



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 1st November 2022

DEVELOPMENT: Development of site to provide a new retail food store (Class E) and associated car parking, access and landscaping

SITE: Tanbridge Retail Park Albion Way Horsham West Sussex

WARD: Denne

APPLICATION: DC/21/1413

APPLICANT: **Name:** Aldi Stores Ltd **Address:** Planning Potential Magdalen House 148 Tooley Street London SE1 2TU United Kingdom

REASON FOR INCLUSION ON THE AGENDA: More than eight persons in different households have made written representations within the consultation period raising material planning considerations that are inconsistent with the recommendation of the Head of Development and Building Control.

RECOMMENDATION: To refuse planning permission.

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 This application seeks full planning permission for the demolition of the existing building, which currently comprises two conjoined retail units, and its replacement with a single unit contained in a modern foodstore building. The new building would be located south of the existing building on site, closer to the roundabout junction of Worthing Road and Albion Way.
- 1.2 The application proposes a discount food retailer (Aldi) providing a retail unit of predominately convenience goods (i.e. food and drink) with limited comparison goods (the 'middle isle'). The existing floorspace on site totals 2,028 square metres (gross), with a retail sales area of 1,521 sq. m. The proposed Aldi Store would have a gross floor space of 1,812 square metres, of which 1,315 sq. m is net sales and the remaining 497 sqm warehouse/amenity space. Fifty retail job opportunities are forecast.
- 1.3 The proposed retail store building is some 59 metres long and 40 metres wide (at the longest and widest points). It is designed with tailored elements alongside the corporate 'Aldi' style, with a series of 'anchor' design features to the corners. The 'anchor' at the store entrance is glazed. The other 'anchors' are finished in timber panelling and correspond in size so that

the anchor at the roundabout junction (Albion Way and Worthing Road) is the largest to act as a focal point. This is the high point of the building at approx. 8 metres, with the lowest height at 6 metres, from finished floor level. The building exhibits a stratified material palette, with dark Oak timber panelling, dark grey cladding with stock red brick, silver metallic cladding, aluminium fascia and anthracite framed glazing. The customer entrance will have a canopy.

- 1.4 As applied for, goods delivery hours are Monday to Saturday 6am – 10pm and Sunday 7am to 7pm, supported by a submitted Environmental Noise Report. Deliveries will be controlled by a Delivery Management Plan. The store will be serviced by four deliveries a day. The proposed store trading hours are Monday to Saturday 8am – 8pm and Sunday 10am – 6pm (Sunday trading will control trading to a six hour period).
- 1.5 The proposed development will utilise the existing site access priority junction leading from the existing 4-arm roundabout with the B2237 Albion Way. This would separate motor vehicles from pedestrians. The area of deliveries and HGVs manoeuvring will be at the northwest edge of the car park, away from pedestrian circulation and disabled spaces for customer safety. A vehicle tracking exercise has been carried out which confirms a delivery vehicle can access and exit the delivery area.
- 1.6 The site will be regraded with a ramp at falls of 1:16 for vehicle access into the carpark and pedestrian footpaths at 1:20 gradient. Low level kerbs and tactile paving is proposed at the crossing point by the new entrance, which links into the existing 2m wide footway on Albion Way.
- 1.7 The proposal includes 96 car parking spaces, including 5 disabled spaces, 9 parent and child, 4 for staff, and 12 electric vehicle charging spaces (4 active/8 passive). 95 of the spaces are 2.5m x 4.8m. The car park will be lit by lighting columns. The applicant is proposing the provision of 30 cycle spaces (10 covered staff spaces at the rear of building and 20 spaces for customers; 8 of which are under cover of the store canopy and 12 as potential covered shelter. These spaces include provision for non-standard cycles.
- 1.8 17 trees (identified as moderate to low category by the applicant's consultant arboriculturist) as well as sections of hedging will be removed along the eastern and southern site boundaries to make way for the proposed building, and what remains would be subject to pruning. The tree line on the western boundary is to be pruned back with crown reductions to avoid encroachment onto the proposed building, with 2 further trees removed to make way for the building. A tree root protection zone is proposed for the treed western boundary, details of which are provided in an accompanying Arboricultural Assessment and Method Statement. A further 4 trees across the remainder of the site will be removed. New landscaped planting is also proposed.
- 1.9 The proposed Horsham Aldi is targeted to achieve a BREEAM 'Very Good' rating as a minimum (with 100% of the Water Credits targeted). The business will operate a Site Waste Management Plan.
- 1.10 An outline surface water drainage strategy has been prepared that comprises permeable paving and filter drains to an on-site attenuation in a buried storage tank located under the car parking areas. This is to discharge into the adjacent River Arun via at a controlled flow rate, via a new headwall. The proposal also includes a petrol/oil interception in the surface water drainage scheme to minimise contamination. The rate of run-off will be reduced when compared to the existing situation.
- 1.11 The application is supported by a suite of technical documents including a Transport Assessment, Planning Statement, Energy Statement, Tree and Arboricultural Assessment, Noise Impact Assessment, and Drainage Strategy.

- 1.12 Negotiations between Officers and the applicant have secured changes to the original proposal, including; amendments to the store building design, retention of perimeter trees to the site, additional cycle storage, and improvements to ease of foot and cycle circulation across the site and entry and exit. These are detailed out in later sections of this report.

DESCRIPTION OF THE SITE

- 1.13 The application site (0.62 hectares), known as Tanbridge Retail Park, is located within the defined town centre boundary of Horsham, and outside but adjacent to the Primary Shopping Area. It is accessed from the north-east, via a roundabout from Albion Way (B2237). It comprises two conjoined retail units of circa 1,062 square metres (Unit 1) and 966 square metres (Unit 2), as well as a service yard and hard surfaced level parking (103 spaces) to the south and east of the retail units. Unit 1 is on short term occupation by a charity and Unit 2 is vacant. Both units are single storey in height. There is soft landscaping on the site. The River Arun runs adjacent to the site along the western boundary.
- 1.14 Existing site levels vary, with the site falling north to south (by 2.6 metres) and east to west (by 0.4 metres). There is an existing retaining wall which runs along Albion Way with the road level at this point higher than existing site levels by some 1.75 metres. The site sits broadly level with Worthing Road.
- 1.15 The character of the immediate area is mixed. There is retail presence, including Waitrose and John Lewis (to the north, permitted in 2015) and J Sainsbury's to the east (permitted in 1991) with petrol filling station. The western site boundary runs directly parallel to the River Arun. Beyond the river, to the west, the character is residential, with private dwellinghouses. To the south is Prewetts Mill, a residential scheme of apartments and town houses.
- 1.16 There are bus stops along Worthing Road within easy walking distance of the site. The nearest bus stop is a 2 minute walk from the site, opposite a Dunelm store. Horsham train station is some 18 minute walk from the site. There are two existing traffic light crossing points, one to the south of the site on Worthing Road and the other east along Albion Way.
- 1.17 A footpath (not dedicated) connects the western residential area to the site, via a footbridge over the River Arun. This is part of The Riverside Walk, a 13 mile long circular footpath surrounding Horsham Town. It is well-used as a link to key facilities around the town. It is also an important recreational path and wildlife corridor.
- 1.18 The western edge of site boundary falls within Flood Zone 3 due to the proximity of the River Arun. The tree line on the western side boundary forms part of the embankment to the River Arun. The nearest designated Heritage Asset is Grade II Friends Cottage, Worthing Road, some 88 metres northeast of site. The site is adjacent to the Horsham Town Medieval Core Archaeological Notification Area. The site falls within a Heat Priority Area (HDPF Policy 36) and 3km Wellcross Farm landing strip buffer. A low pressure gas pipeline routes across the site.

