



TO: Planning Committee North

BY: Head of Development

DATE: 2nd October 2018

DEVELOPMENT: Demolition of existing retail buildings and erection of foodstore (Use Class A1) with customer car park and associated landscaping and access works.

SITE: Land at Foundry Lane Foundry Lane Horsham RH13 5PL

WARD: Roffey South

APPLICATION: DC/18/1239

APPLICANT: **Name:** Mr James Mitchell **Address:** Lidl UK Foxes Park Brownhill Way Nursling Southampton S106 0AW

REASON FOR INCLUSION ON THE AGENDA: More than eight letters of representation have been received contrary to the Officer recommendation

RECOMMENDATION: To approve planning permission subject to appropriate conditions.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 The application seeks Full Planning Permission to demolish the existing retail building on the site and to build a new 1,616 square metre gross internal floorspace (1,000 square metre sales area) retail store (Planning Use A1). The building would be located in a similar position to the existing building, set on the southeast corner of the site adjacent to Kings Road, with the associated car park to the rear/northwest side of the site.
- 1.2 The proposed retail unit would predominantly comprise convenience goods (ie food and drink), but with up 20% of the floorspace for comparison goods ("the market area"). The application set out that the proposed occupier of the store would exclude ancillary goods/services such as 'in store' butchers or chemists and only carry a narrow range of newspapers/magazines.
- 1.3 The new part-single part-two storey store would be in corporate Lidl 'house' style, with its main entrance from the west and south west corner of the site. It would be finished mainly in render with brick panel detailing to the front elevation fronting Kings Road and with aluminium profiled cladding to the first floor element. The building would be over 63 metres long and 26.5 metres wide and with its shallow mono-pitched roof running north to south some 9.5 metres tall. The two storey element would be set to the northeast side of the building, extending to 21m in length and 9.5m in height.

- 1.4 The proposed trading hours applied for are 7am to 11pm Monday to Saturday and Sunday 10am to 5pm. The store will be serviced by 2-3 deliveries a day. Forty staff are forecast to be employed.
- 1.5 The two existing highway accesses would be closed and pedestrian footways reinstated. The western end of the site is to be customer parking, served by a new single point of vehicular access located midway on Foundry Lane. A total of 51 car parking spaces would be provided of which 3 spaces would be for disabled users, 2 spaces for parent and child, along with 2 motorbike spaces. The allocated spaces are positioned close to the store entrance. An uncontrolled pedestrian crossing point, comprising dropped kerbs and tactile paving would be provided over Foundry Lane near the desire line for pedestrians accessing the site from the south. Cycle storage would be provided next to the sales area of the store for customers and within the store building for staff. Landscaped planting would be provided at the south tip of the site, with the existing electricity substation relocated to the northern end.
- 1.6 Goods deliveries would be made via a dedicated delivery dock situated adjacent to the stock warehouse on the northern boundary of the site. A vehicle tracking exercise has been carried out which confirms a delivery vehicle can access the delivery area during trading hours without having an adverse effect to the car parking arrangements.
- 1.7 The application is supported by a Transport Assessment and Supplementary Transport Note, including Road Safety Audit, and Travel Plan; Planning Statement with supplementary Edge of Centre Site Assessment; Utilities Report; Energy Statement; Tree and Arboricultural Impact Assessment; Lighting proposal; Noise Impact Assessment; Drainage Strategy; Waste Management Statement; and Surface Water Technical Note.
- 1.8 Negotiations between Officers and the applicant have secured various changes to the original proposal, including; improved design of the south-east elevation fronting Kings Road with additional clear glazing, additional soft landscaping to the south end of the site with the covered cycle storage for customers relocated; additional cycle storage for staff within the store building; relocation of the plant onto the store roof; operational restrictions to safeguard residential amenity; and securing an uncontrolled pedestrian crossing on Foundry Lane.

DESCRIPTION OF THE SITE

- 1.9 The 0.4 hectare triangular shaped site is located on Foundry Lane, to the immediate north east of the busy Horsham Gates Junction which serves five arterial roads. The terrain is flat and narrows toward the roundabout. Along the western boundary the site is served with two highway accesses from Foundry Lane.
- 1.10 The site currently comprises a 2,198 square metre building around two storeys tall and of characteristic industrial design. It is visible from the majority of adjacent highways, including Foundry Lane, Kings Road and North Street. This building is divided into two retail units, with permitted use for the sale of non-food bulky goods, alongside associated parking.
- 1.11 The site has been vacant since 2015 and was previously occupied by two bed retailers, Dreams and the Sussex Bed Centre.
- 1.12 The site is situated to the north east of Horsham town centre in an area of a mixed commercial/retail/residential character on the approach to the town centre.
- 1.13 The site is approximately 1.1 miles from Swan Walk Shopping Centre and 0.3 miles from Horsham North Street train station (6 minutes by foot). It is approximately 0.32 miles (507 metres) from the defined town centre boundary of Horsham, as defined in Policy 13 of the HDPF.

- 1.14 Flanking the site to the north and west are industrial units within the Foundry Lane Industrial Estate, which is safeguarded as a Key Employment Area in the Local Plan under HDPF Policy 9. These include Viking House, a large B2 factory unit and Howdens Joinery, a B8 use building supplier. To the east is Kings Court, a commercial scheme providing small business units, mostly B1.
- 1.15 To the north of the site is residential housing; Westlands, a two-and-half purpose-built residential flat complex off from Kings Road, and Grove House 1–3, two-storey buildings of former industrial use now converted to dwellinghouses.
- 1.16 The area to the south of the site is also in residential use, with the recently completed Horsham Gates development on North Street comprising residential accommodation set out in three blocks from 3 to 4 storey in height, and The Populars, a cul-de-sac of detached houses. Century House, 100 Station Road, is a terrace of commercial buildings mostly in B1 use, but the land has permission to a 5 – 6 storey residential scheme (DC/17/2148 refers).
- 1.17 Preserved by Order, there are several mature trees to the immediate north of the site (TPO/0622 refers), which filter views of the existing commercial building when in leaf. Of these T1 (Horse Chestnut) is an established roadside tree. The rest (Beech and Horse Chestnut) are positioned further into the site.
- 1.18 The site is in Flood Zone 1, as defined by the Environment Agency, and the land is close to identified potentially contaminated land.
- 1.19 Existing bus stops serving a local bus service are located along Kings Road and Station Road.
- 1.20 On Foundry Lane, double yellow lines currently restrict on-street parking along the southbound carriageway fronting the development site whilst a number of on-street parking bays are demarked along the northbound carriageway.
- 1.21 Grade II listed Horsham North Street Railway Station is some 271 metres away from the site, to the southwest.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990
Planning (Listed Buildings and Conservation Areas) Act 1990

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

National Planning Policy Framework

Horsham District Planning Framework (HDPF 2015)

- Policy 1 - Strategic Policy: Sustainable Development
- Policy 2 - Strategic Policy: Strategic Development
- Policy 3 - Strategic Policy: Development Hierarchy
- Policy 5 - Strategic Policy: Horsham Town
- Policy 7 - Strategic Policy: Economic Growth
- Policy 9 - Employment Development
- Policy 12 – Strategic Policy: Vitality and Viability of Existing Retail Centres
- Policy 13 – Town Centre Uses
- Policy 24 - Strategic Policy: Environmental Protection

Policy 31 – Green Infrastructure and Biodiversity
Policy 32 - Strategic Policy: The Quality of New Development
Policy 33 - Development Principles
Policy 34 - Cultural and Heritage Assets
Policy 35 - Strategic Policy: Climate Change
Policy 36 – Strategic Policy: Appropriate Energy Use
Policy 37 - Sustainable Construction
Policy 38 - Strategic Policy: Flooding
Policy 39 - Strategic Policy: Infrastructure Provision
Policy 40 - Sustainable Transport
Policy 41 - Parking

West Sussex Joint Minerals Local Plan (July 2018)
West Sussex Waste Local Plan (2014)

Supplementary Planning Document

Horsham Town Plan (Sept 2012)
Horsham Town Design Statement (Dec 2008)
Planning Obligations and Affordable Housing (Sept 2017)

Other Guidance

Community Infrastructure Levy (CIL) Charging Schedule (2017)

RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint Business Neighbourhood Forum is the designated body of the Unparished Area of Horsham Town. The Forum is comprised of representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council. The Neighbourhood Forum Designation Area (Regulation 10) has been adopted but no plan has been drafted to date.

PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/40/80

Home improvement centre (from old Planning History)
Permitted 25-03-1980

This permission was subject to a condition restricting the type of goods that could be sold from the unit.

HU/308/01

Variation of condition 10 on HU/40/80 relating to types of goods sold on the premises
Permitted 10-10-2001

This permission amended the condition to allow a wider range of bulky goods to be sold.

DC/06/0556

Proposed extension; subdivision to create 2 units (A and B); installation of mezzanine floorspace; external alterations to servicing, car parking and access arrangements
Permitted 16-11-2006

This permission to convert the existing retail warehouse into two units reapplied the condition restricting the category of the type of goods that could be sold from the unit:-

'The premises shall only be used for the trade and retail sale of DIY, floor coverings, household hardware, garden products, electrical goods, furniture, carpets, auto parts and accessories, cycles and cycle accessories, pet supplies and office supplies; with ancillary

offices and no other purposes, including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) 2005, or in any provision equivalent to that class in any statutory instrument revoking or enacting that Order.

Reason: To enable the Local Planning Authority to control the use of the site and to ensure the vitality and viability of Horsham Town Centre as a shopping centre in accordance with policy of the Horsham District Local Plan 1997.'

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

HDC Strategic Planning: No objection (summarised)

It is considered that this application, located within the defined BUAB of Horsham meets the criteria stated within this consultation response, specifically in relation to Policy 5 and Policy 12.

Policy 12 (Strategic Policy: Vitality and Viability of Existing Retail Centres) establishes a hierarchy of retail centres in the district to assist with improving the vitality and viability of these centres, and to assist in their role in meeting needs and acting as the focus for a range of activities for our local communities. Horsham Town is recognised as the Primary Centre in the established development hierarchy. The hierarchy of retail centres will be supported and enhanced through;

- 1) Positive measures to improve Horsham town centre as the primary centre.
- 2) Promotion and encouragement of activities in town and village centres so they continue to be the prime focus for community life in the district by:-
 - a. Maintaining a diverse range and choice of suitable uses including retail, leisure, entertainment, sports recreation, arts, culture, business and commercial uses as well as residential use.
 - f. A convenient, cohesive and concentrate primary area which contains a high proportion of retail (A1) uses where this has reasonable prospects for remaining viable.
 - k. Encouragement in innovation and support for improvements in retailing activity.

It is considered that this proposal meets criterion 1 and 2(a, f &k) of Policy 12.

Paragraph 87 of NPPF (July 2018) makes it clear that when considering edge of centre and out of centre proposals preference should be given to accessible sites which are well connected to the town centre. It is acknowledged that DC/18/1239 is located outside of the defined Town Centre Boundary of Horsham as defined in the Horsham District Planning Framework (HDPF) Policies Map and, in accordance with Annex 2 of the Revised NPPF, is an out of centre proposal. However, it is considered that given the approximate distance is 600 metres from the defined boundary that the Lidl proposal is well connected to the main town centre for both pedestrian and vehicle access.

Horsham District Planning Framework Policy 13 (Town Centre Uses) states that proposals for main town centre uses outside the defined town and village centres will be permitted only when a sequential test has been applied. In addition, para 86 of the Revised NPPF states that LPAs should apply a sequential test to applications for main town centre uses that are not in an existing centre. In accordance with the requirements of Policy 13, the Planning and

Retail Statement submitted alongside the application contains details of the sequential approach to site selection. The conclusions of the Sequential Test confirms that there are no alternative suitable sites available to accommodate the proposed development which is compliant with para 5.39 of the supporting text to Policy 13. It does appear, however, that there are a number of edge of centre sites in Horsham that have not been considered.

Waitrose have stated that the proposed out of centre store will have a significant adverse impact on the vitality and viability of Horsham town centre. Evidence submitted by Lidl in response to the objection argues that Waitrose trades above average levels which is supported by the Horsham Town Retail & Leisure Study 2017, a background document to the HDPF. Lidl also state that the objection provides no explanation to support Waitrose claim. In addition, information contained in Lidl's Planning & Retail Statement states that financial impact of the application is greater for Sainsbury's and M&S, neither of which have objected to date. The Horsham Town & Leisure Study 2017 details that despite the expansion of 'deep discount' stores such as Aldi and Lidl fundamentally changing consumer shopping behaviour, there has been growth of the 'premium' end of the convenience goods market, with both Waitrose and M&S Food growing in store numbers. The HDPF background document also states that despite the announced programme of underperforming larger-format stores such as Tesco and Morrisons it is clear that Sainsbury's Horsham continues to perform strongly.

On balance it is considered that the application will support the ongoing vitality and viability of Horsham town by encouraging appropriate development which is accessible and well connected to the town centre. Promotion and encouragement of activities in the town centre, so that they continue to be the prime focus for the community, will be supported. Indeed, para 116 of the NPPF (2018) states that local authorities "should not seek to prevent competition between different operators". The Horsham Town Retail & Leisure Study 2017 also states that the baseline capacity projections in the analysis are based on current market shares, identifying capacity for new convenience and comparison goods floorspace. The study also identifies the strength in performance of convenience and comparison good floorspace, all of which are overtrading and stronger than the last analysis in 2010.

HDC Economic Development: No objection (summarised)

Priority 1, of the economic strategy, encourages inward investment within the district to continue to develop the local economy, and the proposed development would meet this criteria. Further to this, the proposal would help to create jobs for the local area which is part of Priority 3, Skills and Employment. The type of job on offer would be accessible to local residents and those looking to get back into employment.

The proposed location of the new store would extend the offer available within Horsham town and provide a retail location to the north of the town centre, where currently very little retail exists. This development would appear to satisfy 2 of the priorities on the economic strategy and develop the offer available to those north of the town centre. Economic Development strongly supports this application.

HDC Environmental Health: Comment (summarised):

Deliveries, by their very nature are sporadic, vary in noise frequency and volume and can be more intrusive for those reasons. The close proximity of the delivery bay to the domestic dwellings in Westcourt, particularly those at first floor level, has been recognised by the Acoustic Consultant.

The screening shown is for a 2 metre high acoustic fence for the whole of the North East Boundary which is considered reasonable to accommodate parking noise.

The 3 metre high fence adjacent to the delivery bay on the latest plan should be extended for the full length shown on the plan, currently it seems to stop short (according to the colour key on the plan). The screen should be absorbent rather than reflective, this will complement the 'enclosed loading bay dock' as described in the Noise Impact Assessment (para. 7.1). However I still have concerns regarding the noise impact of lorry movements and ancillary activities upon the adjacent dwellings particularly those parts above ground floor level. The most effective control is time limitation in this regard, particularly as the Noise Impact was assessed on weekdays only (Monday to Wednesday) and not including weekends when additional noise would have greater impact. So in my view there is a very real need to control delivery and associated activities. Given that noise from the delivery of goods is closely associated with loading and unloading which can go on for some time after the vehicle arrives, plus lorries waiting to gain access to the loading bay.

For these reasons the following conditions would be most appropriate:

1. Deliveries, including loading, unloading and associated activities be permitted between the hours of 07.00 and 22.00 Mondays to Fridays, 08.00 to 20.00 Saturdays and 10.00 to 16.00 Sundays and public holidays
2. The 3 metre high acoustic barrier at the loading bay be of the absorbent type and extended for the distance shown on the Agents plan.
3. Vehicle reversing broad band alarms only are permitted.
4. Within 1 month of the date of commissioning all approved plant and equipment a noise assessment shall be carried out to confirm (or otherwise) that the noise rating level has met the day and night time standards approved. The post installation noise assessment, including mitigating measures, shall be submitted to and approved by the Local Planning Authority. Any additional steps required to mitigate any increase in noise levels shall be implemented.

