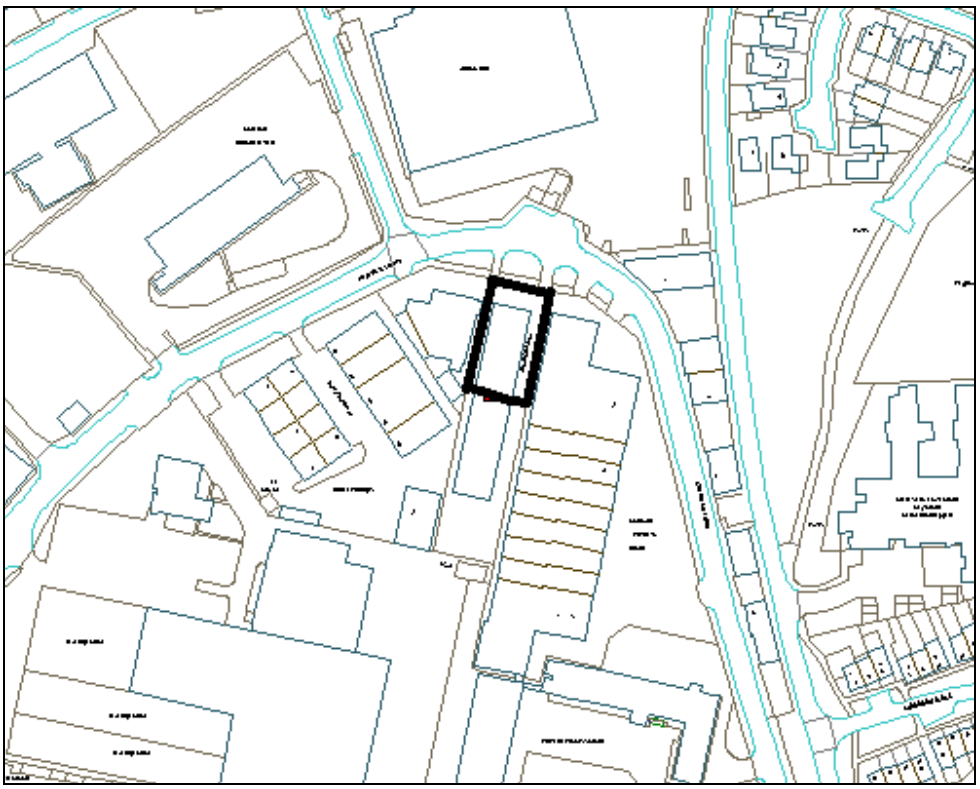
Application Numbers: AWDM/0198/14 **Recommendation – REFUSE**

Site: **Chartwell House 40 Chartwell Road**

Proposal: **Part change of use from Use Class B8 (Storage and Distribution) to Use Class A1 (Retail) for sale of second-hand goods (retrospective)**

Applicant: Mr W Street Ward: Churchill
Case Officer: Matthew Porter



Not to Scale

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Proposal, Site and Surroundings

The application property is a large two-storey modern industrial unit on the Lancing Business Park. This unit has been subdivided into two.

The rear part at ground floor, and the entire first floor, is put over to Garden Pride Marketing, a manufacturer and wholesaler of garden products. A charity, Freddysmile Childrens Cancer Charity, has set up in the forward part of the unit at ground floor, occupying some 390 square metres.

This charity operates as an A1 (retail) use. Large pieces of furniture and brick-a-brac are displayed and on sell to the public, who can visit and buy without making a prior appointment. Parking for up to five cars and 1 light good vehicle on site is available, although spaces are not demarked out. Vehicle turning on site is tight.

The proposal is to seek planning approval to regularise this A1 use, which is currently unauthorised - the authorised use being general industrial (B2) & storage and distribution (B8).

The charity used to operate from Unit 5 Parklands Business Centre, Chartwell Road, Lancing (this also being unauthorised). It moved to Chartwell House after storm damage to the roof of Unit 5.

Relevant Planning History
L/17/02/TP
Use for general industrial (Use Class B2) and storage & distribution (B8) & installation of side loading door
Approved Conditionally 21-02-2002

Consultations

Lancing Parish Council: *No objections*

Adur & Worthing Councils:

Planning Policy:-

Objection

National Planning Policy Framework
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.'