2. INTRODUCTION

STATUTORY BACKGROUND

- 2.1 The Town and Country Planning Act 1990.
Section 66 (1) and 72 (1) of the 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
Policy 42 - Strategic Policy: Inclusive Communities

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (September 2017)
Community Infrastructure Levy (CIL) Charging Schedule (HDC, 2017)

Horsham Town Plan SPD (HDC, 2012)
Horsham Town Design Statement SPD (HDC, 2008)

Other Guidance:

Horsham Town Centre Vision (GVA/HDC, 2017)

Horsham District Council Local Cycling and Walking Infrastructure Plan (HDC Dec 2020)

Northern West Sussex Economic Growth Assessment, Lichfields (Update Jan 2020)
Horsham District Economic Strategy 2017-2027 (HDC, 2017)
Horsham District Council Retail & Leisure Study (HDC, 2017)
Horsham District Council Retail Needs Study, GVA Grimley (June 2010)

Facilitating Appropriate Development (FAD) Planning Guidance Document (HDC, 2020)
Biodiversity and Green Infrastructure Planning Advice Note (PAN) Planning Guidance Document (HDC, 2020)

Good By Design (Horsham Society, 2018)

RELEVANT NEIGHBOURHOOD PLAN

Horsham Blueprint Business Neighbourhood Forum is a designated body of the Unparished Area of Horsham Town. The Forum comprises of representatives from Denne Neighbourhood Council, Forest Neighbourhood Council and Trafalgar Neighbourhood Council.

Horsham Blueprint Business Neighbourhood Plan 2019- 2036

At the time of writing, The Horsham Blueprint Business Neighbourhood Plan has successfully passed examination. A Residential and a Business Neighbourhood Planning referendum will be held together on 20 October 2022.

In this instance the outcome of the business and residents' referendums will be considered separately. If both are in favour of the Neighbourhood Plan it will be adopted. If both reject the Neighbourhood Plan it won't be adopted. Where the two outcomes conflict with each other the decision about whether or not to adopt the Neighbourhood Plan will rest with the local planning authority.

HB1: Location of development
HB3: Character of development
HB4: Design of development
HB5: Energy efficiency and design
HB6: Retaining and enhancing the vitality and viability of Horsham Town Centre
HB7: A welcoming public realm
HB9: Protecting existing and encouraging new commercial premises and land
HB10: Green and blue infrastructure and delivering biodiversity net gain
HB12: Encouraging sustainable movement

PLANNING HISTORY AND RELEVANT APPLICATIONS

HU/89/96	Erection of two non-food retail units with parking and access	Permitted 11-06-1996
DC/19/1927	Removal of Condition 10 to previously permitted Application Reference Number: HU/89/96 (Erection of two non-food retail units with parking and access) relating to the sale of food	Permitted 17-03-2020

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 Landscape Architect: No Objection (2nd Consultation)

Following further revisions submitted, satisfied that although loss of existing trees along Worthing Road is regretful, changes secured are sufficient to overcome some of the previous concern with the proximity of the building to Worthing Road and negative effects this would have. There will be some residual negative effects to the landscape character and visual amenity of the area.

(Initial Consultation)

Objection: Concerns with trees along the Arun and need to fully understand impact – suspect removal or eventual decline. Trees provide important visual amenity/screening from Waitrose and this site for estate on opposite side of river. Also need to explore need to remove trees for service diversion.

HDC Parks: Comment

Retention of existing tree and shrub line along west boundary, alongside the river, is good. Trying to reduce light spill is positive. Small planted areas along west boundary are not very

inspiring but include native dogwood (Cornus) and Amelanchier, a small tree with flowers and fruits, so good for wildlife. Ornamental planting facing south and east towards town not very wildlife friendly but accept limitations of planting the car park fringe.

HDC Environmental Health: Comment

(Final Consultation):

Support temporary condition for deliveries on bank holidays to commence at 07:00 to provide suitable period to confirm acceptability of this activity.

(Consolidated Previous Consultations):

The Environmental Noise Report identified that ambient noise in vicinity of site is dominated by road traffic noise. Therefore, noise occurring at times when traffic levels are low is likely to become more noticeable and intrusive.

The development layout and orientation of the dwellings in Tanbridge Park make the situation even more complicated. The delivery loading bay is effectively unscreened at first floor bedrooms for houses 40m away in Tanbridge Park that look towards the store. Noise from the loading/unloading activities is likely towards these properties by the proposed layout.

Times for deliveries could be extended to 22:00 hours Monday to Saturday and to 18:00 hours on Sundays and Bank Holidays without causing undue additional disturbance. However, important delivery times are controlled to ensure sufficient respite to nearby residents.

Appreciate bank holidays are often busier than a normal trading day. Aware that food stores with relatively small warehouse space cannot hold stock to cover 2 days of reduced deliveries. So accept delivery hours on bank holiday can be different to a Sunday.

However wary of grouping bank holidays in with normal weekday activity. Bank holiday Monday evenings are equivalent to Sunday evenings. Need to balance the store location on the fringe of the commercial area and that the early morning noise climate on a bank holiday differs to that on a normal working day.

(Initial consultation):

A deliveries schedule is recommended. The Environmental Noise Report makes several suggestions for mitigation, and it is important these are implemented.

HDC Economic Development: Support

Aligns with several priorities set out within Economic Strategy and investment would be significant, providing additional local employment opportunities, driving up footfall and in turn supporting other town centre businesses.

Drainage Engineer: No overall objection, recommend suitable condition

OUTSIDE AGENCIES

Natural England: Objection

It is not possible to ascertain the proposal will not result in adverse effects on the integrity of the Arun Valley sites in question. We advise that your authority should not grant planning permission at this stage.

Following additional work on the assessment to enable it to be sufficiently rigorous and robust. Additional Information required:

- proposed water use should be calculated using a precautionary approach, rather than taking an average from surrounding stores. No longer require the BREEAM calculator to be used to calculate consumption rates. Bespoke evidence from other stores could be used to demonstrate water use of the proposed store.
- Although information relating to existing water use in the Crawley store has been submitted, it does not provide enough certainty. It is recommended that 3 years' worth of metered water bills are provided.
- Clarification of where the submitted average rainfall figure (742mm/yr) has been found, as the Met Office local climate data lists the average for the area as 833.69mm/yr.

WSCC Highways: Comment

2nd Consultation: Cycle parking and HGV tracking now acceptable. If minded to approve; S106 – Travel Plan and auditing fee, Condition; Parking, EV parking, cycle parking, Construction Management Plan, Servicing

Initial Consultation: Further information requested on management of HGV vehicles. The development should be modified to increase the level of cycle parking.

Environment Agency: No Objection

No objection, subject to condition that development be carried out in accordance with submitted FRA and finished floor levels no lower than 36.20 AOD.

Southern Water: No Objection.

Sussex Police: Comment

Refer application to Secured By Design Commercial Developments 2015 guide.

Archaeology Consultant: No Objection

Ecology Consultant: No Objection

Recommended Approval subject to conditions; Action required in accordance with ecological appraisal recommendations, Prior to works above slab level: biodiversity enhancement strategy, Prior to beneficial use: wildlife sensitive lighting design scheme

PUBLIC CONSULTATIONS

- 3.2 239 representations of Support received from individual addresses, the overwhelming majority from Horsham town itself, raising following:

Positive Presence and Need for Operator in Horsham town

Looking forward to Aldi/ Welcomed. In favour/happy. Very good shop. Won lots of awards. Love the middle isle. Supports British farming. More trade to town centre. Will improve 'market town' image. Reduced need for travel to Aldi in Crawley, Brighton, and London. About time cheaper shops in Horsham. Need discount operator at the southern end of the town. Please make aisles wide enough. Good to know our comments have been read and taken on board.

Increased Consumer choice and employment

More competition is always a good thing. More choice equals lower prices. Positive for low income families. We will have more choice near to us, many cannot get up the town without help. Will provide local jobs.

Sufficient Infrastructure

Ample parking on site and elsewhere (forum and Sainsbury's) so would not impact on traffic. Sufficient facilities for cycling. Easily accessible. People will walk or trip on a mobility scooter

– less traffic/pollution. Lidl has very limited parking and cannot reach its full potential. No concern over water neutrality.

Improvement in built environment

Unloved and neglected site. Riverside untidy. Good use of empty store. Will deteriorate further without investment. Proposal very well landscaped. Additional amenity asset. Smart look. Good modern design and blends well with environment. Does not encroach onto neighbours.

Procedure

What is the delay? Is anything to do with Sainsburys and Waitrose/John Lewis not keen on the competition? We the local ratepayers expect things to go smoothly. Aldi have jumped through the hoops now it is time to get on with it.

