

<b>App.No:</b> 151206 (PPP)	<b>Decision Due Date:</b> 11 January 2016	<b>Ward:</b> St Anthony's
<b>Officer:</b> Toby Balcikonis	<b>Site visit date:</b> 11 December 2015	<b>Type:</b> Planning Permission
<b>Site Notice(s) Expiry date:</b> 11 December 2015		
<b>Neighbour Con Expiry:</b> 11 December 2015		
<b>Press Notice(s):</b> N/A		
<b>Over 8/13 week reason:</b> The application is within date		
<b>Location:</b> Unit 1, Hawthorn Road, Eastbourne		
<b>Proposal:</b> Conversion and change of use of part of existing service retail/car showroom (Sui Generis) to Class A1 retail unit; Incorporating new fire exit and external air conditioning units.		
<b>Applicant:</b> Mr Steve Bowman		
<b>Recommendation:</b> Approve with Conditions		

### Executive Summary

The application premises Unit 1a, currently empty, was last used a car sales show room (Sui Generis Planning Use). The proposed new use is to be occupied by HSL Furniture a provider of specialist chairs, sofas and beds, particularly for the elderly and infirm.

The site is adjacent to Lottbridge Drove is not in a designated retail 'Centre' in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013) and therefore it is considered to be an 'Out of Centre' location.

The former use (car sales) is a use falling outside of those recognised as falling outside general employment use class (B1, B2 & B8), it is considered therefore that the loss of this non employment use is not objectionable in principle subject to the new use not affecting the retail function of any of the Borough's town centres.

The scheme is proposing a furniture use and as such it is considered not to affect the retail function/viability of the town centre.

This scheme is recommended for approval subject to conditions.

### Relevant Planning Policies:

National Planning Policy Framework  
Para 24

Para 26

Para 27

Eastbourne Core Strategy Local Plan Policies 2013

B1: Spatial Development Strategy and Distribution

B2: Creating Sustainable Neighbourhoods

C13: St Anthony's & Langney Point Neighbourhood Policy

D2: Economy

D10A: Design

Eastbourne Borough Plan Saved Policies 2007

UHT1: Design of New Development

UHT4: Visual Amenity

BI2: Designated Industrial Areas

BI7: Design Criteria

**Site Description:**

The application premises (addressed as Unit 1, Hawthorn Road) is situated on the edge of a designated industrial estate located on the North side of, and adjacent to Lottbridge Drove on the junction with Birch Road, at the Westernmost road entrance to the estate.

The existing Unit 1, has been subdivided in to 3 separate units (Units 1a, 1b and 1c respectively), with the subject unit (Unit 1a proposed for change of use as part of the application).

**Relevant Planning History:**

040499

Change of use of administration offices to car showroom and over cladding of elevation with insulated flat steel cladding panels.

Planning Permission - Approved conditionally - 06/10/2004

**Proposed development:**

The applicant seeks permission to change the use of the subject premises, to a new use occupied by HSL Furniture; a provider of specialist chairs, sofas and beds, particularly for the elderly and infirm.

To facilitate the change of use, the applicant also seeks to incorporate a new fire exit in the Southernmost corner of the premises and installation of external air conditioning units on the Eastern elevation addressing Birchwood Road,

**Consultations:**

Internal:

Specialist Advisor (Planning Policy):

- Change of Use acceptable in planning terms
  - Passes the 'Sequential Test' for Retail outside of the town centre

Neighbour Representations:

No representations have been received following consultation by letter to neighbouring business within the industrial estate.

**Appraisal:**Principle of development:

The applicant has demonstrated that the scheme would not adversely affect the vibrancy/vitality of any established commercial centre of the Borough and as such there is no objection in principle to the proposed change of use.

Additionally, the proposed external changes in order to facilitate the change of use must be appropriate for the setting.

External Alterations:

There are no concerns as to the proposed external alterations of the premises within a designated industrial estate, and is therefore considered to be acceptable, subject to the change of use being acceptable.

Other matters:

The application site is located within the Birch, Hawthorn and Compton Industrial Estate, which is a designated Industrial Estate (Eastbourne Borough Plan Policy BI2: Designated Industrial Estates) on the Eastbourne Policies Map, and within the Proposed Submission Version of the Employment Land Local Plan (November 2014). It is also located within the St Anthony's and Langney Point neighbourhood as identified in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013).

