

4.2 - SE/13/01293/FUL Date expires 22 October 2013

PROPOSAL: Part change of use of existing B1/B8 building with ancillary offices to A1 warehouse retail use with ancillary offices.

LOCATION: Mercury House, Station Road, Edenbridge TN8 6HL

WARD(S): Edenbridge North & East

ITEM FOR DECISION

Councillor Scholey has referred the item to Development Control Committee for the following reasons:

This application should be approved because it is in accord with paragraphs 19 and 21 of the NPPF

It is also in line with Core Strategy policy LO6 because it will regenerate and redevelop a site while keeping it for employment.

In addition it is in line with Core Strategy SP8 because it is being retained for business use within the mixed type of businesses currently existing in that part of Station Road, i.e. a mix of manufacturing, warehouse use and retailing (e.g. Bradfords, "On The Run" at the garage). This latter establishment sells a variety of items by retail.

Councillor Mrs Davison has referred the item to Development Control Committee for the following reason:

This application should be allowed since it is in accord with paragraphs 19 and 21 of the NPPF and also supports regeneration and redevelopment in line with LO 6.

Retail is already present across the road from the site at Bradford's Electrical.

RECOMMENDATION: That planning permission be REFUSED for the following reasons:-

The change of use of the site from employment land to retail provision would represent an unsustainable approach to development. It would result in an out of town centre shopping development to the detriment of the vitality and viability of the Edenbridge town centre. The Applicant has not demonstrated through the sequential test that no town centre site exists to accommodate the proposed use. The proposal is therefore contrary to paragraphs 24 - 27 of the NPPF.

The proposal seeks the loss of protected employment land contrary to policies LO6 and SP8 of the Sevenoaks District Core Strategy and EP8 of the Sevenoaks District Local Plan.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by:

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line
(www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) The application was dealt with/approved without delay.

Description of Proposal

- 1 Part change of use of existing B1/B8 building with ancillary offices to A1 warehouse retail use with ancillary offices. The proposal relates to the retention of 360 sqm of ancillary office space, and the loss of 667.5 sqm of B1/B8 land to retail floorspace. The site includes the provision of 16 existing car parking spaces.

Description of Site

- 2 The site lies on the western side of Station Road with its frontage facing the road and on protected employment land. Parking for the site is located to the front, at the side, and to the rear side. Residential properties are located to its north and north-west elevations, and the railway line runs across its northern elevation. On the other side of station road, an electrical retail unit is located on its eastern elevation. The building is fully occupied in employment use. The site lies outside of Edenbridge town centre.

Constraints

- 3 Protected employment land

Policies

Sevenoaks District Local Plan

4 Policies– EP8, EN1

Sevenoaks Core Strategy

5 Policies – LO6, SP8

Other

6 National Planning Policy Framework

Planning History

7 11/01714/FUL - Erection of a roof extension to provide additional office space. Granted

95/02217/HIST - Relocation of vehicular access to proposed office and minor alterations. (Previous consent SE/90/2073). Granted

95/00392/HIST - Provision of 3 car parking spaces to front. As per amended plans received 22.5.95. Granted

Consultations

Town Council

8 Edenbridge Town Council has made the following comment:

‘Support:

Members had no objection to this application but wished the Officer to check that the turning space proposed for HGVs was sufficient’

KCC Highways

9 Kent Highways have made the following comment:

Can the applicants demonstrate that parking spaces D and E (as shown on the Block Plan) are off the public highway? It would appear from provisional information at KCC (and subject to confirmation) that D and possibly E too are within the highway boundary and form part of the footway, albeit modified to allow vehicles to overrun for delivery purposes.

Notwithstanding the above, from a highways and parking perspective, there do not appear to be any sound grounds for raising an objection, and I do not intend to do so. I would recommend a condition that there should be a sign clearly visible from Enterprise Way directing customers to customer parking, and that customer parking spaces should be clearly identified as such. Reason: Otherwise customers will park in the road; Amenity

SDC Environmental Health

10 Sevenoaks Environmental Health has made the following comment:

My only concern would be noise should the applicant propose any additional external plant or equipment such as air conditioning plant. If this is the case the applicant should submit a BS4142:1997 acoustic assessment to demonstrate that no disturbance is likely to be caused

Representations

11 None received.

Chief Planning Officer's Appraisal

- 12 Permission is sought for the change of use of the B1/B8 building to A1 retail warehouse use. The proposal shows the retention of the existing first floor ancillary offices.
- 13 The application site lies on protected employment land for business purposes. No external alterations are proposed to the unit and therefore only the principle of the change of use from employment to retail use is subject to consideration.
- 14 The office part of the proposal relates to the offices which are currently ancillary to the business use, and would continue to be ancillary, but to the proposed retail use. They would not represent a primary use of the building.
- 15 The use of employment land is addressed in policy EP8 of the Local Plan, and policies LO6 and SP8 of the Core Strategy.

Policy LO6 states that:

'Existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business.'