In Support, but with reservations on traffic and store design

Not sure how parking would work. Roundabouts will be a bottleneck. Re-design car park to integrate better with existing entrance - traffic control or changed priorities. Some roads in Tanbridge Park excluded from Controlled Parking Zone, which should be extended. Already uncourteous parking would be worsened. Electric cars could be used. Cycle parking should be covered. Will block well-used Riverside Walk. Add pedestrian access from River Arun footbridge to proposed building. Regret loss of trees to Worthing Road. Ensure front entrance to southwest. Hope design respects the residential area rather presenting the back end of an industrial unit.

- 3.3 7 representations of Objection received from separate addresses, raising the following issues:

No need for Operator in Horsham town. More appropriate alternative uses

Already a number of supermarket operators in town. Site better for housing. Prevent further greenfields on outskirts being developed, to achieve 'wilder Horsham District' rather than nature-depleted district. Wrong location. Edge of town site would be far more suitable. Jobs lost at Currys when it closed.

Insufficient Infrastructure – parking and traffic

Too little parking proposed. No provision for staff parking. In absence of CPZ controls, parking situation in Tanbridge Park will become untenable as roads are narrow and access needed by emergency vehicles. Worthing Road not designed to accommodate such traffic flow and already has traffic jams during busy periods. Traffic on Albion Way is bad enough already. Need another Lane. Council does not support infrastructure, only housing and no local hospital.

Detrimental to built environment and amenity

Increases air and noise pollution. Limited tree replacement is a shame.

Inadequate notification and Procedure

Residents not alerted to plans. Planning site notices not clear and obvious. Aldi sent out comment sheets but not replied. What 85% spoken of in the flyer actually represent?

- 3.4 Representation received from Horsham Society, summarised below:

As a 'quid pro quo' opening up the frontage to Prewetts Mill, additional tree and shrub planting should be provided to screen the parking area at the Waitrose end. Should include clause requiring Aldi to maintain soft landscaping.

Building appears to be typical shed with less inspiring elevations. Refer to page 7 of Horsham Society's 'Good by Design' document. Trust Aldi will adopt our concerns and produce elevation treatments aesthetically more pleasing.

Provided Aldi take account of our comments, will support this application.

3.5 **Horsham Denne Neighbourhood Council: Objection**

Updated 24 Aug (2nd Consultation) Objection

Obvious an orchestrated campaign by Aldi to encourage residents to submit representation in support. Irrelevant as very few include comments related to valid planning matters. Many points made in original response still stand, and following further comments:

2) *Building Position and Design*

Note original design was deemed by officers not to sufficiently respond to surroundings, and we consider this is still the case.

3) *Landscaping*

Due to very close proximity to the Riverside Walk, the planting should be of indigenous species rather than exotics. Knee-rail fence should be retained around boundary.

4) *Traffic Egress*

Expect increase in HGV and customer traffic into the Aldi site compared to Staples/Currys. Even with lower flows, there was frequently conflict with traffic accessing and leaving John Lewis/ Waitrose site and Currys/Staples site leading to congestion within the car park and not infrequent obstruction of roundabout on Albion Way.

5) *Parking*

Problems caused by high levels of off-site parking and the blocking of Foundry Lane associated with the Lidl site. The proposed EV parking spaces are NOT accessible to disabled drivers being of the standard 2.4x4.8 dimensions. This appears to be the norm elsewhere.

6) *Cycling*

Note additional spaces allocated.

9) *Water Neutrality*

Response from Natural England that permission not be granted.

Initial Consultation: Objection

1) *Principle*

Question rationale for another supermarket so close to Sainsburys and Waitrose. Site could be better used for a medical centre or flats or a facility lacking in the town.

2) *Building*

Agree with proposal to move building towards the road and have parking at the rear. However the angle of the building does not align comfortably with the curve of Worthing Road and its corner is far too close to the roundabout, which makes the building over-dominant in this gateway location. Aesthetically, more thought should be given to the design to create a building more compatible with the surroundings.

3) *Landscaping*

Strongly object to felling of Silver Birch trees which are a feature of the entry into Horsham at this point. Retaining the trees would help screen the supermarket from residents of Prewett's Mill opposite. Also concerned about how drastic the proposed pruning will be along the river path as this is part of the Riverside Walk, an important asset to the town.

4) Access

Site entrance not a major problem but consider exit would be difficult and possibly dangerous as vehicles at busy times will have to cross a stream of traffic, often moving too fast, entering the Waitrose/John Lewis car park. This will be made worse with the potential increase in vehicles that will visit Aldi. Some improvement needs to be made to the junction to slow traffic and create more equal priorities. Would be possible to put in a mini-roundabout or some other solution to solve this problem.

5) Parking

Design & Access statement disingenuous as a supermarket will attract more customers and there will be a higher frequency of visits compared to the previous retailers i.e. stationery and electrical goods. Responses from residents prove that an Aldi store would be very popular and in high demand. No information on how parking will be operated, but a charge HDNC is concerned about overspill parking (both from customers and staff) in Rivermead and other nearby streets. Limited parking for staff and customers will attempt to avoid any payment. Support a recommendation to move Rivermead into Parking Zone A. Representations from local residents concerned about overspill parking in Rivermead and Tanbridge Park.

6) Cycling

8 spaces to serve staff and customers insufficient.

7) Opening Hours

Concerned residents living nearby could be adversely affected.

8) Shopping Trolleys

Concerned number of trolleys abandoned around the town and ask a condition imposed regarding security measures to ensure that trolleys do not leave the premises.

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; 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 the 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 Horsham town into the future.
- 6.3 This proposal is a redevelopment of existing retail units 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, although there is

currently a lack of legibility and visual connection with the core town centre; and is broadly compatible with Horsham Town vision objectives under Policy 5.

- 6.4 The original planning permission (HU/89/96) for the two existing retail units limited the sale of food from both units (condition 10). In March 2014, planning permission DC/13/1599 permitted the Waitrose and John Lewis, which included provision for convenience retail. In March 2020, planning permission DC/19/1927 permitted the removal of condition 10 restricting retail sales at the application site. It was reasoned that there was no evidence to suggest food sales within the site would have a negative impact on the town centre and, given the location of the site within the defined town centre, there was no policy basis to resist the removal of this condition.
- 6.5 Following the grant of application DC/19/1927, the lawful use of the site is now unrestricted Planning Use Class E: Commercial, Business and Service (formerly A1 retail).
- 6.6 Nonetheless, the principle of providing this new convenience retail unit on the site falls to be considered against planning policy related to town centre uses (such as retail) as set out in the National Planning Policy Framework (NPPF). National policy is reflected in the Horsham District Planning Framework at Policy 13, which states that main town centre uses will be encouraged within the defined areas of town centres, subject to a number of criteria being met. Policy 12 of the HDPF recognises Horsham town as the primary centre for the district, and seeks to support and enhance this. Whilst enabling it to grow positively, HDPF Policy 5 balances this a role with seeking to retain the attractive characteristics of the town.
- 6.7 Significantly, the application site is located within the defined Horsham Town centre boundary, albeit on the edge of its core. Compared to that which exists on site, the proposed store involves a reduction of both gross floor space (138 square metres) and net retail sales area (206 square metres). Aldi's specialist business model as a 'deep discounter' selling a limited range of goods means that customers may well visit other shops and services as part of their shopping trip. To this extent the store is complementary rather than competitive with the existing town centre and out of centre stores.
- 6.8 It is noted that when the previous application for unrestricted retail sales on the site (DC/19/1927) was considered, a sequential assessment was undertaken that considered potential alternative sites within the primary frontage of Horsham and demonstrated no premises were available in preferable locations. Additionally, the Council assessed an application for a discount foodstore relatively recently and within the life of the current development, when planning was permitted for Lidl on an edge of centre site in 2018 (ref: DC/18/1239). In approving that scheme, the Council noted that there were no suitable or available alternative sites at that time.
- 6.9 It is also important to consider the Council's own evidence identifies capacity to support further comparison and convenience goods floorspace in Horsham town centre and wider urban area. Horsham Town Retail & Leisure Study, GVA (March 2017) notes at paragraph 6.24 that 'there will be surplus convenience goods expenditure to support further convenience goods floorspace in Horsham between 2016 and 2031'. The study goes on to indicate that there is capacity for 7,033 square metres of convenience goods floorspace across the District in 2021, rising to 7,566 square metres by 2026.