HDC Drainage Engineer: No Objection

HDC Arboricultural Officer: No Objection

OUTSIDE AGENCIES

Horsham Forest Neighbourhood Council: No Objection

WSCC Highways: No Objection (summarised):

The highway authority has no objection to the application, based on a review of the Transport Statement and supplementary information.

Visibility splays at the site entrance

The splays shown are acceptable and the applicants have committed to maintaining pedestrian visibility. The forward visibility requested in the road safety audit has not been provided and this must be shown at detailed design stage. A Section 278 highways agreement will be needed to build the road access.

Road safety audit (RSA) and road safety audit response report

The RSA raised several secondary issues and the consultant has agreed to address all of these during detailed design. We are happy to accept the RSA.

Parking restrictions on Foundry Lane

The consultant states that these will be maintained in a modified form to take account of the new road access.

Pedestrian crossing facilities on Foundry Lane

The consultant has carried out a technical assessment of the demand for new formal crossing facilities on Foundry Lane using data already in the transport assessment. While no

formal crossing is required, the consultant has committed to providing an improved uncontrolled crossing, shown in outline on drawing B/LIDLHORSHAM.1/02. The crossing, or an alternative, must be included for approval in any Section 278 application.

Conditions requested on access, drainage, parking and turning, construction traffic (parking), wheel cleaning facilities for construction vehicles, and a revised travel plan.

Southern Water: No Objection

West Sussex County Council (Lead Local Flood Authority): No Objection

Horsham District Cycling Forum: Comment (summarised):

Concerned cycle parking on site should be better placed. Given the likelihood of external displays of goods, we ask that the applicant replace one of the car parking spaces for cycle racks. The cycle spaces should be well lit and continuously covered by CCTV. On this site on Foundry Lane, there may be traffic concerns so the development needs to make full use of cycle traffic and the local facilities. To improve local cycle facilities we will ask that s.106 monies be provided.

Horsham Society: Comment (summarised): Support.

The site has been a long standing eyesore in Kings Road area. Have concerns regarding elevation treatment of the development which should be carefully considered, to ensure they blend with their surroundings. Should incorporate some soft landscaping.

MEMBER CONSULTATIONS

Cllr Roy Cornell has raised no objection to the proposal

PUBLIC CONSULTATIONS

Twenty (20) no. letters of support from twenty (20) different residential addresses have been received. The letters raise the following comments (summarised);

- Out of town location of the store will allow grocery shopping without going into town or driving to Broadbridge Heath. Avoiding going into town would help those with disabilities and parents with babies.
- This new discount food store option will provide competitive prices and healthy competition for the three supermarkets in town. Lidl stores do not have pharmacies, butchers, delicatessen, fishmonger, or café.
- The location of store will allow customers to walk, cycle or bus to it, which is important given the high parking charges in Horsham town centre. Currently have to travel by car to other towns for a Lidl store, which is unsustainable.
- The disused former Dreams unit is an eyesore and very prominent. Proposed design will be improvement in keeping with other developments. It will re-invigorate this area in need of regeneration.
- This brownfield site has been used for retail before. A trading business is better than overdevelopment of unaffordable housing.
- Would create full and part time jobs.
- Will not have any adverse effects on local properties.
- Adequate car parking will be provided. Parking provision will be comparable to Lidl stores in Crawley and Dorking.

Ten (10) no. letters of objection from ten (10) different residential addresses have been received. The letters raise the following issues:-

- Unwarranted soliciting from Lidl to support their application.
- Lidl purchased the land opposite (Horsham Gates) to stop another retailer locating there.

- Lidl bring nothing new or extra to shopping experience.
 - Interested to understand detail of Retail Impact Assessment.
 - Sainsburys and Tesco have lost market share to discount retailers such as Lidl. Lidl is not complementary but a competitor.
 - Horsham is already well served by Sainsburys, Tesco, and Waitrose and multiple convenience retail stores. No need for further supermarkets.
 - North of Horsham already well served with convenience stores, Co-op, Budgens, and two no. Tesco Express.
 - Site should be developed for affordable homes for local residents and not another supermarket.
 - Current job market in Horsham is buoyant. Additional minimum wage jobs would not have same beneficial impact as elsewhere and not what Horsham needs. Site should be developed for pharmaceutical research and production facilities, financial services.
 - Overdevelopment.
 - Inadequate parking provision proposed on site. Proposal will lead to increase in on-street parking in Foundry Lane. Parking at comparable Lidl store at Three Bridges congested during peak times.
 - Existing highway infrastructure inadequate. Additional vehicle trips associated with proposal will worsen existing traffic congestion at Horsham Gates roundabout, with queuing at peak times at junctions of North Street, Foundry Lane, Kings Road and Harwood Road. This includes if deliveries sent to avoid the low bridge and jack knife round the corner. Comparable traffic conditions caused by Tesco Express at Crawley Road/Kings Road roundabout.
 - Without additional pedestrian crossings, there would be inadequate access to the store from North Street, Station Road, or Harwood Road without crossing Foundry Lane, a very busy road
 - Potential highway safety issue would arise from increased on-street parking and traffic congestion.
 - Cycle parking looks awkward to use.
- Elevation treatment should be carefully considered to ensure it blends with surroundings.
- Design should incorporate some soft landscaping.
 - Would generate rubbish, which is not controlled at other Lidl stores.
 - Would like reassurance adjacent trees will not be adversely affected. Concerned about delivery area impinging the Root Protection Areas; will require a lot of engineering to satisfy relevant British Standard.
 - Increased light and noise from late and weekend opening hours, air conditioning and refrigeration units, and illuminated signage.
 - All night deliveries would be unacceptable, will these be restricted in consideration of neighbours?
 - Would generate air pollution to the detriment of residents and air quality.

Objection received FirstPlan on behalf of Waitrose Ltd (reported in full):-

Waitrose has an existing store located within Horsham Town Centre Primary Shopping Area. The Waitrose store is located adjacent to the John Lewis store on Albion Way and commenced trading in 2015. Having reviewed the applicant's Planning and Retail Statement, Waitrose is concerned that the proposed out of centre Lidl store will have a significant adverse impact on the vitality and viability of Horsham town centre.

The application proposes a new 1,161sqm Lidl store located 1.1km to the north east of Horsham Town Centre. The applicant's own assessment advises that the proposal will have a cumulative impact of -13.7% on Horsham Town Centre (including a -7.6% impact on the Waitrose store and a -17.4% impact on the town centre Sainsbury's store). As a general rule of thumb, any impact over 10% is considered significant. The applicant seeks to justify this significant detrimental impact on the basis that existing foodstores in the town are currently overtrading and the proposed development will help to reduce this.

Horsham Town Centre is indeed a strong centre, which is performing well. The success of the town can be attributed to a number of factors including careful strategic planning and investment. The opening of the Waitrose/ John Lewis stores has been a key part of this and the Horsham Town Retail & Leisure Study 2017 confirms that the development has been a positive contributor to the role and attraction of Horsham and has helped consolidate and strengthen the primary catchment area of Horsham as a destination.

The viability and viability of Horsham town centre is undoubtedly boosted by the presence of the Waitrose foodstore and the same can be said for the Sainsbury's on Worthing Road, both of which act as important anchors to the wider centre.

Despite Horsham town centre's favourable position, it remains vulnerable to the challenges which all 'traditional' high streets are currently facing as a result of significant changes in consumer shopping behaviour, and continued competition from out of centre retailers and internet sales. In recent months, the difficulties faced by high street retailers have been well reported in the national press with many household names announcing store closures. Within this, the convenience retail sector is experiencing particularly challenging times.