Policy SP8 states:

'Sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. Redevelopment for mixed use of business sites in urban areas may exceptionally be permitted where such development would facilitate the regeneration of the site to more effectively meet the needs of modern business, where the employment capacity of the site, represented by the commercial floorspace, is maintained and where a mixed use development would represent a sustainable approach consistent with the general distribution of development.'

- 16 Very little information has been submitted with the application. The agent's letter sets the case for permission being granted. No information, such as attempts to let the premises, has been provided to demonstrate that there is no reasonable prospect of the sites' take up or its continued use for business purposes. An inspection of the site showed that the unit is fully occupied and is therefore clearly a viable employment site. The change of use would not facilitate the regeneration of the site to more effectively meet the needs of modern business or as a sustainable approach consistent with the general distribution of development.

Paragraph 21 of the NPPF states:

- 18 *'Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:*
- *set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;*
 - *set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
 - *support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;*
 - *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;*
 - *identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and*
 - *facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.'*

19 The proposed development site forms part of the Station Road employment land allocation in Edenbridge.

20 The Council's emerging Allocations and Development Management Plan proposes that the Station Road site continues to be allocated for business use. The site forms part of the employment land supply that the Employment Land Review (2007), and the updated Long Term Employment Space Projections (2011), recommend that the Council should retain to meet requirements of the local economy to 2026.

21 The local policies seek to protect such sites unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for business purposes during the Core Strategy period. The use of land for retail purposes is specifically different to a business use in planning policy terms and is therefore inappropriate on protected employment land. This approach is consistent with paragraph 21 of the NPPF as it complies with a clear vision to support an existing business sector, based on a sound evidence base.

Paragraph 22 of the NPPF states

22 *'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. Land allocations should be regularly reviewed. 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.'

- 23 No justification has been submitted with the application to show that there is no reasonable prospect of the site being used for B1 purposes. No information has been provided relating to market signals (such as an inability to rent the land), or that there is a need for a different land use at the location to support local communities.
- 24 The Core Strategy states that the Council is preparing an Economic Development Action Plan and that one of its key themes is maintaining the supply of local employment land. The Core Strategy has a significant role to play in implementing the Action Plan in the provision it makes for development and states that there is a significant supply of employment land for business use and that the great majority is acceptably located (as identified in the Employment Land Review). The review identifies that there is a future additional land requirement which can be met through the intensification and use of vacant land. The emphasis of policy is therefore on retaining and making effective use of existing employment land.
- 25 One of the three roles that the NPPF identifies that the planning system should play in contributing towards the achievement of sustainable development is described in the NPPF as:
- 'an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure'*
- 26 The purpose of core strategy policies SP8 and LO6 are, as part of this role, ensuring that sufficient land of the right type is available in the right place and at the right time to support growth (in this case up to 2026).

Paragraph 19 of the NPPF states

- 27 *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'*
- 28 The application site is fully occupied and is therefore contributing towards sustainable economic growth. To permit the change of use of a fully occupied unit which provides protected business employment floorspace would be contrary to the aims of sustainable economic growth and the requirements of paragraph 19 of the NPPF.
- 29 The application proposal would result in the loss of a not insignificant amount of employment land which is not considered acceptable under the requirements of the NPPF, the Local Plan or the Core Strategy.
- 30 The site lies outside of Edenbridge town centre and the proposed retail use would act in direct competition to the retail offer within the town centre and would have the potential to draw trade away from, and be detrimental to it. The NPPF is clear that where uses can be accommodated within the town centre or where a

proposal may have a detrimental impact on the vitality and viability of a defined town centre, it should be refused. (NPPF paragraph 27)

31 The application site is an out of centre location and therefore its use for retail purposes does not accord with local or central policy with regard to town centre viability or employment land protection.

32 The emphasis on sustainable development in the NPPF, underpins the importance of protecting town centre uses and employment land. Paragraph 23 states that local policies should:

‘recognise town centres as the heart of their communities and pursue policies to support their viability and vitality’

33 The NPPF requires a sequential test to be applied to applications for main town centre uses outside of an existing centre.

Paragraph 24 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.’

34 The application site is an out of town location. No sequential test has been undertaken to demonstrate that the retail use cannot be accommodated within the town centre.

35 The proposed use is for a retail unit. This is a different business sector and employment type to the protected business use of the site. Different policies apply to the location and protection of retail and business uses owing to the impacts of the different uses, impact on amenity and to protect the vitality and viability of town centres.

36 The change of use of the site from business employment land to retail provision would represent an unsustainable approach to development contrary to the aims of the NPPF, the Core Strategy and the Local Plan.

37 In response to Kent highways comments regarding car parking spaces D and E, the applicant has been requested to provide information to demonstrate that they are in their ownership. The land is not within their ownership but notwithstanding this, Kent has advised that they do not raise an objection to the scheme.

38 If planning permission were to be granted for the scheme, a condition could control the siting and noise emissions of any plant in line with Environmental Health comments.