Horsham Town Plan (2012)

- 6.10 In 2012 the Council developed the Horsham Town Plan SPD which sets criteria by which the merit of planning applications within the town centre are assessed on topics such as design and access. The Town Plan SPD sets out that new retail development, including larger retail units, should be concentrated in key redevelopment opportunity areas; including the Bishophric, which the application site is part of.

Town centre Vision (2017)

- 6.11 The Horsham Town Centre Vision (2017) added to this work, and included the application site as a key development site in establishing a medium term vision (10-15 years) for the town centre to be used by the Council to ensure proposals reflect this vision. The Vision sets out to achieve, amongst other things, good gateways into the town centre and identifies 'town centre opportunity areas'.
- 6.12 The application site is identified as part of a key town centre gateway ('Gateway 1'), forms part of a character area ('Large Retail Footprint'), and Town Centre Opportunity Area ('River Arun Corridor'). The proposed development is considered to be sufficiently aligned with broad Aims and Objectives of the Town centre vision, however, whether the proposal realises those urban design principles the Vision sets out specific to the ambitions for this site, is discussed in more detail later in this report.

Horsham Blueprint Business Neighbourhood Plan (HBBNP)

- 6.13 The preceding reasoning on the principle of this development proposal aligns with the those policies of the HBBNP that seek to address the location of new development to enhance Horsham town centre whilst protecting and encouraging new commercial premises (HB1, HB6, HB9). The site is located in the 'modern' character area identified in Policy HB3 (Character) of HBBNP, which requires development make a positive contribution to the visual impact of the main highway approaches in town, with additional tree planting and enhancement of roadside green space. Similar principles are set out in HB7 (Welcoming public realm) and HB12 (Encouraging sustainable movement).

Summary on Matters of Principle

- 6.14 Given the proposal falls within the defined Horsham town centre boundary and, in terms of principle, is considered to be consistent with town centre policy objectives and the character of the site and its locality, and in accordance with HDPF Policy 13, your Officers consider the introduction of a new convenience retail unit on this site would not detrimentally impact on the vitality or viability of the Horsham town centre or equivalent retail offers in the area as a result.

Quality of Design and Impact on Townscape

- 6.15 Being guided by the National Design Guide and under instruction of the NPPF, new development is expected to demonstrate a high quality of design, which responds and integrates well with its surroundings. Reflective of National Policy, HDPF Policies 25, 32 and 33 require development adds to the overall quality of the area; be visually attractive as a result of good architecture, layout and landscaping; and 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. Horsham Blueprint Business Neighbourhood Plan Policy HB4 (Design) and HB7 (Welcoming Public Realm) are aligned with these urban design principles, with particular emphasis on reinforcing the concept of legible 'character areas' and 'gateways' and pedestrian and cycle ease of movement, as described in the Council's Town Centre Vision.
- 6.16 The application site and surrounding area is subject to redevelopment proposals, as set out in the Council's Horsham Town Vision (2017). Horsham Town Plan 2012 SPD set out guidance on townscape character and design. The stated goals of both is to secure town centre enhancement, not regeneration; the site and its surroundings are not of low townscape quality. Indeed, your Officers consider the site benefits from attractive adjacencies of the River Arun and high quality design standard of adjacent schemes of Prewett's Mill and John Lewis and Waitrose store. To be clear, officers are not resistant to

comprehensive development which will be considered, and indeed supported, where it is shown to respond positively to the character of the town centre.

- 6.17 The applicant asserts the new building re-orientation towards the south of the site will result in a number of benefits. This includes a more pronounced active frontage to address Albion Way and the site entrance; a greater sense of enclosure with built form along the eastern boundary; more efficient car parking; the replacement of a dated building with a modern contemporary store with better overall energy efficiency; and the retention and embellishment of key landscape features. Officers also acknowledge Aldi's stated standard store format and the siting of the building is also understandably driven by operation requirements of the prospective occupier and customer convenience. Aldi set out its operational requirements in terms of store and site requirements, including a minimum site area of 0.5 hectares; net floorspace or circa 1,000 square metres to be provided on a single level; appropriately 100 parking spaces adjacent to the store.
- 6.18 The applicants have sought to place the new building towards the flatter southern part of the site close to the Worthing Road footway, with the parking and servicing at the northern and western part of the site. The store entrance is to be to the northern part of the building, opening close to the main parking area. In terms of design, the building was originally shown to be in the 'house' Aldi style with a mono-pitch design and silver-clad elevations, but has since been amended as discussed below. Owing to the building now being located on the southernmost part of the site, and the existing sewer through the site needing to be diverted to accommodate the new building, this has necessitated the loss of a number of trees that currently extend along the Worthing Road frontage and provide a soft green gateway to the town centre. The importance of these trees in helping create for a pleasant verdant approach along Worthing Road is enhanced by the close proximity of the historic Prewetts Mill building directly opposite where there is no such similar planting.
- 6.19 In discussing the proposals with the applicants, your Officers raised significant concern at the overall 'standard' design of the building and its proximity to the Worthing Road footway necessitating the loss of a number of the aforementioned trees. The applicants considered this feedback but have stated that they are unable to move the building as the gradient of the site is such that a building of this necessary footprint (to service Aldi's store layout most efficiently) cannot be positioned elsewhere. As a consequence the sewer must be diverted resulting in the inevitable loss of the trees, albeit to be compensated by new planting.
- 6.20 In response to your officer's concerns on the 'standard' design of the building, the applicants have re-designed the elevations to include timber cladding and a more fragmented design approach to reference elements of the Waitrose building to the north and Prewetts Mill to the south. The building's roof and elevation have also been updated with the introduction of profiled 'anchors' elements to its principal corners. These changes have enabled the store design to move away from the originally submitted concept of one substantial building block, by the use of varied ridge heights and assisted by revised stratified materials treatment, which now includes dark oak panelling to the anchor elements on the main frontage. Pedestrian and cycle circulation to the store car park and entry and exit, and boundary landscaping have also been updated, with the retention of the 2 mature trees to the southern corner and a revised planting scheme. The footprint of the store building and its proximity to Worthing Road, however, is unchanged.
- 6.21 It is this revised scheme which has been assessed against the tests of National and Local Plan policy, with particularly reference also to those policies set out in the Council's existing suite of town centre planning policy guidance, including the Horsham Town Plan SPD and Horsham Vision, to inform your Officer's assessment of the merits of the development proposal.
- 6.22 The Horsham Vision and Horsham Town Plan SPD General Guidance 6 requires proposals at main gateways to the town, such as this site, to add to the sense of arrival and to contribute

to enhanced legible connections to the town centre. The site is visible from two of the main roads connecting to Horsham town centre, Worthing Road to the south and Albion Way from the east. The site is clearly visible from the north, east and south via these main roads. The footpath adjacent to the River Arun, also gives clear views of the site.

- 6.23 The current gateway from the John Lewis store to the western end of West Street is identified as lacking legibility and visual connection with the core town centre. It is said to function much like an out-of-town or edge-of-town Retail Park, with the majority of visits being by car. The orientation of the proposed store with its back turned against the Worthing Road Roundabout and the absence of active frontage onto this roundabout, fails to add to the sense of arrival to Horsham town and makes little meaningful enhancement of Albion Way through boulevard qualities or specific public realm enhancements. Rather, it replaces the existing verdant approach with a utilitarian building form that would oppress and dominate this junction given its proximity and absence of buffering tree planting. Whilst it is appreciated that the modern form of the building could be considered an improvement on the existing building and the expanse of car parking that sits behind the tree frontage, it is specifically the proximity of the building replacing much of this existing tree planting that causes the most significant harm. This is exacerbated by the absence of an active frontage at this point, meaning the experience at this point would be of the back of the store with little openings or sense of activity within the building or sense of natural surveillance of an extended section of footway, and only a hint of night-time light coming from high level windows and obscured corner glazing areas. This would not represent a welcoming and active frontage to a key entrance to the town centre but instead would detract significantly from the character and appearance of the immediately surrounding area, notwithstanding the replacement soft landscaping being proposed along this frontage.
- 6.24 Consequently it is disappointing that the maximising of internal layouts and sales areas has necessitated a design that fails to achieve a characterful architectural building form and massing to give a welcoming sense of arrival, contrary to the Town Plan SPD General Guidance 4 and the Town Vision and Policy HB7 (A Welcoming public realm) of the Horsham Blueprint Business Neighbourhood Plan.
- 6.25 The site is part of the 'River Arun Corridor', where the Horsham Vision identifies a significant opportunity exists to better integrate the River Arun into the town centre, creating more usable, informal, space as part of the wider town centre offer. With its back turned against the Worthing Road Roundabout, and the absence of active frontage onto this roundabout and along the site's western boundary, there is little meaningful enhancement to open the site up to the river beyond soft landscaping opportunities abutting the south side elevation. Indeed to make way for the store, prominent trees and hedging on the site perimeter will be removed, with the tree line along the western boundary cut back. This existing greenery is an important attribute to the special qualities at this point of The Riverside Walk as a recreational route, as well as contributing more generally to a pleasant sylvan aspect to arrival into the town. It is accepted the application is accompanied by an Arboricultural Assessment, Tree Protection Plan and Arboricultural Method Statement. It is accepted that this concludes the proposal will not cause unacceptable impact on those trees retained. It is also recognised new ground cover planting is proposed in lieu of the removed trees. Nonetheless, the existing landscaping is an important contributor to green infrastructure, and its diminishment and loss without satisfactory mitigation or compensation, would be contrary to the Town Plan SPD General Guidance 5 and the Town Vision.