Adur Local Plan 1996
The site is located within Lancing Business Park which is subject to policies AE2 and AE4 of the Adur Local Plan which support B1and B2 uses (as well as B8 uses where a development is comprised of a mix of B class uses). The policy does not support any other uses at Lancing Business Park.

Revised Draft Adur Local Plan 2013
Policy 25 of the Revised Draft Plan also protects Lancing Business Park for B1, B2 and B8 uses with no flexibility for other uses.

Adur Employment Land Review 2011

The Adur Employment Land Review 2011 specifically recommends that 'planning policy should support continued employment use of the Lancing Business Park, and progressive development for B1, B2 and B8 use.'

Officer Comments:

Although policies AE2 and AE4 are relatively permissive policies, on the whole they have been used successfully since 1996 to restrict non-B class uses at the various business parks in the district. In addition, the emerging Local Plan would also seek to resist non-B class uses at Lancing Business Park.

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.' Lancing Business Park is a relatively successful business area with a relatively low-level of vacancies so I would need some convincing that there is no reasonable prospect of using the site for B1 and B2 uses.

As a result of the above, the planning policy section would not support this planning application.

Economic Development:-

Objection

Lancing Business Park is the largest employment area in Adur and provides a vibrant industrial location for more than 200 companies. The business park benefits from a Business Improvement District (BID) Levy that has enabled a programme of improvements, to create an attractive business environment with high occupancy. Lancing Business Park has a one way traffic system with constant HGV movements to support national and international trade/export and currently suffers from highway and parking issues.

Unit 40 Chartwell Road is a 17,200sq.ft. industrial unit and is located on the bend of the one way system. This application seeks to convert 4000sq.ft. of this industrial unit, into dedicated retail space with 5 car parking spaces.

Economic Development are currently supporting various Adur businesses who are looking to expand their operation, but are struggling to identify suitable industrial floor space, as there is currently a shortage of available industrial properties in Adur. The Adur Commercial Property Register (Winter 2013) lists only one available industrial unit in Adur that is sized between 3,500sq.ft. and 5,000sq.ft. and no available industrial properties sized between 10,000sq.ft. and 50,000sq.ft.

Economic Development receives constant enquiries from retail, leisure and community uses, wishing to identify industrial accommodation on the business park, to enable conversion into affordable non-industrial space. Economic Development is concerned that loss of industrial floor space to non-industrial uses on Lancing Business Park, will exacerbate the current lack of available industrial properties and that the conflict created by the traffic movements and parking requirements associated with non-industrial use, will restrict future business growth on Adur's largest employment area.

Economic Development objects to this application to prevent further loss of industrial floor space on this key employment area and to maintain the viability of the remaining industrial floor space within this unit.

Environmental Health:-

No adverse comments

Representations
None

Relevant Planning Policies and Guidance
Adur Local Plan (saved policies): AG1, AE2, AE4
National Planning Policy Framework

Relevant Legislation
The Committee should consider the planning application in accordance with:

Section 38(6) Planning and Compulsory Purchase Act 2004 that requires the decision to be made in accordance with the development plan unless material considerations indicate otherwise.

Planning Assessment

Principle

The development plan for Adur District comprises the saved policies of the Adur Local Plan (1996). Policy AE2 is a permissive policy which grants permission in defined locations (including Lancing Business Park) for business and industrial purposes. The stated objective of this policy is to encourage the provision of additional jobs. Policy AE4 supports development of these defined locations for mixed development within Use Classes B1, B2 and B8.

The National Planning Policy Framework provides that due weight should be given to policies in existing plans according to their degree of consistency with the Framework.

Paragraph 21 of the Framework encourages Councils to plan positively to encourage economic growth; to support existing business sectors; to be flexible to respond to changes in economic circumstances; and to facilitate flexible working practices such as

mixed uses within the same unit. Paragraph 22 provides that the long term protection of sites allocated for employment should be avoided: *'where there is no reasonable prospect for a site being used for that purpose'*.

Only limited weight should be accorded to the emerging development local plan policy 25 which remains at an early stage.

However the saved policies AE2 and AE4 and the evidence that underpins emerging policy 25 are material considerations which have some support from the general objectives of the Framework to support business. The Framework does not rule out the protection of premises for business use where there is a reasonable prospect of their occupation. The saved policies and the framework are also generally supportive of measures to promote employment and economic activity.

