Centre:-

Site 1	Not available due to the Arndale Extension
Site 2	National Rail Land TCAAP seeks to deliver undercroft or decked car parking for continued railway operators/customers. – ALDI not viable to operate in this format. In addition there are multiple land owner interests
Site 3	Too small and multiple ownerships TCAAP see this site to being delivered in the medium to long term and therefore unviable.
Site 4	Currently in retail use and in multiple ownership. TCAAP does not foresee a foodstore as being appropriate I this location
Site 5	Former co-op too small for ALDI format and being developed for Premier Inn.
Langney Shopping Centre	Outside of catchment area, available units are too small, extant extension scheme is comparison led and therefore unsuitable for ALDI, servicing issues would compromise ALDI efficiencies.

This report concludes that within Eastbourne there is only one site that is viable, suitable and available and given this then support should be given to the proposal.

### 1-13. SUMMARY OF SUPPORTING REPORTS

In summary these reports conclude that for the applicant there are a number of issues that need to be evaluated in this application, these can be summarised as follows:-

- Cosmetics no longer fit for purpose
- Difficulty finding alternative uses/users
- Planning permissions given to improve the marketability of the site
- Preference for employment generating uses
- Employment Land Local Plan is not in place and thereby should be given little weight
- Extensive marketing has been undertaken without success, save for current scheme
- Neither refurbishment /nor redevelopment would be viable, this shows that the site is clearly redundant for B use Class
- If this scheme is not pursued then the site will remain vacant for a significant period of time.
- In accordance with National Advice and local Plan Policies

- Size of the store is below the size where the NPPF requires an impact assessment
- Para 24-26 of the NPPF require that a sequential impact assessment will only be required if the development would result in retail impact. The ALDI brand supports local centres in not delivering a one stop shop so that visits have to be made to complete their shopping.
- Will bring competition to the discount foodstore market
- Will bring 30 – 40 jobs in an area of the town where there is pressure for new jobs
- New jobs will be secured through/by a S106 delivering local employment initiatives
- Support for the Morrisons scheme highlights that Councils support for the development of redundant employment land
- There are no access/highway issues

## **Consultations:**

### **Internal:**

Specialist Advisor Economic Development – supports the planning policy position in that the application site should be retained for employment related to Use Class B type jobs.

Specialist Advisor Trees - No objection subject to conditions relating to protection and monies to cover the loss of street trees

Specialist Advisor Planning Policy – The response from planning policy is considered to be the overriding factor in considering this application. There are three strands to their response being informed at the initial consultation stage and also in response to the applicants rebuttal supporting statement (No2 above).

The three strands of the Planning Policy response are outlined below:-

- Context
- Retail implications of the proposal
- Potential loss of employment land for employment uses falling within the B use classes

### **Context**

The application site at 5 Faraday Close, known as the Cosmetica site, is within the Brampton Road Industrial Estate in Hampden Park, which is a designated Industrial Estate in the Eastbourne Borough Plan 2001-2011 (adopted 2003, saved 2007).

The site is located in a cul-de-sac on the northeast edge of the Brampton Road Industrial Estate; however it is currently accessed via the main estate road, and not Lottbridge Drove that runs adjacent to it. It consists of a site with an area of 0.908 hectares, and a building with a floorspace of approximately 5,600 sqm.

It is within the Hampden Park Neighbourhood as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013).

The Vision for the Hampden Park Neighbourhood is:

'Hampden Park will increase its levels of sustainability and reduce the levels of deprivation in the neighbourhood whilst assisting in the delivery of housing and employment opportunities for the town'.

Core Strategy Policy C7: Hampden Park Neighbourhood Policy states that the vision for Hampden Park Neighbourhood will be promoted by a number of measures, including:

- Encouraging intensification of industrial estates; and
- Protecting and enhancing retail provision in shopping centres.

The Cosmetica site was previously in class B2 use but has been vacant for a number of years since the previous occupiers went into administration around 2007/2008. The site has been unused since around 2009.

The site is on the Council's 'Difficult Properties Register', which identifies buildings that have been vacant for some time, are in disrepair and action is required in order to bring them back into beneficial use.