39 The proposal fails to comply with Core Strategy policies LO6 and SP8, Local Plan policy EP8 and the NPPF.

Conclusion

40 That planning permission is refused

Background Papers

Site and Block plans

Contact Officer(s): Joanna Russell Extension: 7367

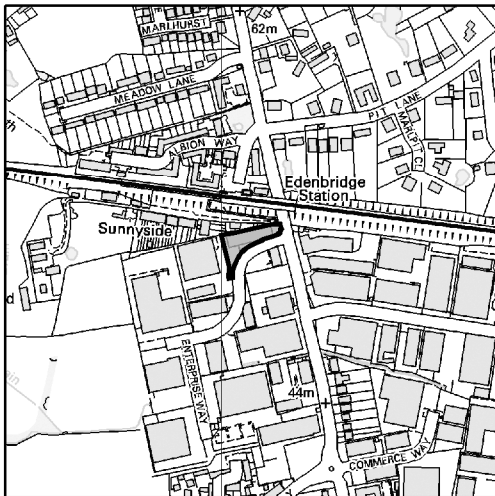
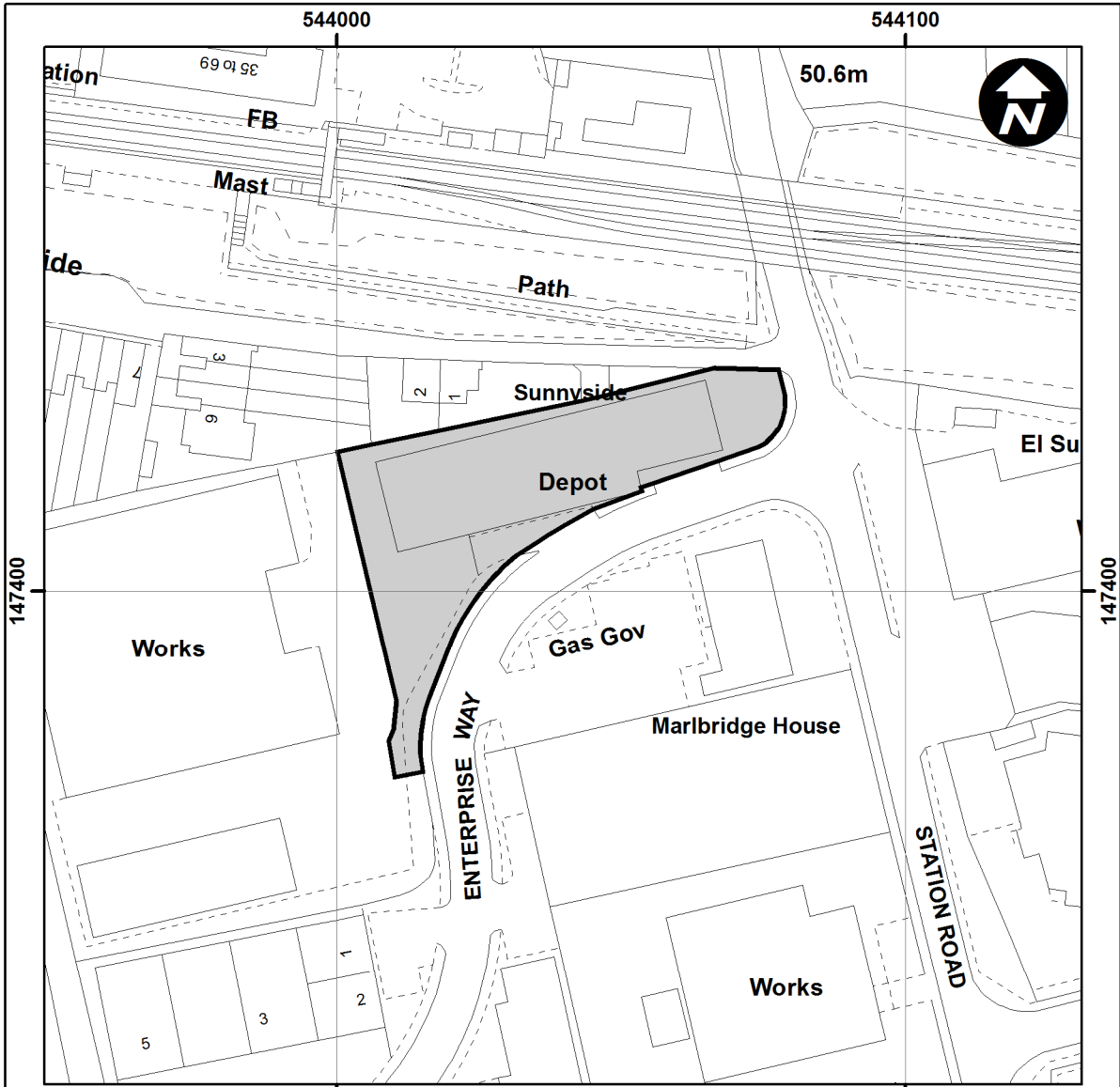
Richard Morris
Chief Planning Officer

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MMOCQJBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MMOCQJBK0L000>



Site Plan

Scale 1:1,250

Date 26/06/2013



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BLOCK PLAN