Lancing Business Park is the main employment location for Adur, with more than 200 companies based on the park. There is evidence from the Council of a scarce supply of premises of this type and size in Adur and of recent significant reductions in vacancy rates. The emerging local plan refers to a scarcity of sites to provide new employment space and suggests that a loss of employment land to other uses is likely to have a detrimental impact on the economy.

It is not disputed by the applicant that the authorised use of the unit is general industrial (B2) & storage and distribution (B8) – this is the fallback position. The premises were not vacant for any substantive period before FreddySmile moved in, as before this the entire unit was occupied by Garden Pride (or the same/similar business trading under a different name). And there is no evidence of marketing for industrial or storage use having been undertaken before the unit was subdivided, and an A1 use introduced.

Accordingly, it has not been demonstrated that there is 'no reasonable prospect' that the premises could be occupied by a storage or industrial user within the foreseeable future. The numbers of charity staff (3 full-time and 3 part-time) are of a modest level of employment and below that associated with other businesses uses in the fallback position of B2 and B8. The application submission does not state if the staff are paid or voluntary.

So, by comparison with the fallback position, the retail use has generated less employment. Whilst it has made some contribution to economic activity, it is not necessarily equal or exceeded the economic benefits of uses in the fallback position.

Nonetheless, the adopted development plan does not protect the premises for B2 or B8 uses (it only promotes them), or require prior marketing and the emerging plan remains at a very early stage.

Moreover, Garden Pride has a significant retail element to its business model – it too has products on display and is open to the public, and has operated from the unit for a number of years (without complaint). Whilst the National Planning Policy Framework

instructs Councils to apply a sequential test to town centre uses (including retail) that are not in an existing centre (requiring such 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), it also demands Councils demonstrate flexibility on such issues of format and scale. It is understandable why the footprint and plan of Chartwell House appeals to the charity, with its large collection of big pieces of furniture.

Nonetheless, without any sufficient marketing evidence to the contrary, it has not been demonstrated that a viable B1, B2, or B8 business could not occupy the premises successfully, and accordingly it must be concluded that the application is contrary to the intent of local plan policy. As such, there are grounds to warrant a refusal although members could bear in mind an alternative option to grant temporary permission while the required marketing is carried out.

Visual amenity

Very little change to the external appearance of the unit and its setting has occurred (limited to the installation of non-illuminated fascia sign, which is not ill-proportioned, and a display of garden gnomes and other ornaments for sale). Accordingly, no visual harm has arisen.

Residential and other business amenity

The mixed use is low key and adjacent businesses not particularly noise-sensitive operations (unit 38 Chartwell Road is occupied by an Audio testing business, but the building is physically detached from Chartwell House). Residential properties are situated well away from the site so as to avoid impact upon the amenities of any neighbours.

Parking and Accessibility

Paragraph 32 of the National Planning Policy Framework advises development should only be refused on transport grounds where the residual cumulative impacts of development are severe.

The opportunity to park on the adjacent adopted highway is already scarce as kerbside parking along Chartwell Road is restricted. Lancing Business Park has a one way traffic system with constant HGV movements.

Although there can be no doubt that a retail operation, by its very nature, can entail a volume of visiting customers, it is difficult to demonstrate substantive parking issues can be attributed solely to the charity alone as there is space available for customer vehicles to park on site, and at the same time for a light goods vehicle to deliver/collect.

The submitted drawings do show an unrealistic arrangement of parking spaces, so there may well be instances where customer parking demand exceeds that provided on

the site. Access and parking arrangements with the rear unit occupied by Garden Pride would also be impacted, with traffic movements associated with this unit potentially disrupted at times. These times would risk increased obstruction to through traffic and obstruction of visibility at the estate with associated safety hazards.

However the premise already lacks dedicated parking provision to the maximum local standards for mixed B2/B8 uses and in the fallback position the re-occupation of the premises from any B2 or B8 purposes would likely to result in some additional on-street parking. Compared to the fallback position the impact of the additional parking arising from the retail use is thus unlikely to be 'severe' in the terms of the Framework, paragraph 32.

Recommendation

REFUSE

The proposal, without sufficient marketing evidence to the contrary, would result in the loss of a sound and viable business premises (mixed B2 and B8) on a promoted industrial estate, and would have a materially harmful effect upon the availability and desirability of the occupation of industrial and business premises in conflict with prevailing development plan policies for the protection of employment opportunities (Saved Adur Local Plan Policies AE2 and AE4) and the National Planning Policy Framework paragraphs 18-21 and 160-161.