Since 2009, two planning applications for the site have been approved. The first was for the proposed sub-division of the existing unit with some demolition to create 11 smaller units (EB/2009/0338). The second application was for the provision of a new vehicular access from Lottbridge Drove (EB/2011/0557). Neither of these proposals has been implemented.

### **Retail implications of the proposal**

Seen in isolation it is considered that the application site is an edge of centre location and that there are no sequentially preferable sites within the Borough that meet the applicants needs and or are immediately available.

Given this it is considered that on this issue there are no 'in principle' retail planning policy objections.

### **Potential loss of employment land for employment uses falling within the B use classes**

In relation to this application, paragraph 22 of the NPPF states that "where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

It is considered therefore that the most significant issue in determining this application is whether or not there is a reasonable prospect of the site being used for employment purposes in the future.

The Policies within the Eastbourne Borough Plan and Core Strategy Local Plan aim to protect employment land with the most up to date policy position being a combination of the adopted Core Strategy Policy D2 and the emerging Employment Land Local Plan (ELLP). It is clear that these policies set the direction for the Council and that whilst Policy BI1 is a retained policy it is out of date in regard to the forward aspirations for the employment land within the Borough.

It is considered that whilst Borough Plan Policy BI1 has been retained as a saved policy, its weight in the determination of this application is with regard to the assessment/interpretation of redundancy and that alone. In this regard the Council accepts the evidence supplied in support of the application in that it demonstrates that the building in its current state is redundant and it is highly probable that it will not be reused. However on Planning Policy grounds it has not been demonstrated by the applicant that there is no

reasonable prospect of the site being redeveloped for B class employment purposes within the Core Strategy Local Plan period to 2027.

Policy D2 (Economy) states as follows:

Job growth and economic prosperity in Eastbourne will be supported. This will enable the achievement of a sustainable economy and a town where people want to live and work. This will be achieved by:

- Encouraging development which supports improvements in the local jobs market through creation of additional jobs and employment diversification;
- Supporting development which provides for, or achieves, units for new start-up businesses;
- Identify sites and land for employment use to meet the need for 55,430m<sup>2</sup> floorspace in the period to 2027;
- Maximising the use of existing employment sites, through redevelopment for employment use and increased density on existing industrial estates, and the upgrading of the existing stock;
- Allocating land within the town centre through the Town Centre Local Plan for new B1(a) office use;
- Supporting the development of B1(a) office use at Sovereign Harbour;
- Supporting the Education and Training sector of the Eastbourne economy through a flexible approach to expansion proposals; and
- Protecting 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.

It is noted that the Inspector's Report into the Core Strategy stated in relation to Policy D2 that:

"This element of the Plan's approach to delivering employment land is positively prepared and justified by evidence which demonstrates the capacity of existing industrial estates and the town centre to accommodate 33,600 sqm of employment floor space".

While the Inspector required an early review in relation to Sovereign Harbour, the policy was considered robust and has been adopted by the Council very recently. The policy is also firmly consistent with the approach set out at paragraphs 20, 21 and 22 of the NPPF

In addition, Core Strategy Policy D2 is due to be replaced by an Employment Land Local Plan (ELLP). This identifies the need to provide 43,000 sqm of employment floorspace, including 20,000sqm of industrial and warehouse space through the intensification of industrial estates. As such, it proposes the protection of sites within industrial estates for employment uses.

The emerging ELLP shows the direction of travel in relation to emerging planning policy for this issue and as such gives the most current and up to date position. It is therefore capable of being a material consideration in the determination of this application but, as it has not yet been adopted, the ELLP can only be given limited weight.

Evidence produced as part of the production of the ELLP indicates that, in fact, there is a reasonable prospect that the site will be used for employment use. This assertion is based on the following considerations:

1. Future requirements for industrial floorspace and a limited supply of appropriate industrial land in Eastbourne means that demand for the redevelopment of existing sites to provide new floorspace will increase.

2. There is evidence that private sector industrial development is taking place across East Sussex but also more specifically in Eastbourne.
3. The site has not been properly marketed or promoted on a national basis as a wholesale development opportunity nor has the potential for a purpose built light industrial scheme been actively explored.
4. A relatively small increase in the current market conditions to levels achieved at the Chaucer Business Park in Polegate would increase viability of a redevelopment scheme.
5. Local commercial agents Hunt Commercial and Locate East Sussex confirm that there would be reasonable interest in the development of the site for continued B class use from developers and also owner occupiers, and that the site will offer an ideal solution for businesses both local and out of the area seeking quality accommodation.