Summary on Townscape Matters

- 6.26 Overall, despite some elevation changes, the proposed building would not be an attractive feature in the street scene when viewed from Worthing Road. The more attractive and active frontage would face the internal car park resulting in the elevations fronting Worthing Road having a somewhat utilitarian appearance devoid of a sense of activity or natural surveillance that would do very little to create or re-enforce a sense of identity in this gateway location.

There would be little by way of modelling or articulation to break up the mass of the structure, other than some variation in materials. The absence of active frontage to the Mill Bay roundabout is extremely disappointing, and this is fundamental to how the scheme fails to contribute to a sense of arrival and place, and in how the building and the space around it integrates with its surroundings to optimise the identified redevelopment potential of the site. These harms are exacerbated by the re-siting of the building very close to the southernmost boundary of the site, resulting in a very dominant structure which would be particularly prominent, due to its position so close to the road.

- 6.27 As a result, there would be very little space for any hard or soft landscape works around the building that could serve to integrate it into its surroundings and/or to contribute to the quality of the green infrastructure, which this proposal represents as a net loss. High quality and inclusive design will not have been secured. Ultimately this is of negative impact and deterioration in overall design quality when compared to the impact of the existing building and car park on the townscape of the area, which do, at least, address the street frontages whilst providing ample set-back for established greenery.
- 6.28 Additionally, the removal of trees and amenity hedging along the southern and east street frontage and cut back of the western treeline to the River Arun, all to make way for the new store building with inadequate mitigation and compensatory planting, means the proposal would fail to maintain or enhance the qualities of the Riverside Walk, part of an existing network of green infrastructure.
- 6.29 In overall summary, despite the amendments made to the scheme, in your Officer's considered opinion residual negative effects to the townscape character and visual amenity of the area remains. The proposal would not be visually attractive, nor would it add to the quality of the area. It would not represent good design, in the way that term is used in the National Planning Policy Framework. The Framework makes clear that development that is not well designed should be refused.

Impact of the Amenity of Existing and Prospective Occupiers

- 6.30 The site comprises an established retail park flanked by comparable retail uses but with residential properties some 40 metres to the west (the closest being River Mead and Tanbridge Park) and directly opposite to the south (Prewetts Mill Apartments,). Of these adjacent neighbours, both business and residential, the most sensitive relationship would be between the new store building and those neighbouring occupiers of River Mead and Tanbridge Park. The orientation of these buildings, as well as some of those of Prewetts Mill, means private primary habitable rooms face onto the site.
- 6.31 In this regard, the introduction of the new built form will impact onto neighbour's amenities. However, the location of the building on the site, together with its maximum height, is sufficiently removed from neighbouring land uses and occupiers, including those residential dwellings identified, to avoid harmful overbearing or overshadowing/loss of light. Impacts would therefore, principally, result from noise generated from the operation of the store, which will need to be considered carefully given the proximity of domestic properties, including from fixed mechanical plant e.g. refrigeration units, noise from car parking activity, and noise from servicing such as with deliveries.
- 6.32 On these matters, it is noted the application site is currently subject to several restrictive planning conditions relating to opening hours, hours of deliveries, and removal of permitted development rights (all imposed on DC/19/1927). The stores can only trade between 8am and 9pm Mon – Sat and 10am and 5pm on Sundays. The service yard cannot be used and no deliveries shall take place between 10pm and 7am Mon - Sat and 9am and 6pm on Sundays.

6.33 It is this permitted level of activity and associated movements which forms the backdrop of the present impacts arising from the existing retail development onto surrounding noise sensitive receptors. It is intended to amend the current delivery restrictions that apply to the site, and extend the hours of deliveries to fit with the Aldi operational requirements.

Noise

6.34 The application is accompanied by an Environmental Noise Report by Sharps Red more to consider the proposed arrangements. As part of this report, a noise survey was undertaken at the site in 2020. The recordings included weekend and night time periods as these are the most sensitive times that the store may trade or receive deliveries.

6.35 Existing noise levels were found to be typical of a built-up area (highest during morning rush hour and afternoon periods, before reducing evening and night time). Based on distance and screening from the new Aldi building, potential noise level of external refrigeration and condenser units to be located behind the loading bay can be controlled by condition ensuring the rating level of plant does not exceed existing noise levels.

6.36 Customer car parking will be provided to the north of the store. The nearest spaces will be approx. 35 metres from the properties in Tanbridge Park and 30 metres from the rear gardens. Considering the distance, the predicted noise levels from car parking is significantly within the WHO night time and daytime guideline values and also below the existing ambient noise levels. On this measure alone, there is no technical reason to restrict trading hours.

6.37 Vehicles will enter service yard via the existing access and manoeuvre onto the loading bay on the western side of the store. Goods will be unloaded directly into the warehouse via a level docking system (a delivery ramp, sheltered canopy and dock leveller system which means products can be unloaded without any external activity, such as forklift trucks, scissor lifts or cages). The usual time for unloading an HGV is 30 - 60 minutes. Daily deliveries of milk, bread and morning fresh produce are received prior to, or as early as possible after, the store opening in the morning. An Aldi store typically receives an average of four HGV deliveries per day. The nearest noise sensitive properties to the loading bay are the residential properties to the west of the site, No. 23/25 River Mead and No. 191 Tanbridge Park. The existing planning consent permits deliveries from 7am – 10pm hours (Monday and Saturday) and 9am – 6pm (Sundays). Unlike existing deliveries, there is no unloading of goods in the open air.

6.38 The Sharps Redmore report then considers the impact of noise during the hours currently not permitted. Predicted noise levels from delivery activity will be within the daytime and night time WHO guideline ambient values but will exceed the night time maximum guidelines. During the period 6am – 7am hours (Monday to Saturday) and 7am – 7pm (Sundays) predicted noise levels from delivery activity will be below the existing noise levels measured such that the overall change in noise levels will cause negligible impact to local residents. To reduce noise from the delivery process it recommends all deliveries received by the store outside current permitted hours are carried out in accordance with a delivery management plan (DMP) and include the following measures:

- No movement of goods pallets or roll cages on open areas of the service yard;
- No audible reversing beepers;
- Refrigeration units should be switched off when vehicles enter the service yard;
- No more than 1 delivery vehicle in service yard at a time.

6.39 The Council's Environment Health Officer has considered the Sharps Redmore report and has concerns regarding the noise impact of lorry movements and ancillary activities upon the adjacent dwellings. 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 do not exceed acceptable tolerances. The suggestions for mitigation included in the Sharps Redmore Report are recommended to be implemented as proposed, and secured by condition should the application be permitted. In addition, to protect the amenity of the closest domestic properties, the Council's Environmental Protection Service make recommendations for additional conditions.