It is essential that the Council consider the impact of the proposed out of centre Lidl store within this wider economic context. National and local planning policy affords strong policy protection for town centres. The adopted Horsham District Planning Framework is clear that:

The active promotion of a Town Centres First strategy will best serve the economic health of our town and village centres and the longer term interests of customers and other town centre users in the face of future economic changes and competitive challenges.

The proposed Lidl will draw significant levels of trade away from the town centre at a time when town centres need active, meaningful policy protection. The fact that existing town centre foodstores are trading well does not mean that they should not benefit from this protection. Indeed, the success of these stores plays an important role in supporting the health of the centre as a whole.

We therefore request that the Council carefully assesses the current Lidl application in light of their Town Centre First strategy.

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS

- 4.1 Article 8 (Right to respect of a Private and Family Life) and Article 1 of the First Protocol (Protection of Property) of the Human Rights Act 1998 are relevant to this application, Consideration of Human rights forms part of the planning assessment below.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENT

- 6.1 The main issues to consider in the determination of this application are the principle of the redevelopment for a supermarket in land use terms and its impact upon the vitality and viability of Horsham town centre and the wider District; the quality of the design and impact on the townscape character; the impact on the amenity of existing neighbouring occupiers; the impact of the development on the setting of the nearby Listed Building; whether adequate

drainage and safe vehicular and pedestrian access can be provided to the site, and the impact of the development on highway and pedestrian safety.

Principle of redevelopment for retail use

- 6.2 The HDPF sets the strategy for growth within the District to 2031. It sets out the land and facilities to enable employment, including retail, growth in the town into the future.
- 6.3 This proposal is a redevelopment of an existing comparison goods retail unit within the Built up Area Boundary of Horsham Town, the broad principle of which accords with HDPF policy 3 (Development Hierarchy). The site is brownfield land; in an accessible urban location; and is broadly compatible with Horsham Town vision objectives under Policy 5. The site sits adjacent, but outside, of the designated Key Employment Area on Foundry Lane Industrial Estate which is protected under HDPF Policy 9.
- 6.4 Given the existing comparison goods retail use of the site, it is not considered that its redevelopment for a convenience retail use would impinge harmfully on the operations of the adjacent units on the Foundry Lane Industrial Estate. These are occupied, primarily, as trade counter/factory warehouses as demonstrated by Howdens Joinery and other similar businesses nearby. This conclusion is subject to highway capacity and access safety issues being satisfactorily addressed, particular in terms of potential demand for on-street parking, conflict with vehicular movements along Foundry Lane, and additional trip generation on the Horsham Gates roundabout as discussed below. Provided this is demonstrated, the proposal would not imperil the viability of the adjacent businesses, and so not conflict with the Foundry Lane Estate policy protection; nor would it undermine longer term aspirations for future development on Hurst Road and Nightingdale Road.
- 6.5 The principle of providing a convenience retail unit on the site (as opposed to a comparison goods retail unit) falls to be considered against the national planning policy related to town centre uses (such as retail) as set out in paragraphs 85 to 90 of the National Planning Policy Framework (NPPF).
- 6.6 Paragraph 85 instructs Local Planning Authorities (LPAs) to define a hierarchy of town centres to promote their long term vitality and viability. This is achieved, in part, by defining the extent of the town centre. Paragraph 85 goes on to instruct that where suitable viable town centre sites are not available for main town centre uses, appropriate edge of centre sites that are well connected to the town centre should be allocated instead. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre.
- 6.7 Paragraph 86 instructs LPAs to apply a sequential test to planning applications for main town centres uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centres uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
- 6.8 Paragraph 87 sets out that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
- 6.9 Finally, paragraph 90 states that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.

- 6.10 For retail purposes, the NPPF defines retail as a 'main town centre use' and 'edge of centre' as a 'location that is well connected to, and up to 300 metres from, the primary shopping area.'
- 6.11 National policy related to out of centre locations is reflected in the Horsham District Planning Framework in policy 13 Town Centre Uses. Policy 13 states proposals for main town centre uses, including new retail superstores should be located in town centres. Proposals for main town centre uses outside the defined town centre will be permitted only when a sequential test has been applied. Broadbridge Heath is recognised as the only "out of centre" location for main Town Centre uses in the District.
- 6.12 Local Plan Policy 13 is in compliance with national policy set out in the NPPF, in that it takes a town centre first approach to significant retail development and only allows out of centre development as proposed here where the sequential test permits.
- 6.13 The applicant (Lidl) views the current proposal as a 'legacy' site, as the proposed sales area and car parking provision is substantially below what they would normally consider for present site acquisitions. Lidl's stated standard format is now between 1,325 sq m and 1,689 sq m net sales area, with 120+ car parking spaces, together with specifics on building design and HGV loading bay. By comparison this proposal is for 1,000sqm sales floor area and 51 parking spaces.
- 6.14 As the site is not within the defined Town Centre of Horsham, and does not meet the definition of an 'edge of centre' site by virtue of being more than 300m from the Primary Shopping Area of Horsham, it constitutes an 'out-of-centre' development required to meet the sequential test under paragraph 86 of the NPPF Policy 13 of the HDPF.
- 6.15 The applicants have submitted a sequential test analysis of available sites within the defined town centre and on land that meets the definition of 'edge of centre' (i.e. within 300 metres of the primary shopping area of the centre as defined by the NPPF). The applicants have set out that there are no distinct elements of the proposed store that can be viably provided on an alternative site, because the store cannot be 'broken' up'. As such the parameters of the sequential test have been focused on sites capable of accommodating a store of the minimum circa 1616 sq m gross total floor area currently being proposed, with associated servicing arrangements and parking for at least 51 cars.
- 6.16 Applying the sequential test, the applicant's retail assessment indicates there are no realistic alternatives to the current proposed site in Horsham town centre or on any other edge of centre site. Using the NPPF test criteria of availability; suitability; and viability, the applicant dismiss the seven identified potential alternative options. The feasibility of these taking account of the applicant's appraisal is set out below:-

Swan Walk

- 6.17 This a genuine town centre site identified in the Local Plan for retail development, within the Primary Shopping Area of the town centre and allocated primary frontage. The shopping centre is undergoing partial redevelopment, including the provision of a 1,600 sq metre gross unit at 'mall' level. This is close to the minimum requirement stated for the sequential search. The applicant's appraisal of this site states that the configuration and arrangement of the unit militates against Lidl use. Whilst officers are not fully convinced by this argument, it is understood that an 'anchor' retail offer has been secured, so the site is no longer available.

Piries Place

- 6.18 The redevelopment of Piries Place is currently underway. The proposed scheme is for a leisure led scheme including hotel, cinema and restaurants. The 8 units range from 280 sqm to 372 sqm. The site is available and, according to Lidl, has long been considered. However

none of the units are able to provide a suitably sized store with level car parking reserved for the use of Lidl customers.

Co-op/Pets Corner, Guildford Road

- 6.19 At some 200 metres from the edge of the Primary Shopping Area, this site qualifies as an edge of centre site. However, it is too small to accommodate even the already reduced Lidl requirements. Furthermore, the new Pets Corner unit is occupied on leasehold running to 2032. On this basis, it is not considered available, suitable or viable.

Dreams unit, Albion Way

- 6.20 Likewise, this building is also an edge of centre. It is occupied by Dreams on a 10 year lease from August 2016. There is no indication that Dreams would be interested in vacating the unit. The feasibility of a discount store (such as Lidl) is highly questionable as the unit is too small and there is no designated surface level car parking available, which would put Lidl at a disadvantage in comparison to nearby competitors. Lidl state this disadvantage would be of such significance to render the use unviable.

Pets at Home/Majestic Wine Warehouse, A281/ Barelott Road

- 6.21 Whilst edge of centre, this site measures only 0.23 hectares so is undersized compared to the application site (which measures 0.37 hectares) to accommodate the development. Leases run to 2022. There is no suggestions that either retailer is seeking to vacate or been undertaking market disposals.

Units on Queen Street

- 6.22 Even if it were possible to combine units, the size and configuration would be deficient.

