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| APPLICATION NUMBER: | LW/07/0905 | ITEM NUMBER: | 6 |
| APPLICANTS NAME(S): | ALDI Stores Ltd | PARISH / WARD: | Lewes / Lewes Bridge |
| PROPOSAL: | Planning Application for Demolition of existing warehouse and erection of a retail food store with office accommodation at first floor with associated car parking spaces, cycle spaces, landscaping and highway works | | |
| SITE ADDRESS: | Kingston House, Brooks Road, Lewes, East Sussex, BN7 2BY | | |
| GRID REF: | TQ 4110 | | |



1. SITE DESCRIPTION / PROPOSAL

1.1 It is proposed to demolish the former Robert Horne premises in Brooks Road and to construct an Aldi foodstore on the ground floor with separate offices above. The foodstore will have a gross retail floorspace of 1,526m² with a net sales floorspace of 1,025m². 76 parking spaces are to be provided, 10 of which will serve the office use. This follows the withdrawal of an earlier proposal for a foodstore only on the same site (LW/06/1113).

2. RELEVANT POLICIES

LDLP: – ST03 – Design, Form and Setting of Development

LDLP: – E01 – Planning for Employment

LDLP: – E06 – New Retail Development

NPG: – PPS6 – Planning for Town Centres

LDLP: – E03 – Town Centres

3. PLANNING HISTORY

LW/06/1113 - Demolition of existing warehouse and erection of a retail foodstore with 79 car parking spaces, eight cycle spaces and associated landscaping and highway works - **Withdrawn**

4. REPRESENTATIONS FROM STANDARD CONSULTEES

Lewes Town Council – Object. Concerned at applicant's assumptions on traffic movements and volume. Overall effect is a retail park by stealth which raises serious concerns regarding the effect on local independent traders and the general viability of the existing town centre.

Environmental Health – Recommend conditions

Environment Agency – No objections in principle subject to conditions to prevent contamination of controlled waters.

Sussex Police - C.P.D.A. – Suggests various crime prevention measures

Southern Water Plc – No objections

ESCC Highways – No objection. The access has sufficient width and radii to accommodate delivery vehicles. Some concern at the timing of deliveries which could conflict with other car park users if made during opening hours. Proposed office use is comparable to, or even an improvement on, the previous distribution use as there would be a reduction in the number of lorry/HGV movements. However, the supermarket element is likely to generate additional trips. However, although there would be an overall increase in traffic, a number of trips would be diverted from or linked to existing supermarket trips. With a Travel Plan in place, the site lends itself to linked trips and non-motorised means of travel and a recommendation for

refusal may be difficult to justify. Car parking and cycle provision is adequate. Direct pedestrian access to the town centre is available through land within Tesco's control or via Brooks Road/Malling Street. Require financial contribution to improve local accessibility in the form of enhancing the existing Dial a Ride bus service and a Travel Plan.

Locate East Sussex – Fully support. Locate has helped to work up the concept for an office incubator for start-up businesses above the store. Floorspace proposed makes the scheme more viable. Offices should be offered on a 'flexible' basis, with 'easy in, easy out' terms. Such units are in demand within Lewes. Crucial to the successful and sustainable survival of a town like Lewes that new and growing businesses are provided with accommodation to provide jobs for the town's future.

5. REPRESENTATIONS FROM LOCAL RESIDENTS

5.1 Friends of Lewes - object. Significant retail element outside the town centre boundary. Land should remain available for other uses. Should permission be granted, special attention should be given to the western elevation of the building which is visible from the riverbank path and should harmonise with the Tesco store. Conditions should be in place to control stock sold from the store.

5.2 Friends of Lewes (additional comments) - appreciate that the site is only just outside the town centre boundary, the proposal is for a mixed use scheme and that there is already some retail activity in the vicinity. However, we remain concerned about the gradual erosion of land in this part of Lewes for industrial or commercial purposes. Wish to ensure that sufficient land remains available so that we do not lose the economic benefits of having employment-creating firms in the town. Do not consider that the design of the building adds any character to the town or uses locally distinctive materials.

5.3 1066 Enterprise - Fully support. Statistical data points to a need for the modern, easy in/easy out office accommodation. Will help to stimulate the start up market in Lewes. Aldi have offered financial support for providing business advice to clients of the units.

5.4 East Sussex County Council Economic Development Officer - Support. Almost one in five East Sussex businesses are looking for additional or alternative accommodation. Insufficient choice of premises in Lewes at present. Additional supply in Lewes is of particular importance given the difficulty of such supply within its rural hinterland.

5.5 Montagu Evans (on behalf of Tesco) - Aldi have indicated that pedestrian access will be provided across the southern boundary of the application site, over land in Tesco ownership. We wish it to be noted that our client does not intend to allow a pedestrian access anywhere along this boundary on safety grounds. The high fence along this boundary will remain as it is hazardous for pedestrians to cross the Tesco access road and roundabout at this point. Aldi

should demonstrate that safe and adequate pedestrian routes to the site are possible via the public highway.