The Vision for the St Anthony's & Langney Point neighbourhood as set out in the Core Strategy is *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.*

Core Strategy Policy C13: St Anthony's & Langney Point Neighbourhood Policy states that the vision will be achieved through a number of measures; specifically:

- Encouraging the redevelopment and intensification of Industrial Estates; and
- Upgrading public realm in the Industrial Estates to make it more attractive for potential and existing businesses.

The proposal is for the existing unit at 'Birchwood Ford', Lottbridge Drove (also known as Unit 1, Hawthorn Road) to be subdivided with part of the unit (Unit 1A), located on the north-eastern corner, to undergo change of use. The proposed change of use would result in additional class A1 (retail) floorspace. The National Planning Policy Framework (NPPF) identifies retail uses as a 'main town centre use'.

The NPPF states that Town Centre uses should be located in designated centres. The site at 'Birchwood Ford', Lottbridge Drove is not in a designated 'Centre' in the Eastbourne Core Strategy Local Plan 2006-2027 (adopted 2013) and therefore it is considered to be an 'Out of Centre' location.

Core Strategy Policy D4: Shopping sets out the criteria by which new retail development will be supported. It requires that any retail development should comply with a sequential approach to site selection, which is further detailed within the NPPF.

Para 24 of the NPPF states that *'Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. 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. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale'*. The NPPF (para 27) is clear that where an application fails to satisfy the sequential test, it should be refused.

The NPPF (para 26) also requires retail applications outside of town centres to undergo an impact assessment where development is over 2,500sqm. As this application would result in an additional 227 Sqm, there is no requirement for an impact assessment in this instance.

Planning Practice Guidance (*Para 011, Reference ID: 2b-011-20140306*) states that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case, and land ownership does not provide such a justification.

The applicant states that the proposed occupier would have very specific operational requirements. The bulky nature of the products and the need for a large display area means that a town centre location is not practical for their operation. Given the primary customer demographic being elderly, the store needs to be easily accessible with dedicated car parking adjacent to the store and grade access into and around the store. It is also necessary to provide a small workshop / storage space within the premises for staff to assemble furniture. As such, the business operation displays a number of characteristics of a trade counter and showroom use, which is compatible with the surrounding uses. In addition, the application provides a small workshop/storage space within the premises for the assembly of furniture.

It is considered that the specific requirements of the proposed use outlined in the Planning Statement provide justification for the location of this use outside of a designated centre, and therefore the sequential test is satisfied. In addition, the small workshop/storage space to be provided within the premises is considered to be compatible and appropriate within an industrial estate location.

However, retail (A1) uses are generally not considered to be an appropriate use within an Industrial Estate location, as significant retail creep can erode the visibility and profile of B class uses.

In some cases these retail uses can be compatible with B class activity in isolation, however a large collection of activity can begin to erode the 'business' nature of the location. The Employment Land Review (GVA, 2013) identifies that this will begin to impact on occupier and investor perceptions of the location, reducing confidence that the area will continue to function with a focus on meeting the needs of B class activities.

It is recognised that the proposed retail use displays a number of characteristics of a trade counter and showroom use that in isolation would be compatible with the surrounding uses. However there is concern that a retail use on the units could be occupied by other businesses that do not share the same characteristics. Therefore it is recommended that the proposed use should be conditioned as an exceptional case so that an open A1 use cannot be passed on to other occupiers.

**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:**

It is considered that this application has justified why market and locational requirements mean that this proposed retail use should be located outside of a designated centre, and subject to the change of use being conditioned to the specific type of retail use proposed that is considered to be compatible with the surrounding industrial estates, the application would be acceptable from a planning policy perspective.

Additionally, the limited proposed external alterations are appropriate for the host building and its setting.

Parking:

The proposal existing unit has a total of 5no. standard parking spaces, which would be reduced to 4, with an addition of 2 disability spaces (addition of 1no. space in total). It is considered that this level of parking is sufficient to meet the likely demand and the parking regime for the remaining vacant units is considered appropriate.

**Recommendation:**

It is recommended to approve the application, subject to the following conditions:

**Conditions:**

- 1) Time Limit
- 2) Approved Drawings

3) Control of occupation (To be retail uses that would not affect the designated centre of the Borough (heavy goods))

**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.**