National Types and Autocar, Denne Road

- 6.23 The site is only 0.06 ha and so is inherently unsuitable.
- 6.24 Officers have considered the applicant's assessment of the above sites and agree with their findings. There are no other sites within or to the edge of the town centre that should form part of the sequential test. Accordingly it is considered that there are no sequentially preferable sites within the Town Centre or edge of centre that meet the nationally set criteria of availability, suitability and viability.
- 6.25 As explained previously, paragraph 85 of the NPPF states if sufficient town centre and edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre without adverse harm to the vitality and viability of the retail hierarchy arising.
- 6.26 In respect of identifying 'need' under paragraph 85, the applicant's assessment concludes that the proposed Lidl store would, in part at least, be at the expense of the turnover of existing supermarkets or those planned in the area, should these proceed. Lidl's submitted forecast capacity for convenience expenditure growth in the area bears this out, but from Lidl's assessment the minimum impact of the forecast £3.98m convenience good turnover of the Lidl supermarket would be on the out of centre Tesco at Broadbridge Heath (£1.6m). Even so, the impact on the viability of this store would be marginal -2.2 % reduction in turnover at the site being the largest. Lidl conclude that this would not be sufficient to jeopardise the viability of the Tesco store, which is in any event an out-of-centre store.
- 6.27 The impacts on existing town centre stores are of most relevance in policy terms. However the impacts of the proposed Lidl store, alone, on turnover on the Waitrose and Sainsbury's

and M&S stores in the Horsham town centre, are also shown to be not significant; -1.9% (£1.4m) from Sainsbury's; -1.6% (£0.3m) from Waitrose; -2.4% (£0.1m) from the M&S store in the Swan Walk Centre.

- 6.28 Lidl assess that these losses would be on top of diversions of trade caused by the committed strategic development scheme on land to the north of Horsham. In this scheme, a total of 6,400 sqm of retail floorspace was approved; anticipated to be broken into two food stores of 3,400 sqm net large and 1,500sqm net smaller, as well as smaller local retail units.
- 6.29 Cumulatively, Lidl assesses that the combination of the North Horsham permission and this proposed new store will have a significant impact of 13.7% (£15m) on Horsham Town Centre (including a -7.6% (£1.6m) impact on the Waitrose store and a -17.4% (£13m) impact on the town centre Sainsbury's store. These are significant impacts however Lidl assesses that the greater proportion of impact has already been accepted in granting the North Horsham planning permission, as has the resultant potential cumulative impact on the land use pattern and function of Horsham town centre.
- 6.30 Lidl have identified a need for a discount foodstore to serve the central/southern area of Horsham, and have advised in their supporting documents that they are in discussions with developers about opening a store in the North Horsham development. The North Horsham store allocation is not a designated centre under local plan policy 13; the stores are, primarily, to serve the residents of the new community, as well as existing employment areas and housing areas in the north of Horsham. The North Horsham site is not considered suitable to meet the need in the central/southern part of Horsham, and the timescales for deliverability of a food store is uncertain. It is not considered the development of a Lidl store on the current application site would prejudice the delivery of another foodstore (deep discount or not) in North Horsham.
- 6.31 Lidl partly explain the very limited impacts of their proposed store as due to it filling a currently unmet gap in the local market – that of a deep discount store, selling a limited range of own brand goods, as the nearest deep discounters are some distance away at Crawley (Lidl and Aldi) and Worthing (Lidl). It is not a “one stop shop” where all or most convenience shopping needs can be met. Because the comparison goods sales are a subsidiary element and their composition always changing they, likewise, report that impacts on local comparison goods stores are very modest. To this extent the store is complementary rather than competitive with the existing town centres and out of centre stores.
- 6.32 When judging the significant (10% plus) impacts on Horsham Town centre and Sainsbury's store, it is important to consider the findings of Council's own recent Retail Study (March 2017). This study assessed the current performance of Horsham town centre and out-of-centre retail floorspace in the wider urban area. Horsham was judged to be a strong centre, performing well with a strong turnover and improve market share. The study analysis identified that the foodstores and town centre non-food floorspace were all overtrading. Crucially, in its conclusion, the study identified a capacity for new convenience and comparison goods floorspace in Horsham town centre and wider urban area over the HDPF plan period to 2031, due to population and expenditure growth.
- 6.33 From the evidence from the study, this translates to an identified need for 7,033 sq m net of convenience goods floorspace by 2021 rising to 8,022 sq m net by 2031; and 4,074 sq m net of comparison goods floorspace by 2021 rising 18,378 sq m net by 2031. Whilst the majority of this identified retail 'need' has been directed toward the North Horsham Strategic Allocation, there remains a residual 'need' that is outstanding.
- 6.34 The Study recommended that the location of any new retail development should be subject to the sequential test and guided by the overall 'Town Centres First' Strategy. The development proposal put forward by Lidl has demonstrated that the sequential approach

has been applied, and been the subject of, and has satisfied, the sequential test, which is the mechanism used to test compliance with national 'town centre first' policy.

- 6.35 So, in giving the appropriate weighted balance to all considerations, including the careful assessment undertaken by Lidl setting out the proportion of impact that would be derived from the proposed Lidl store, and in light of the Council's own evidence that identifies capacity to support further comparison and convenience goods floorspace in Horsham town centre and wider urban area, officers consider, on balance, that it would be difficult to sustain an argument that the Town Centre or these other stores would be seriously prejudiced by the Lidl scheme.
- 6.36 The economic value of the proposal is also a material consideration that weights in favour of development with Lidl reporting that 40 people will be employed at the store.

Conclusion on Principle

- 6.37 The new store would be located within the Built up Area Boundary of Horsham Town to accord with Policies 3 and 5, and would not result in harm to the viability of the adjacent Foundry Lane Key Employment Area.
- 6.38 Whilst the new store is an out of centre location, the Council's Retail Leisure Study 2017 has identified capacity for new convenience and comparison goods floorspace. The applicant has submitted a retail assessment which bears this out, and the findings of which satisfy the sequential test requirements set out in paragraphs 86-90 of the NPPF and policies 9 and 13 of the HDPF. The introduction of a new convenience retail unit in this part of the town is considered to meet an identified need and would not detrimentally impact on the vitality or viability of the Horsham Town Centre as a result or equivalent retail offers in the area. In light of this, the proposal of development of the site for retail use is acceptable in terms of national and local plan policy, and can be supported in principle subject to all other material considerations as discussed below.

Quality of Design and Impact on Townscape Character

- 6.39 Whilst the existing commercial units fit into the industrial/commercial character of the area north of Kings Road, the demolition of these rather functional, standard warehousing units would not harm the character of the area in townscape terms, instead providing an opportunity for new and better quality buildings to enhance the appearance of the site and wider area.
- 6.40 The proposed building seeks to replicate the functional appearance of the existing structure, comprising an expansive, relatively low rise retail shed with still larger surface car park and some modest boundary and integral soft landscaping. The format is understandably driven by operational requirements or the prospective occupiers and customer convenience. However paragraph 127 of the NPPF and Policy 32 of the HDPF set the policy standard that all development should add to the overall quality of the area; is visually attractive as a result of good architecture, layout and landscaping; and is sympathetic to the surrounding built environment to maintain a strong sense of place to create attractive, welcoming and distinctive places to live, work and visit.
- 6.41 Overall, the proposed development broadly follows the latest Lidl 'house' style in its massing, form and architectural treatment. As such, it is not that different in form from the rather utilitarian industrial and commercial buildings that typify Foundry Lane and, to this extent, will not look substantially out of place whilst this remains the prevailing character of the immediate area north of the Kings Road. The main access would be from the rear western corner, with the entire western façade glazed. The two storey element would be set to the eastern side of the site, clad in grey panelling reflective of the previous building's

appearance. Of particular concern is the treatment of the 58m long southeast elevation fronting Kings Road which on initial submission comprised a long wall with no windows or active frontage.