6.40 A Servicing Management Plan is also considered necessary to ensure that manoeuvring by large vehicles to reverse to either enter or exit the service bay does not have a detrimental impact on the amenities of neighbours, through good practice and a deliveries schedule that is more restrictive than the one proposed by Sharps Redmore:-

- No deliveries, loading or unloading using articulated vehicles to be scheduled except between 06.30 hours and 21.30 hours on Mondays to Saturdays and 08.00 hours and 17.00 hours on Sundays, Bank or Public Holidays;
- No deliveries, loading or unloading of any vehicles, other than those to be used for home deliveries, except between 06.00 hours and 21.30 hours on Mondays to Saturdays and 08.00 hours and 17.00 hours on Sundays, Bank or Public Holidays;
- No deliveries, loading or unloading of vehicles used for home deliveries, except between 06.00 hours and 23.00 hours on Mondays to Fridays, 06.00 hours and 22.00 hours on Saturdays and 08.00 hours and 18.00 hours on Sundays, Bank or Public Holidays.

6.41 These differences of opinion between the Council and the applicant's noise specialists relate to impacts of delivery noise. The principal issue relating to impacts of delivery noise is the orientation of the existing delivery bay. Residential properties in Tanbridge Park are located 40m from the delivery bay with first floor bedrooms overlooking the site. The delivery loading bay is effectively unscreened to those properties. Noise from the loading/unloading activities is likely to be directed towards these properties by the L-shape layout of the store building. The Sharps Redmore report identified that ambient noise in the vicinity of the development site is dominated by road traffic noise. Therefore noise occurring at times when traffic levels are low is likely to become more noticeable and intrusive. Generally across Horsham district, and particularly in urban centres, periods of reduced traffic noise reflect the accepted night-time period of 23:00-07:00 hours when sleep disturbance should be avoided.

6.42 Noise characteristic of delivery and loading activities include vehicle reversing alarms, tail gate dropping, roll cages and hoist noise. These are typically transient, short lived events which are sufficient to cause disturbance or disrupt sleep but do not significantly influenced the metrics used to assess noise impacts in standards such as BS8233 or BS4142.

6.43 In the submitted Transport Assessment it is proposed to service the store outside of store opening hours, when the car park is expected to be empty. The spaces that the delivery vehicle is expected to overrun during its manoeuvre are to be coned off prior to the delivery vehicle arriving, enabling the store to ensure these spaces are unoccupied when HGVs are manoeuvring. This arrangement is considered acceptable to the Local Highway Authority, provided a condition is imposed to restrict servicing outside of opening hours. The proposed store trading hours are Monday to Saturday 8am – 8pm and Sunday 10am – 6pm. Having regard to position of WSCC Highways on the HGV tracking across parking spaces, the Council's Environmental Protection team consider the times for deliveries could be extended to 22:00 hours Monday to Saturday and to 18:00 hours on Sundays and Bank Holidays without causing undue additional disturbance. However, it remains important the delivery times are controlled to ensure sufficient respite to nearby residents. In that regard, the Council's Environmental Protection team was reluctant to support earlier delivery times than those it had already committed (6.30am Mon–Sat and 8am Sundays, Bank and Public Holidays).

- 6.44 The Aldi discounter operator has put their case to the Council that such delivery times were incompatible with its precisely honed operating model, especially given that the new store can be supplied only by smaller trucks, which can necessitate multiple trips. It has been accepted by the Council that for a discount operator, bank holidays are often busier than a normal trading day. The Council is also aware that food stores with relatively small warehouse space cannot hold stock to cover 2 days of reduced deliveries. So it is accepted delivery hours on bank holiday can be different to a Sunday.
- 6.45 However the Council's Environmental Protection team is wary of grouping bank holidays in with normal weekday activity. Bank holiday Monday evenings are equivalent to Sunday evenings. Your Officers agree that there is a need to balance the store location on the fringe of the commercial area and the fact that the early morning noise climate on a bank holiday differs to that on a normal working day.
- 6.46 In the Council working proactively with Aldi on this issue, it has been accepted by both parties that any planning permission should be subject to a temporary delivery hours consent for deliveries on bank holidays to commence at 07:00 to provide suitable trial period to confirm acceptability of this activity. This trial period would last a year and inform any future application for permanent early deliveries on bank holidays and be secured by condition.
- 6.47 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.
- 6.48 A comprehensive lighting plan for the site can be provided by condition to ensure that the intensity of illuminance is limited to the confines of the site, thereby avoiding harm to neighbouring amenities.
- 6.49 Overall, and subject to the recommended conditions being imposed, which includes the necessary temporary year trial run for 7am deliveries on bank holidays, as well as permanent operational limitations on trading and delivery times at other 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

- 6.50 Policies 40 and 41 of the HDPF promote development that provides safe and adequate access, suitable for all users. West Sussex County Council is in the process of developing a Local Cycling and Walking Infrastructure Plan (LCWIP) for Horsham Town. It should be noted that developers can only be required to mitigate the impact of their development, in accordance with CIL Regulations.
- 6.51 A Transport Statement, prepared by Connect Consultants, accompanies this application. In general terms, your Officers consider the site to be sustainably located, being situated within reasonable walking distance of the town centre, residential estates, and bus, rail and cycle routes.

Access Arrangements

- 6.52 The proposed development will utilise the existing site access priority junction leading to a 4 arm roundabout with the B2237 Albion Way, however it will be altered to provide a ramp into the site. This would separate motor vehicles from pedestrians. The two existing pedestrian access points on the south east and north east edge of the site would be retained. These link to the wider pedestrian and cycle network via existing dropped kerb tactile pedestrian crossing points.

- 6.53 Following negotiations, the existing pedestrian site access point located some 15 metres south of the signalised pedestrian crossing point on Albion Way, has been widened to 3 metres (compared to the original proposed 1.5 metres), in order to facilitate easier passing by customers. Access for those with mobility difficulties would be provided by level access to and within the building and provision of parking spaces for the mobility impaired and parent child spaces, close to the building.
- 6.54 West Sussex County Council, in its capacity as The Local Highway Authority, has confirmed the access proposals are safe and is satisfied with the revised arrangements.

Internal Layout and Parking

- 6.55 It is anticipated the site would generate an average of four HGV deliveries a day. The service vehicles will drive forwards into the site, reverse into the service ramp and then drive out forwards to exit the site. Swept path analysis and vehicle tracking has been provided to demonstrate this and shows that a HGV would overrun a number of parking spaces. As previously detailed, in the submitted Transport Assessment it is proposed to service the store outside of store opening hours, when the car park is expected to be empty. The spaces that the delivery vehicle is expected to overrun during its manoeuvre are to be coned off prior to the delivery vehicle arriving, enabling the store to ensure these spaces are unoccupied when HGVs are manoeuvring. This arrangement is considered acceptable to WSCC, provided that a condition is imposed to restrict servicing outside of opening hours and to subject to submission of a Service Delivery Management Plan, to minimise conflict and ensure that manoeuvring by large vehicles does not have a detrimental impact on the safety of other car park users.
- 6.56 The site currently provides 103 parking spaces, A total of 96 spaces are proposed including 5 for disabled users, nine for parents with children, four for staff and 12 electric vehicle charging spaces (4 active/8 passive). The proposed level of parking would fall below the Local Highway Authority (WSCC) parking standards, which is 129 parking spaces. However a TRICS parking accumulation assessment has been provided and demonstrates the proposed provision is likely to be sufficient for the intended use. The maximum calculated weekday parking demand is 41 vehicles and maximum calculated Saturday parking demand is 56 vehicles. These results demonstrate the proposed car park is likely to operate within capacity.
- 6.57 Following negotiations, cycle parking provision has increased. The applicant is now proposing the provision of 30 cycle spaces (10 covered staff spaces at the rear of building and 20 spaces for customers; 8 of which are under cover of the store canopy and 12 as potential covered shelter. These spaces include provision for non-standard cycles.
- 6.58 This provision compares to the original proposal for 8 customer spaces only, and the current site providing none at all. The revised provision of 30 cycle is against the WSCC cycle parking guidance standard of 36 (18 staff and 18 visitor). However, given the end user is known and would be providing staff provision based on experience of other stores, WSCC and your Officers are satisfied the revised provision is acceptable. It would be preferable if the 12 uncovered spaces could be covered and the applicant has indicated willingness to provide these as covered shelter. This can be secured by condition.
- 6.59 Given the sustainable location of the development, this is considered an appropriate level of parking across the site is proposed. It is the Local Highway Authority's considered opinion that should the parking prove inadequate, the consequences would be congestion within the site itself. WSCC considers that the surrounding highway network has enforceable no waiting at any-time restrictions in place, and any overspill car parking could not then take place on-street. It is therefore not necessary to seek expansion of the current Controlled Parking Zone.