Given the constrained nature of the Borough, a key role of the planning system is to take a longer term view in order to safeguard an appropriate supply of industrial and warehouse space to meet future requirements.

Even if the site is not viable at the current time, it does not necessarily mean that it should be given consent for an alternative use. Such an approach would clearly prejudice the very limited supply of employment land, notably Class B land, coming forward within the Borough and as such make it difficult to defend similar sites during the plan period and thereby further eroding the quantity and quality of the available land.

In conclusion, while the site may be redundant at the current time, set against the Policy D2 requirement to protect such sites for use during the Plan period, it has not been demonstrated that there is no reasonable prospect of the site being used for employment use in the future. Given the scarcity of such sites within the Borough, it is considered that the application is contrary to Policy D2 and the NPPF, and as such, it is recommended that this application should be refused.

Specialist Advisor Environmental Health – No response

**External:**

Environment Agency - No comments to make given the low risk of the development

Local Highway Manager – No objection subject to conditions, financial contributions, Travel Plan, car & cycle parking and a traffic management plan

County Archaeologist:- No deposits likely to be affected by the proposals

Bespoke:- Support the provision of cycle hoops within the development but raise safety concerns over the conflict between cyclists and motorists accessing the site.

Southern Water:- No objections but outlines the location of existing service that adjoin/abut the site.

Neighbour Representations:

7 letters of objection have been received commenting in the main on the following Issues-

- Noise from operators
- Access and parking problems
- Possible increase in accidents involving pedestrians
- Large queues at level crossing
- Large vehicles using Faraday Close late and night and evenings

- Running refrigerated vehicles would cause noise disturbance
- Trading hours need to be carefully controlled
- Possible drainage problems
- Traffic would benefit if comes out on B&Q roundabout
- Request appropriate hours of use controls to limit impact upon residential amenity
- May increase in parking issues in surrounding roads

15 letters of support has been received commenting in the main on the following issues-

- Need a variety and choice in retail
- Good prices and good quality
- Congestion exists whether this scheme goes ahead or not
- Existing building is an eyesore.
- Have to travel to Bexhill or Lewes
- Enhance the area
- Employing local staff
- Assist community trying to cope on tight budgets
- Quality retail store that is walkable
- May reduce traffic travelling to other sites across the town
- Support for this application is the correct thing to do

## **Appraisal:**

### **The principle of this retail development having regard planning policy**

The main issues to consider in the determination of this application are as follows:

- Employment status
- Retail impact considerations
- The effect the proposed development will have on the visual amenities of the locality-
- The effect the proposed development will have on the amenities of occupiers of surrounding residential properties
- Highways and parking considerations
- Energy and sustainability considerations

### **Employment Status**

As outlined elsewhere in this report the site has been a long term vacant unit and has been on the Council's Difficult Property Group as the building is falling into disrepair.

Officers are satisfied that some marketing of the site has occurred however they remain unconvinced that there is no likelihood of suitable development coming forward in the Plan period.

It is accepted that reasonable steps have been taken by the applicant to increase the potential marketability of the site (see planning history and evidence within the marketing statements that accompany the application). Given this, officers concur with the applicant that this scheme is the only realistically deliverable project on the short term horizon and if not supported then the site may lie vacant with the potential to deteriorate further. However from the evidence currently available and as outlined above there remains a likelihood that within the Plan period 2027 (so in the medium to long term) there will be a commercial B space re-use or redevelopment coming forward.

It is accepted that the service sector and the retail sector provide a significant contribution of the employment base for the population of Eastbourne. This scheme provides between 30 – 40 new jobs and in this neighbourhood new job opportunities are encouraging and should be given material weight in the assessment of the proposal.

Notwithstanding the benefits of the new job creation it is considered that given the limited space available within the Borough to deliver the ELLP floorspace requirement for Class B space, the existing sites should be retained in accordance with Core Strategy Policy D2 and the paragraphs 21 and 22 of the NPPF. As outlined elsewhere in this report, this issue, in the opinion of the Council is the overriding factor in the evaluation of this application and none of the other material considerations outlined/reported either individually or cumulatively outweigh this.