- 6.42 Following discussions with Officers, the applicant has made some modest concessions to improve the building's design. These include additional soft landscaping and some articulation on the Kings Road street frontage with the introduction of decorative brick panelling. The new glazed shop front will now partially wrap around onto the Kings Road frontage to provide an element of active frontage to this otherwise solid elevation. In addition two new high level windows have been added to the Kings Road elevation, however these are of little benefit in providing for an improved active frontage given their high level restricting any views into the building from this main road.
- 6.43 Whilst the amendments have served to improve the appearance of the building, nevertheless it is considered that the proposal fails to take the opportunity to appreciably raise the standard of design and townscape of the site or immediate area. This is particularly evident on the 58 metre length of blank elevation facing Kings Road which, although now better articulated with brick and render detailing, nevertheless presents an extended building frontage with no openings or sense of activity. Given the site sits on a busy roundabout at the junction of two main arterial routes into central Horsham from residential areas to the north east, this elevation would be highly visible in approaches from the southwest, northeast and from Harwood Road to the east. Consequently it is disappointing that the maximising of internal layouts and sales areas has necessitated a design that provides no sense of activity within the building or sense of natural surveillance of an extended section of footway.
- 6.44 Following negotiations, additional soft and hard landscaping has been secured to the prominent south corner of the site in the form a planted bed, as well as to the northern tip alongside the new electricity substation. Additionally 4 no, plantings are now proposed on the Kings Road elevation. New hard landscaping paving is proposed around the perimeter of the store. Final details of all landscaping are to be secured by condition.
- 6.45 In respect of the protected trees that sit close to the northern boundary with Westlands, the Council's tree officer is satisfied that the impact of the development on the protected trees would be acceptable, with no material harm to their health and longevity likely to arise.
- 6.46 It is not considered that the proposal would impact on or otherwise harm the setting of the Grade II listed Horsham railway station, give the separation distance, elevated bridge, and curvature of North Street set between, in compliance with the requirements of Policy 34 and Chapter 16 of the NPPF.
- 6.47 Overall the proposed development does not serve to improve the townscape character of the area beyond replacing a disused retail shed with a new structure. Whilst the absence of any active frontage to the extended Kings Road elevation is disappointing, and fails to take the opportunity to improve the quality of the area as required by local and national policy, ultimately this is of neutral impact when compared to the impact of the existing building and car park on the townscape of the area. The new store building would be of scale and layout that would be comparable to other commercial buildings in Foundry Lane, and its design generally represents a small improvement upon these. It is not therefore considered that the proposed building, despite its weaknesses as described, would result in material harm to townscape character and visual amenity of the surrounding area such that the refusal of permission should be recommended.

Impact of the Amenity of Existing and Prospective Occupiers

- 6.48 The site is established in a longstanding industrial/commercial area flanked by business uses to the west and north, and by residential flats to the northeast and southwest. The intensity

of the proposed use and its associated operational hours would principally impact adjacent neighbours, both business and residential.

- 6.49 The most sensitive relationship would be between the new store building and those neighbouring occupiers of Westlands and Grove House that abut the site to the northeast. The impacts would principally result from comings and goings associated with customer trade and deliveries, with the delivery bay proposed close to the northeast site boundary with Westlands and Grove House. It is noted that the existing building has no dedicated delivery/loading area, however give the nature of comparison goods stores, it is unlikely that significant daily deliveries were undertaken. The orientation of Westlands avoids the presence of principal windows facing due south towards the delivery bay and car park, however Grove House is more sensitive as the building's orientations means its private rear habitable rooms face over the rear of the site. The close proximity of the delivery bay to the domestic dwellings in Westlands, particularly those at first floor level, has been recognised by the Acoustic Consultant instructed by the applicant, and two sets of acoustic fencing has been proposed to mitigate noise spillage from the delivery bay and car park. One of these fences forms a 2m northeast boundary to the site, whilst the other immediately flanks the delivery bay to a height of 3m.
- 6.50 The Council's Environmental Health considers the screening shown for a 2 metre high acoustic fence for the whole of the North East Boundary reasonable to accommodate parking noise. The 3 metre high fence adjacent to the delivery bay on the amended plan should, however, be extended for the full length shown on the plan, as currently it stops short. The screen should be absorbent rather than reflective, this will complement the 'enclosed loading bay dock' as described in the Noise Impact Assessment. Final details of the fencing arrangement to address these matters can be secured by condition.
- 6.51 Notwithstanding the acoustic screening, the Council's Environmental Health has concerns regarding the noise impact of lorry movements and ancillary activities upon the adjacent dwellings, particularly those parts above ground floor level. In light of these concerns there remains a very real need to control delivery and associated activities and restrict the trading and delivery hours to minimise potential late night and early morning noise disturbance, in reflection of the sensitivity of these receptors in order to safeguard their amenities. It is equally necessary to ensure noise and disturbance generated by the plant and machinery proposed behind screens on the roof of the building do not exceed acceptable tolerances. Conditions are recommended accordingly, in particular to restrict store trading hours to 8am – 10pm Monday to Saturday and 10am – 6pm Sundays, and delivery hours to 7am – 10pm Mondays to Fridays, 8am to 8pm Saturdays and each Bank/Public holiday, and 10am to 4pm Sundays.
- 6.52 A Service Delivery Management Plan is also considered necessary to ensure that manoeuvring by large vehicles to reverse to either enter or exit the serve bay does not have a detrimental impact on the amenities of neighbours, through good practice such as restricting the use of vehicle reversing road ban alarms. This is recommended by condition.
- 6.53 A Construction Environmental Management Plan (CEMP) is also recommended by condition to help reduce noise, dust, and disturbance impacts during the construction phase. This would include limiting the hours of construction and deliveries, and control of the parking of contractors vehicles and storage of materials. The controls and measures of this CEMP would be sufficient to safeguard the amenities of existing residents.
- 6.54 A comprehensive lighting plan for the site has been provided which clarifies that the intensity of illuminance is limited to the confines of the site, thereby avoiding harm to neighbouring amenities.
- 6.55 Overall, and subject to the recommended conditions being applied, particularly those limiting trading and delivery times, the proposed development would have an acceptable impact on

the amenities of adjacent residents and businesses in accordance with Policies 32 & 33 of the HDPF.

Access, Parking and Highway Safety

- 6.56 In general terms, the site is sustainably located, being located within reasonable walking distance of the town centre, residential estates and bus, rail and cycle routes.
- 6.57 At the request of the Local Highway Authority, a Stage 1 Road Safety Audit has been undertaken for the new vehicular access point off Foundry Lane, and amended plans have overcome the issues identified. The development proposals will provide a new simple priority junction arrangement located approximately halfway along the Foundry Lane site frontage for use by customers, staff and delivery vehicles. Satisfactory visibility splays of 2.4m x 43m at the point of access shown in both directions are achievable, commensurate with Manual for Streets requirements for a 30 mph speed limit carriageway of Foundry Lane. The boundary treatments would not exceed a vertical height of 0.6m. The Highway Authority have raised no objection to this arrangement subject to the final details and the completion of the recommendations set out in Road Safety Audit out on the site, to be secured by condition.
- 6.58 Existing parking restrictions along Foundry Lane will continue to be applied. As requested by the Local Highway Authority, improved pedestrian crossing facilities on Foundry Lane will come forward to facilitate the development. An uncontrolled pedestrian crossing, comprising dropped kerbs and tactile paving will be provided over Foundry Lane near the envisaged desire line for pedestrians access the site from the south. This is considered a betterment to the existing situation with no current provision in terms of dropped kerbs/tactile paving and high levels of HGV movements means it offers a poor environment for pedestrians.
- 6.59 Pedestrian access will be further provided directly from the footways bounding the site, with a boundary brick wall to be removed to provide improved access to the site from predicted pedestrian desire lines and negating the requirement for pedestrians accessing the site to pass through the store car park. Adequate access for those with mobility difficulties is provided in terms of level access to and within the building and provision of parking spaces for the mobility impaired and parent child spaces, close to the building.
- 6.60 The proposed servicing of the site is also considered satisfactory, subject to receipt of a Service Delivery Management Plan to be secured by condition. The plan will be expected to include details to ensure that manoeuvring by large vehicles does not have a detrimental impact on the safety of other car park users, and consider restricting delivery hours outside of peak hours to minimise the chance of conflict with departing HGVs and drivers using Foundry Lane.
- 6.61 The cycle provision put forward would satisfy the number of cycle parking spaces outlined by West Sussex County Council Guidance (which states, for A1 uses, 1 space per 100sqm should be provided for staff and 1 space per 100sqm should be provided for customers, totalling storage for 20 bikes). Realistically, the uptake of public transport and cycling will be limited by the need to carry shopping or cycle to a large shop. As currently proposed 10 secure and covered cycle parking (5 stands) for customers will be provided at the south west end of the store. To address the local highway authority request for 20 bike provision, it is now proposed to provide 10 additional spaces for staff cycles within the store building – these will be in two tier wall mounted racks within the warehouse area. A Travel Plan designed to further minimise reliance on the motor car is also recommended by the local highway authority by condition.
- 6.62 Overall, the scheme would provide for 51 car parking spaces. Given the sustainable location of the development, this is considered an appropriate level of parking across the site to avoid overspill parking in the local road network. A construction management plan will be necessary to minimise disruption to traffic flow and safety and is secured by condition.