A construction management plan will be necessary to minimise disruption to traffic flow and safety and this can be secured by condition.

Trip Generation and Road Network Capacity

- 6.60 The application is supported by a Transport Assessment (TA), outlining trip rates. This is to assess the effect of the traffic that would be attracted to the development on four junctions; the A281 Bishopric/B2237 Albion Way Signal Junction; Waitrose/Site Access Junction; B2237 Albion Way/Saxon Weald Roundabout 9 (The 'Albion Way Link Roundabout'); and B2237 Worthing Road/B2237 Albion Way/Mill Bay Lane/Sainsbury's Roundabout (the 'Mill Bay Lane Roundabout').
- 6.61 The TA methodology is based on a comparison between the traffic effect of the proposed development and the permitted uses on the site. Existing traffic flows surveys were undertaken between 4pm – 7pm weekday and Saturday (10am to 3pm) in early December 2019. The permitted total trips were calculated at 171 trips (Arrival and departures) weekday and 213 trips on Saturday.
- 6.62 To determine the potential trip generation of the proposed development, a TRICS assessment has been carried out. The resultant trip rates and attraction of the proposed development were calculated at 166 trips weekday and 207 on Saturday. The difference between the permitted and proposed developments therefore negligible to all four junctions; the data demonstrates the proposed development would produce fewer trips in the PM peak and Saturday peak periods than the permitted site uses. WSCC in its capacity of Local Highway Authority does not dispute this, and raises no concerns with regard to the trip generation potential of the site, subject to a travel plan statement required for the development and secured via S106. A monitoring fee would also be required.
- 6.63 In terms of highway network safety, the TA sets out that no patterns of collision have been identified that is likely to be materially worsened by the proposed development. The operation of the site access junction has been assessed. The capacity assessment shows that the site access junction will operate within capacity for peak periods with the proposed development in place.

Summary on highway matters

- 6.64 Taking all the relevant information into consideration, including the existing use of the site, the likely reduction in traffic movements and the on-site parking provision, it is considered by WSCC, in their capacity as the Local Highway Authority, that the proposed development will not have severe impact on highway capacity or raise highway safety concerns. No objection to the proposal has been raised by WSCC, subject to securing a travel plan and travel auditing fee via section S106 and a suite of conditions securing parking, EV parking, cycle parking, Construction Management Plan, and Servicing.
- 6.65 Therefore this proposed development is not contrary to the National Planning Policy Framework, and there are no transport grounds to resist the proposal. Officers have no reason to disagree with this conclusion and recommend that the proposal therefore accords with HDPF Policies 40 and 41. To that end, the proposal would comply also with Horsham Blueprint Business Neighbourhood Plan HB12 (Encouraging sustainable movement).

Ecology

Ecology matters separate to the Arun Valley Sites

- 6.66 The application is supported by a Preliminary Ecological Assessment (Ecology Solutions, October 2021), with surveys carried out in September 2021, and which concluded the majority of the habitats present within the site are of limited nature conservation value

including the building, hardstanding and amenity planting. The habitats of value in the site are the scattered trees (especially where these offer suitable opportunities for locally present bat and bird species).

- *Protected and Priority Species - bats*

- 6.67 Whilst the majority of the site is of limited intrinsic nature conservation value, the neighbouring western treeline and River Arun are considered to be of significant ecological interest for foraging and nest-building opportunities and supports favourable opportunities for foraging and commuting bats. Observed from the ground, one Horse-chestnut tree was classed as high potential for bats. In addition, two Sycamores were classed as moderate to high potential. These trees fall outside the site boundary and are to be retained.
- 6.68 The findings recommend boundary habitat be maintained where possible to provide continued opportunities for foraging and commuting. A sympathetic lighting scheme should be designed for the site to minimize light spillage onto boundary vegetation albeit it is acknowledged there is ambient artificial lighting across the site. Any new lighting scheme should seek to reduce light spill, specifically towards the River Arun corridor. As an enhancement measure, a variety of bird boxes could be provided on retained trees along the eastern treeline.
- 6.69 This evidence relating to the likely impacts of development on Protected & Priority habitats and species, and the identification of proportionate mitigation has been reviewed by the Council's ecologist, who is satisfied sufficient ecological information is available for determination and to demonstrate compliance with the Council's statutory duties, and recommends approval subject to conditions. This is subject to the mitigation measures identified being secured and implemented in full by condition, as well as additional measures including a Wildlife Sensitive Lighting Design Scheme so as to create a dark corridor along the western boundary. To that end, the proposal would comply also with Horsham Blueprint Business Neighbourhood Plan HB10 (Green and blue infrastructure and delivering biodiversity net gain).

- *Biodiversity and Green Infrastructure Planning Advice Note (PAN)*

- 6.70 The Council has endorsed a Biodiversity and Green Infrastructure Planning Advice Note (PAN) for use as a non-statutory Planning Guidance document. The purpose of this Planning Advice Note (PAN) is to provide interim guidance for applicants and decision makers on how Biodiversity and Green Infrastructure should be taken into account within development proposals. It therefore forms a new material consideration to take into account.
- 6.71 Aligned with the purposes of the PAN, the Council's consultant Ecologist has recommended that reasonable biodiversity enhancements be implemented to secure measurable net gains for biodiversity as outlined under the NPPF. The submitted application does not propose reasonable biodiversity enhancements to secure net gains for biodiversity. The Council's Ecologist recommends, in the event of approval, that reasonable biodiversity enhancement measures should be outlined within a Biodiversity Enhancement Strategy and should be secured by a condition of any consent. In terms of biodiversity net gain, enhancements that could be secured by such a condition, such as bird and bat boxes and native species planting, would contribute to this aim. To this end, the proposal would comply also with Horsham Blueprint Business Neighbourhood Plan HB10.

Water Neutrality and the Arun Valley Sites

- 6.72 The Council has received a position statement from Natural England (NE) in respect of all planning applications within the Sussex North Water Supply Zone (SNWSZ). The position statement outlines NE's concerns about groundwater abstraction within the SNWSZ. It explains that NE cannot, with certainty, conclude that further groundwater abstraction within

the SNWSZ will not have an adverse effect on the integrity of the Arun Valley Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar site. The advice of NE is that no new developments should add to this impact, which means that any new residential development within the SNWSZ should demonstrate water neutrality. The site is located within the SNWSZ.

- 6.73 As set out in NE's position statement, the applicant would need to demonstrate the proposal achieves water neutrality to conclude it would not be likely to adversely affect the integrity of the Arun Valley SAC, SPA or Ramsar site. In the absence of a strategic approach, NE's position statement outlines an interim approach for projects to achieve water neutrality which includes the minimisation of water use in addition to sufficient offsetting.
- 6.74 The applicant's Water Neutrality Strategy has evolved over many months following considerable input from your Officers and latterly Natural England. The proposed strategy is to reduce water consumption within the proposed store through the use of efficient fixtures and fittings, and offset the remaining water consumption at the Aldi store in Crawley. This has presented considerable challenges in identifying a reliable likely water consumption figure for the new store and evidence that the necessary savings can indeed be made in the Crawley store. These difficulties are amplified by the need to take a precautionary approach when applying the Habitat Regulations, and the consequential need for certainty that adverse impacts on water abstraction in the Arun Valley can be ruled out. Having reviewed the applicant's strategy, Natural England have raised concern at the absence of water bills to substantiate the consumption figures presented. Whilst Natural England have advised that a BREEAM calculator should be used to calculate the proposed water consumption for the new store, it has since been agreed between your officers and Natural England that the approach of using Aldi store data is more reliable in this instance given their particular business model with low staff levels.
- 6.75 In light of these difficulties, the applicant has confirmed that they would seek to occupy the existing building on the site in the event it is not possible to pursue the proposed redevelopment because of the challenges in demonstrating water neutrality. Reoccupation/reuse of the existing building was initially dismissed by Aldi as part of the design development process as the preference was to seek a scheme which delivered a modern store format with associated benefits of improved energy performance, access and parking provision. The conversion of the existing buildings to an Aldi now represents a fallback position to take into consideration.
- 6.76 The fallback of converting the existing building is a material planning consideration, however as the test of certainty to meet the Habitat Regulations sets a very high bar, it is not sufficient to simply rely on the possibility that a fallback scheme could be implemented in the event permission is refused. Instead, the Council must consider whether the fallback scheme would be implemented in the event permission is refused.
- 6.77 To support their case that the fallback conversion would be implemented in the event planning permission for the redevelopment of the site is not able to demonstrate water neutrality, the following evidence has been submitted for consideration:
- The applicants have advised that planning permission is not required to occupy the existing building (although any external operations or variations to restrictive conditions on the premises will require Council consent)
 - The applicants have presented plans which show how an Aldi store can be laid out within the existing building.
 - An Aldi Managing Director has formally written to the Council to advise that Aldi are committed to invest in Horsham Town Centre and will have no option other than to occupy the existing building if planning permission for this application is not forthcoming. The Aldi Managing Director has advised that plans for occupying the existing building have been drawn up, and have received board approval in principle.