For this reason, this application should be resisted and the application should be refused.

### **Retail impact considerations**

Paragraph 24 of the NPPF requires local planning authorities to “apply a sequential test to planning applications for main town centre uses...They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered”. The sequential test makes it clear that the preference for town centre uses should be the town centre and the application site is consistent with this. It can therefore be concluded that the proposed use of the site for retail purposes is consistent with the NPPF.

The application site is located on the edge of the Hampden Park commercial area and as such its location for retail purposes is considered to be acceptable and appropriate in meeting the sustainable aims and vision for the Hampden park neighbourhood

The Core Strategy vision aims to reduce deprivation whilst supporting sustainable development and encourage housing and employment generating opportunities. The site is located on the edge of the Hampden Park District Shopping Centre and as such Policy D4: Shopping highlights the importance of the retail hierarchy in meeting the retail/shopping aspirations of the residents of Eastbourne. Policy D4 goes onto mention that;

‘The Council will enable the enhancement of consumer choice and strengthening of the viability, viability and accessibility of the district and local centres by supporting new and retail development which:-

- Complies with the sequential approach to site selection which prioritises development in existing centres, followed by edge of centres and then out of centre sites which are accessible by a choice of transport means.
- Is appropriate in scale and function to its location
- Is fully integrated within the existing shopping area.
- Will not have an unacceptable adverse impact, including cumulative impact on the vitality and viability of the Town Centre and surrounding district and local and neighbourhood centres
- Helps to maintain and develop the range of shops to meet the needs of the local community within the centre.’

The proposal is considered to be in conformity with Policy D4 in that the offer provided by the applicant is considered to support the vitality and vibrancy of the centre as a whole as the ALDI brand is considered to compliment and not compete with the retail function of the centre.



The proposed scheme will provide increased choice for residents, visitors and tourists to Eastbourne providing an enhanced range of shopping opportunities and will assist Hampden Park District Centre in competing more effectively with other centres. There are no negative material retail impacts of this proposal.

### **The effect the proposed development will have on the visual amenities of the locality**

The demolition of the existing dilapidated building would in and of itself improve the local street scene. It is considered that the design, scale and appearance of the proposed development would be a material enhancement to the local street scene.

The building is considerably lower than the existing buildings on the site and located towards the rear of the site there is the potential through/via an enhanced soft landscaping scheme to present an attractive building/plot to Lottbridge Drove.

The new access from Lottbridge Drove added to the design and appearance of the new building would introduce an element of active frontage to this part street which is considered to be a material townscape enhancement that is delivered by this proposal.

The site servicing is located in a discrete part of the site and would not damage the appearance of the site or building itself.

### **The effect the proposed development will have on the amenities of occupiers of surrounding residential properties**

Any new development that proposes a change from the existing development would undoubtedly have some impact on the amenities of occupiers of nearby residential properties, particularly during the proposed demolition and construction phases of development. It is therefore necessary to consider these impacts in detail and to assess whether they are likely to cause material harm.

It is important to acknowledge that the adjacent residential properties are situated close to Hampden Park District Centre, the railway line and Brampton Road Industrial Estate so they already experience some noise and disturbance, particularly associated with traffic.

In support of the planning application, a Daylight and Sunlight Assessment was submitted which assesses the potential daylight, sunlight and overshadowing impacts to the surrounding residential properties as a result of the proposals.

The findings of the Assessment showed that the proposed development will have an improved impact on the surrounding residential properties and their respective amenity areas given that the building is lower in height than the existing buildings on the site.

The potential impacts of increased traffic emissions arising from the additional traffic as a result of the development are likely to be negligible and the overall air quality impacts of the development are likely to be 'insignificant'.

Notwithstanding this, if the application is approved, it is recommended that mitigation measures should be applied during the construction phase to minimise dust emission, although it was noted that any effects will be temporary and will only arise during dry weather. On this basis, the overall impacts during construction were evaluated and deemed to be negligible.

In the event of an approval, a planning condition is recommended that construction/demolition be limited to 08:00 to 19:00 Monday to Friday. If work is required to be undertaken on a Saturday it will be restricted to between 08:00 and 13:00.