- 6.63 In terms of traffic flows, whilst traffic on the Horsham Gate junction is generally free flowing, it is often congested at peak times and the development will add to pressure on the bottleneck of the railway bridge.
- 6.64 The critical periods in terms of traffic impact on the adjacent highway network are the weekday PM peak when traffic flows are at their greatest and Saturday late morning/midday when traffic attraction to the site is greatest. Traffic surveys indicated that during the weekday afternoon peak hour traffic occurred around 5pm – 6pm whilst the Saturday peak hour occurred around 11am – noon.
- 6.65 When considering trip generation, it is important to consider trip generation associated with any existing or consented/permitted use where the vacancy is relatively recent. The existing use of the site has the potential to generate approx. 73 vehicular trips during weekday evening peak and 107 trips during Saturday peak. By comparison, the proposed store is expected to generate approximately 119 vehicular trips during the weekday PM peak and 165 trips during the Saturday peak. 78 – 80% of the trips are indicated to be undertaken as vehicle occupant (driver or passenger).
- 6.66 It is important to acknowledge that some of the trips to the food store would already be on the local highway network either diverted from slightly afar, transferred from nearby roads or passing by on adjacent roads, with the new food store simply providing an alternative destination.
- 6.67 There is queuing on most arms of the Horsham Gates junction during the peak hours, typically on Kings Road, Harwood Road and North Street northbound. The data indicates only ten new vehicles would pass through this junction in each peak hour from the development. The applicant's transport consultant considers the effect on these additional vehicles to be negligible on the operation of the Horsham Gates gyratory. The Local Highway Authority does not dispute this, and raises no objection to the proposed development. It considers there to be adequate spare capacity in the local road network exists to accommodate the associated additional vehicle movements, so avoiding severe residual cumulative impacts on the road network.
- 6.68 One HGV is expected to the maximum number of delivery vehicles on site at any one time. The largest expected delivery/service vehicle expected would be a 16.5 metre articulated vehicle. Swept path analysis for an articulated delivery vehicle safety access the site, delivering to the loading bay and leaving the site in a forward gear is provided.
- 6.69 The submitted transport assessment indicates 30 collisions (Jan 2013 to Dec 2017) were reported for the highways bounding the application site and nearby connecting junctions/carrageways (21 slight, 9 serious and none fatal). However the Local Highway Authority has considered this data, and raised no objection to the proposal on the grounds of highway safety.
- 6.70 The Travel Assessment predicts that 50 pedestrian movements would be generated during the weekday evening peak and 44 movements during the Saturday peak. The majority of pedestrians would access the proposed foodstore would do so from the south in the vicinity of the Horsham Gates junction and hence are likely to need to cross Foundry Lane to access the store at the point where the new crossing is proposed. The presence of the crossing will provide for a safe crossing point for pedestrians
- 6.71 In summary, the proposal meets the relevant test of the Local Plan and national policy, being capable of enjoying adequate access across all modes. As amended, the site arrangements would avoid unacceptable impact on highway safety, subject to the requirements stipulated by the Local Highway Authority being secured by condition, in accordance with Policies 40 and 41 of the HDPF.

Drainage

- 6.72 Measures to minimise surface water run-off have been included within a drainage strategy. The Council's Drainage Engineer has confirmed the proposed drainage strategy is acceptable and appropriate and that the final details could be controlled through condition.

Conclusion

- 6.73 The replacement of the existing comparison goods retail unit with a discount convenience retail unit would not prejudice the vitality or viability of the adjacent Foundry Lane Industrial Estate and would support Horsham town as the focal point for development within the district. The proposal will generate some employment which is of real benefit and the land is brownfield and sustainably located.
- 6.74 The site is 'out of centre' in retail terms however sufficient supporting evidence has been submitted to demonstrate that no sequentially preferable town centre or edge of centre sites are available, and no significant harm to the town centre retail offer would result. Conditions to limit the scope of the store are proposed to provide additional safeguards. There is no evident quantitative need for another supermarket in the Horsham area but a deep discounter as proposed would in many ways complement the existing and proposed local retail offer.
- 6.75 The site is well served by road and access/parking arrangements are satisfactory. Provisions earmarked in the Safety Audit, together with the Travel Plan, are critical to ensuring access by public transport, cycle and foot is adequate and key junctions are not overloaded.
- 6.76 The proposal does exhibit shortcomings in the merit of the building design, in particular on the absence of an active frontage to Kings Road. However, overall, the design of the development is comparable to the other buildings in Foundry Lane and therefore the impact of the proposal on the character of the built environment would be broadly neutral. Any harm to adjacent neighbours is considered to be limited by virtue of the orientation and layout of the proposed store on the site and the operational restrictions enforceable by planning condition. Impacts can be suitably protected through the suggested conditions to control hours of construction operation and to secure final design and landscape details.
- 6.77 It is considered no material harm would arise onto other material planning considerations, including; neighbouring amenity, parking and highway safety, drainage, and the setting of the Grade II listed railway station. Subject to the recommended conditions and other safeguards, the proposal is acceptable, taking account of the Development Plan and all other material considerations as describe above.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017.

It is considered that this development constitutes CIL liable development. At the time of drafting this report the proposal involves the following:

Use Description	Proposed	Existing	Net Gain
Large Format Retail	1616	2080	0
		Total Gain	
		Total Demolition	2080

Please note that exemptions and/or reliefs may be applied for up until the commencement of a chargeable development.

In the event that planning permission is granted, a CIL Liability Notice will be issued thereafter. CIL payments are payable on commencement of development.

7. RECOMMENDATIONS

That planning permission be approved, subject to the following conditions:

Conditions:

1. **Regulatory Condition:** Approved Plans List
2. **Regulatory (Time) Condition:** The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

3. **Pre-Commencement Condition:** No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period and relevant phase. The CEMP shall provide for, but not be limited to:
 - i. Description of the construction programme, definitions and abbreviations and project description and location;
 - ii. Details of how residents will be advised of site management contact details and responsibilities
 - iii. Detailed site logistics arrangements, including location of site compounds, location for the loading and unloading of plant and materials, site offices (including height and scale), and storage of plant and materials
 - iv. Details regarding anticipated number, frequency and types of vehicles used during construction, parking or site operatives and visitors, deliveries, and storage;
 - v. Method of access and routing of vehicles to and from the construction site
 - vi. Details of any floodlighting, including location, height, type and direction of light sources, hours of operation and intensity of illumination
 - vii. Locations and details for the provision of wheel washing facilities, street cleaning apparatus and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with and in the interests of highway safety in accordance with Policies 24 and 33, 40 of the Horsham District Planning Framework (2015).