- Aldi have confirmed that they own the site in full.

- 6.78 Given the existing lawful use of the building, and the clear intent for the applicant to refurbish and occupy the existing building as an Aldi store, your Officers are of the view that sufficient information has been presented to demonstrate that the fallback of occupying the existing building would take place in the event planning permission is refused for this current application. The occupation of the existing building would not require planning permission and consequently would not need to demonstrate water neutrality. Given the occupier of the building would be the same as currently proposed, and given that there is no evidence this fallback option would result in differing levels of staff or customer use compared to the current proposal such as to influence likely water consumption, there is no evidence that the current proposal to redevelop the site with a new Aldi store will use more water than the fallback of occupying the existing building.
- 6.79 In summary, following the advice of officers and Natural England that the applicant's water neutrality strategy was not providing sufficient certainty that an adverse impact on the Arun Valley sites could be ruled out, the applicants have provided further evidence that they will implement their fallback option of simply converting the existing retail stores on the site. This new information as discussed above provides sufficient certainty that they would implement this fallback in the event planning permission for their current proposal is not forthcoming. As competent authority for implementing s.63 of the Habitat Regulations, your officer's advice is that it is now possible to screen out any significant impacts on the Arun Valley Habitat sites. The current proposal therefore would not add to existing water abstraction in the Arun Valley compared to the fallback position, and therefore would not significantly impact on the integrity of the Arun Valley SAC/SPA and Ramsar sites, in accordance with the requirements of Policy 31 of the HDPF, paragraph 180 of the NPPF, and the requirements of the Conservation of Species and Habitat Regulations 2017.

Drainage

- 6.80 The very western edge of the site falls within Environment Agency's Flood Zone 3 for the River Arun, although the majority of the site is located in Flood Zone 1, meaning the land is in a 'low probability' flood zone.
- 6.81 The accompanying Flood Risk Assessment demonstrates the proposal would comply with safe management of flood risk. The area of site within Flood Zone 3 will not be occupied by physical built form. The site is already in retail use and the proposals will not result in an increased vulnerability to flooding beyond that already existing. The floor level of the proposed store is to be around 36.0 metres AOD. This is slightly higher than the floor level of the existing building and so will offer a higher standard of protection against flooding.
- 6.82 In terms of the southern part of the site being at high risk from surface water flooding, the proposed strategy for increased permeable paving is a betterment of the current situation.
- 6.83 To make sufficient room for the new store and associated car parking, it will be necessary to divert the public foul and surface water sewers that currently cross the site. Any public sewer diversion proposals shall be approved by Southern Water. Surface water may be discharged to existing sewer, provided rate of discharge no greater than existing.
- 6.84 No objection is raised by the Environment Agency and drainage authorities, subject to planning conditions ensuring the development is carried in accordance with the submitted flood risk assessment and finished floor levels set no lower than as proposed. This includes the functionality of the swale (a shallow depression set slightly below pavement) at the southern end of the site. Therefore the development can be satisfactorily accommodated without increasing flood risk elsewhere in accordance with the NPPF and HDPF Policy 38.

Climate Change

- 6.85 HDPF Policies 35, 36 and 37 require development mitigates the impacts of climate change, in reflection of Chapter 14 of the NPPF. An Energy Statement accompanies this application. The development is of previously developed land, accessible by means other than the motor car. The proposed new building incorporates Environmental Performance measures (including material sourcing and heating) to reduce energy use in construction, as well as energy efficiency and reduction in use of the building. The proposed Horsham Aldi is targeted to achieve a BREEAM 'Very Good' rating as a minimum (with 100% of the Water Credits targeted).
- 6.86 It has therefore been sufficiently demonstrated that local plan policies requirements related to energy use and sustainable construction (HDPF Policies 36 and 37) have been complied with, and appropriate measures could be secured by planning condition. To that end, the proposal would comply also with Horsham Blueprint Business Neighbourhood Plan HB5 (Energy efficiency and design).

Community Infrastructure Levy (CIL)

- 6.87 Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. 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	1,812	2,028	0
		Total Gain	
		Total Demolition	2,028

Conclusions

- 6.88 The principle of a replacement of the existing retail units with a deep discount convenience retail unit would not prejudice either the vitality or viability of the town centre offer nor future redevelopment opportunities identified in the Council's Town Centre Vision (2017) 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.
- 6.89 The site is well served by road, public transport, cycle and footway infrastructure and vehicular access and parking arrangements are satisfactory. The Highways Authority is satisfied the site would be safely accessed without harm to the operational use of the highway network. No resultant adverse risks are identified related to drainage of the scheme. Subject to a monitoring period for deliveries on bank holidays, 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 construction and operational restrictions enforceable by planning condition. In respect of water neutrality, the applicants have demonstrated with sufficient certainty that they would convert the existing retail building in the event planning permission for the proposed redevelopment of the site is not forthcoming. This represents a clear fallback provision sufficient to demonstrate that the water consumption of the current proposal would not exceed that afforded by the fallback of converting the existing building. No adverse impacts on the Arun Valley SAC/SPA and Ramsar sites would therefore result.
- 6.90 However, the proposal exhibits significant shortcomings in the merit of the site layout and building siting and design, in particular in regard to there being no active and welcoming frontage to the main Worthing Road/Mill Bay Lane roundabout, the loss of trees particularly on the Worthing Road frontage, and the building's very close proximity to the Worthing Road.

In these regards, the proposal fails to meet the expectations of redevelopment opportunities this area is subject to in the Horsham Town Centre Vision (2017). During negotiations with the applicant, your officers have considered a range of options for the location of the building with the site which has included consideration of the recognised constraints, including those posed by gradient across the site and the sewer that runs across the site. The applicant asserts the position of the building within the site presents the only viable option to redevelop this site for Aldi business and operational purposes. It is accepted that the operator desires a street presence and the existing absence of this may have been a contributory factor in the current units being vacated.

- 6.91 However, your Officer's considered view is that the proximity of the building to the Worthing Road footway, its lack of active frontage relative to the Worthing Road, and the loss of existing trees fronting Worthing Road means that the proposed development would not represent good design, in the way that term is used in the National Planning Policy Framework and accompanying National Design Guide. Ultimately, the proposals would not, in your Officers view, result in a betterment on the existing townscape of the area. The Framework makes clear that in such circumstances development that is not well designed should be refused.
- 6.92 Officers therefore recommend that this application be refused, for the reason set out below.

7. RECOMMENDATIONS

- 7.1 To refuse full planning permission, for the following reason:-
1. The proposed development, by reason of the building design and close proximity to the Worthing Road with a lack of active frontage and necessitating the loss of existing tree planting, would form a unduly assertive and overly dominant building that would fail to take the opportunity to improve the appearance of the site and better integrate with the street scene at this important gateway into Horsham town centre. As such, it would not represent good design, in the way that term is used in the National Planning Policy Framework (2021), contrary to local plan policy, with HDPF Policies 32 and 33 and the Town Centre Vision (2017) and Town Centre guidance SPD (2012), and Policies HB3, HB4, and HB7 of Horsham Blueprint Business Neighbourhood Plan.