Therefore, as confirmed by the various submitted reports and assessments, it is considered that the proposed development is unlikely to have a detrimental effect on residential amenity. However to ensure this is indeed the case, it is recommended that a number of conditions are attached to any grant of consent to deal with the following:

- minimising dust
- restricting the hours of working
- controlling the noise associated with any plant or equipment
- preventing light spillage
- preventing the burning of any waste on site.

The applicants are requesting shopping trading hours that are consistent with other similar establishments in the town as such there are no objections raised to this element of the scheme. In the event of an approval, a condition is recommended seeking to limiting the operating/trading hours and also the delivery/servicing times

### **Highways and parking considerations**

Paragraph 40 of the National Planning Policy Framework (NPPF) states 'Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure'.

The submitted information and in particular the Transport Assessment looks at the highway impacts which would be created by this development would not have any material impact upon highway capacity.

The scheme provides 114 off street parking spaces and this could be used for shared trips to the Hampden Park District Centre as such there are no objections to the number or layout of the proposed car parking area. Notwithstanding this the applicant does recognise that there may be the need to introduce parking controls to limit/prohibit commuter parking and thereby ensuring that the scheme provides the full spaces required to meet the likely demand.

There are a number of public transport links within walking distance of the site and A Travel Plan is also to be implemented to reduce the number of car trips to the site by staff. On this basis the level of parking provision is acceptable.

If the application is approved, a Travel Plan will need to be secured by legal agreement between the applicant and East Sussex County Council. A Travel Plan Audit fee of £6000 will also need to be secured as part of this agreement.

### **Energy and sustainability considerations**

The proposals incorporate a number of 'green' initiatives that will reduce the environmental impact of the development and improve sustainability.

The applicants have chosen an energy efficient design which also has regard to low and zero carbon energy sources the development expects to achieve a BREEAM 'Very Good' rating for the shell and core elements, which conforms to the Council's Sustainable Building Design Supplementary Planning Document. It is intended that the development will seek to comply with future Part L of the 2013 Building Regulations with regard to CO2

emissions reduction, which has more stringent requirements to be met over and above the existing Part L requirements.

The materials palette for the development will be specified with reference to the BRE Green Guide to Material Specification and it is targeted that 80% of the materials used will be responsibly sourced.

Finally, sustainable construction practices are proposed to be employed for the development and constructors will be required to operate under the 'Considerate Constructors Scheme', with the aim of exceeding current best practice.

For the above reasons, the proposed development is considered to be acceptable in terms of energy efficiency and sustainability.

### **Human Rights Implications:**

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.

### **Conclusion:**

There are no specific site related issues which would justify reasons for refusal; the design, scale and material used within this redevelopment proposal are considered to be acceptable and appropriate and would not give rise to any material harm to the site or surrounding area.

The use of the site for retail purposes would not give rise to any material harm to the occupiers of the adjacent/nearby residential properties.

The proposals will provide additional retail floorspace and associated employment opportunities, within close proximity to the Hampden Park Centre and as such would go some way to support and strengthen the vitality and viability of the centre and would also go some way to support the vision of the Neighbourhood.

When viewed against these criteria there are no objections to a new retail store in this edge of centre location.

However, the overriding factor in the determination of this application is the Council's adopted Policy position as set out in Policy D2 which seeks to protect identified sites for employment use for the Plan period. This is supported by the NPPF which should be given significant weight. While the emerging ELLP can only be given limited weight, it reflects the recent review of employment land in the Borough and indicates that the adopted Policy should still be given significant weight.

In summary, unless it has been demonstrated that there is no reasonable prospect of the site being used for employment purposes, it should be retained for such purposes. Officers take the view that there remains a reasonable prospect of the site being used for Class B employment purposes during the Plan period and that, due to the scarcity of such sites within the Borough, the application should be refused.

## **Recommendations:**

### **Refuse Planning Permission:-**

On the evidence available to the Council, there is a reasonable prospect that the site could be reused or redeveloped for Class B employment purposes within the Plan period (to 2027) and as such the redevelopment in the manner proposed would be contrary to the adopted Eastbourne Core Strategy Local Plan Policy D2, paragraphs 21 and 22 of the NPPF and the emerging Employment Land Local Plan