4. **Pre-Commencement Condition:** No development shall take place until a drainage strategy detailing the proposed means of foul and surface water disposal by way of a Sustainable Drainage System (SuD) methodology that would also restrict surface water draining onto the public highway has been submitted to and approved in writing by the Local Planning Authority. The SuD drainage strategy so approved shall be completed prior to the occupation of the dwelling houses hereby permitted.

Reason: As this matter is fundamental to ensure that the development is properly drained and in the interests of road safety to comply with Policies 38 and 40 of the Horsham District Planning Framework (2015).

5. **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external finishes of the building (including the various cladding types and coping, walls, roofs, and glazing) has been approved by the Local Planning Authority in writing, and all materials and finishes used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

6. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the Travel Plan June 2018 Final 04 Prepared by Mayer Brown Limited shall be implemented as specified within the approved document. Thereafter the development hereby approved shall not operate other than in full compliance with the approved document.

Reason: To encourage and promote sustainable transport and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

7. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, visibility splays for the access serving the development shall be provided in accordance with details (including details of any planting to be removed) which have been submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in accordance with Policy 40 of the Horsham District Planning Framework (2015).

8. **Pre-Occupation Condition:** Prior to the first occupation of any part of the development hereby permitted, full details of all hard and soft landscaping works shall have been submitted to and approved, in writing, by the Local Planning Authority. The details shall include plans and measures addressing the following:

- Details of all retained and proposed planting and seeding, including schedules specifying species, planting size, densities and plant numbers
- Tree pit and staking/underground guying details
- A written hard and soft landscape specification (National Building Specification compliant), including ground preparation, cultivation and other operations associated with plant establishment
- Hard surfacing materials – layout, colour, size, texture, coursing, levels
- Walls, and other supporting structures – location, type, heights and materials
- Minor artefacts and structures – including, location and type of electricity substation, street furniture, planters, bollards, refuse and other storage units, lighting columns and lanterns

The approved landscaping scheme shall be fully implemented in accordance with the approved details within the first planting season following the first occupation of any part of the development. Any plants, which within a period of 5 years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory development that is sympathetic to the landscape and townscape character and built form of the surroundings, and in the interests of visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015).

9. **Pre-Occupation Condition:** Prior to the first occupation (or use) of any part of the development hereby permitted, the car park layout, covered staff and customer cycle parking, site access facilities, and uncontrolled pedestrian crossing facilities on Foundry Lane shall be constructed, surfaced and laid out with respective allocations demarked out, in accordance with the approved plans and Road Safety Audit and shall be thereafter retained as such.

Reason: In the interests of highway safety to ensure adequate parking, turning and access facilities are available to serve the development in accordance with Policy 40 of the Horsham District Planning Framework (2015).

10. **Pre-Occupation Condition:** The use hereby permitted shall not commence until a Noise Management Plan has been submitted and approved in writing by the Local Planning Authority. The Plan shall include but not be limited to, hours of operation, management responsibilities during all operating hours, measures to control noise from all activities and operations at the site (including the operation of any equipment, plant or building services) and minimising noise from vehicles, deliveries, collections and servicing (including details of the types of vehicles, how deliveries and collections will take place and the frequency of deliveries). The Noise Management Plan shall be implemented and complied with thereafter for the duration of the use/development.

Reason: In order to ensure that the safe operation of the development and to protection of the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

11. **Pre-Occupation Condition:** Within 1 month of the date of first operation of all plant and equipment a post installation noise assessment shall be submitted and approved in writing by the Local Planning Authority to confirm (or otherwise) that the noise rating level has met the relevant day and night time British Standards set out within the Acoustic Consultants Ltd Noise Impact Assessment ref. 7167/BL Revision B dated June 2018). Any additional attenuation measures required to mitigate any increase in noise rating levels shall be implemented within 1 month of approval of the post installation noise assessment.

Thereafter, all approved plant and equipment and associated attenuation measures shall be retained and maintained in accordance with the agreed operating specifications.

Reason: In order to protect the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

12. **Pre-Occupation Condition:** Notwithstanding the submitted drawings, no deliveries shall take place unless and until the following has been installed on the site in accordance with full details, including technical specifications, submitted to and approved in writing by the Local Planning Authority:

- 2 metre close boarded acoustic timber fence (min density of 10 kg/mf) to extend the full length of north boundary
- 3 metre high acoustic barrier of absorbent type adjacent to the delivery bay to extend the full length of retaining wall, have been installed on the site.

The acoustic fence/barriers so approved shall be retained and maintained in situ thereafter.

Reason: In order to protect the amenities of nearby residents, in accordance with Policies 33 and 40 of the Horsham District Planning Framework (2015).

13. **Regulatory Condition:** All works shall be executed in full accordance with the approved Arboricultural Impact Assessment/Method Statement titled Tree Survey and Arboricultural Impact Assessment dated 1st May 2018 Ref: JSL3052 by RPS

Reason: To ensure the successful and satisfactory retention of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework

14. **Regulatory Condition:** The premises hereby permitted shall not be open for trade or business except between the hours of:

08:00 and 22:00 of the same day, each day Monday to Saturday; and
10:00 and 18:00 of the same day, each Sunday

Reason: In the interests of amenity of adjacent occupiers and to ensure the use of the site does not have a harmful environmental effect and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

15. **Regulatory Condition:** No deliveries or collections including waste and recycling shall take place except between the hours of:

07.00 and 22.00 of the same day, each day Monday to Friday,
08.00 and 20.00 of the same day Saturday, and each Bank/Public holiday
10.00 to 16.00 of the same day, each Sunday

Reason: In the interests of amenity of adjacent occupiers and to ensure the use of the site does not have a harmful environmental effect and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

16. **Regulatory Condition:** No buildings on the site shall be occupied until the associated facilities for storing refuse and waste, including for waste that can be recycled, have been provided in accordance with the approved plans.

Reason: In the interests of amenity of adjacent occupiers and to ensure the use of the site does not have a harmful environmental effect and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

17. **Regulatory Condition:** No work for the implementation of the development hereby permitted shall be undertaken on the site other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays. There shall be no work on Sundays or Public Holidays.

Reason: In the interests of amenity of adjacent occupiers and to ensure the use of the site does not have a harmful environmental effect and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

18. **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any

pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

19. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the retail unit hereby permitted shall not be sub-divided and no mezzanine floor shall be inserted except by express planning permission granted by the Local Planning Authority.

Reason: To limit the retail diversion impact of the proposal on the viability and vitality of the Horsham Town centre in accordance Policy 13 of the Horsham District Planning Framework (2015)

20. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), the premises hereby permitted shall be used for Use Class A1 only and for no other purposes without express planning consent from the Local Planning Authority first being obtained.

Reason: Changes of use as permitted by the Town and Country Planning (General Permitted Development) Order or Use Classes Order 1987 are not considered appropriate in this case due to highway safety and safeguarding residential amenities under Policy 33 of the Horsham District Planning Framework (2015).

21. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), no externally located plant or equipment other than that shown in the approved plans shall be installed or operated without the prior written approval of the Local Planning Authority by way of formal application.

Reason: To safeguard the amenities of the adjacent properties affected and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

22. **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending or revoking and/or re-enacting that Order), no external lighting other than that shown in the approved plans shall be installed without the prior approval of the Local Planning Authority. All lighting shall be turned off outside of approved trading hours.

Reason: To safeguard the amenities of the adjacent properties affected and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

23. **Regulatory Condition:** No adhesives, sales or display cabinets and/or advertisements shall be applied, fixed or placed against the glazing of the store building hereby approved.

Reason: In the interests of securing an active frontage along the Kings Road and visual amenity in accordance with Policy 33 of the Horsham District Planning Framework (2015)

24. **Regulatory Condition:** No more than 20% of the net sales area of the retail store building hereby permitted shall be used for sale of comparison goods.

Reason: For avoidance of doubt and to limit the retail diversion impact of the proposal on the viability and vitality of the Horsham Town centre in accordance Policies 12 and 13 of the Horsham District Planning Framework (2015)

Background Papers: DC/18/1239