5.6 GVA Grimley (consultants employed by LDC to analyse the retail impact) - Agree that Tesco significantly overtrades and as such the potential exists to redistribute trade within Lewes. The residents of Lewes may benefit from a store stocking discounted food items. The applicant has, as requested, come back with more information to demonstrate how an Aldi store would meet this qualitative deficiency. The information now submitted provides price comparison information between Aldi's product range and those offered in Tesco and Asda. It is evident from this information that Aldi offer discounted prices relative to the mainstream supermarkets and as such we accept that an Aldi will differ from the offer currently provided by the adjacent Tesco. We accept that the proposal will diversify convenience retailing in Lewes and as such has the potential to strengthen the town's market share. On this basis we accept that the applicant has now demonstrated a need for the proposal as required by PPS6.

5.7 There are no sequentially preferable sites for this type of development. Given the format and niche operation of the Aldi store, we would anticipate any impact on the town centre would be minimal. Recommend use of planning conditions to limit the type of goods sold and the amount of floorspace given over to comparison goods.

6. PLANNING CONSIDERATIONS

6.1 The main considerations in the determination of this application are the policy implications of a loss of employment land and premises, the introduction of a retail use on industrial land, the retail impact on Lewes town centre, highways and traffic considerations, design and sustainability.

Loss of employment land

6.2 The previous application was for a retail use only and conflicted with planning policies to prevent the loss of employment land and premises, primarily Policy E1 of the Lewes District Local Plan. To overcome this objection, the current scheme includes 1,170m² of office floorspace at first floor level. The applicants have held discussions with Locate East Sussex, an organisation which promotes economic growth in the County, in order to provide the type of office accommodation for which there is most demand locally. The office space will therefore comprise accommodation to help start-up businesses. It will be offered on a flexible basis with no subdivision of floorspace shown on the submitted plans to enable flexibility in the layout. A legal agreement will be required to ensure that the offices are managed properly in terms of rents and leases to enable an 'easy-in/easy out' approach. Aldi have also offered around £8,400 to secure a financial advisor to provide advice to new businesses occupying the space. The proposal has the full support of Locate East Sussex and other economic development organisations in the county.

6.3 The proposal will result in the loss of the former Robert Horne premises which was in use as a paper distribution warehouse (Class B8), with a floorspace of 2530m². They previously employed around 26 people. The unit has not been vacant for long and it is possible that there would be interest from other users in occupying the premises for a similar use in the future. However, various employment studies in recent years have found that this type of employment floorspace in Lewes is inappropriate for many modern businesses and that the demand is stronger for smaller units. Consequently, while the proposal will result in a net loss of 1,360m² industrial floorspace, the type of accommodation to be provided in its place will help to meet the current demand for B1 office space for start-up businesses.

6.4 The proposal is not wholly in accordance with Policy E1, but it is considered that the scheme will result in good quality business accommodation which is fully supported by local economic development organisations. The proposal in terms of the impact on employment land is therefore considered to be acceptable.

Retail Impact

6.5 The site abuts the Town Centre Boundary as defined in the Lewes District Local Plan. Aldi have been searching for a site within Lewes for a number of years and, in accordance with PPS6, they have adopted a sequential approach to their site search. There are no sites, other than Eastgate, which are allocated for retail uses in the current Local Plan. That site is unavailable and is presently at greater risk of flooding than the application site. No other sites were identified within the town centre which were considered to be suitable, available or viable.

6.6 PPS6 states that sites on the edge of the centre should be considered next. These are generally within easy walking distance of the centre. This site is considered to meet that definition. The Council has employed a specialist planning consultant to independently analyse the retail impact of the Aldi proposal and they have agreed that there is not a sequentially preferable site available within Lewes town centre for this type of development.

6.7 Aldi claim that they offer a different range of goods to the existing larger foodstores in town (Tesco and Waitrose). They have a limited range of 80-100 lines which are own label and grocery products. They do not sell cigarettes, newspapers or magazines and only a small range of branded wines and spirits. Only 15% of the net retail floorspace would be for the sale of comparison goods. In order to properly consider the impact of the proposal, it has been necessary to assess the qualitative and quantitative need for the store.

6.8 At present, Tesco is over-trading and Aldi believe that they can capture a degree of the Tesco trade. Aldi do not seek to compete with Waitrose, which caters for a different part of the market. GVA Grimley have sought further information from Aldi to explain how they offer something distinctively different

from existing retailers which will help to further diversify retail provision in the town and help attract new trade.

6.9 Aldi are classed as a 'discount store', but they claim to offer a superior product to the Tesco 'value' range. They have supported their application with examples of industry awards relating to the value and quality of their products when compared to their rivals. They claim that the average Aldi basket is 22.2% cheaper than its Tesco equivalent and that this demonstrates that Aldi's retail offer is different from that already present in the town. There are no limited range/discount foodstores in the area presently, with the nearest being in Brighton. The provision of this store within Lewes would enhance consumer choice, without harming the town centre function.

Highways and Traffic

6.10 The application has been supported by a detailed traffic impact assessment to analyse the impact of the development on the surrounding road network. Discussions with the Highway Authority has resulted in the provision of a pedestrian access on the southern boundary of the site (adjacent to the access road to Tesco) which will encourage pedestrians to cross through land under Tesco's control to reach the town centre via the underpass. Tesco has objected to this aspect, as they consider it to be hazardous to encourage pedestrians in this location.

6.11 However, the area is already in use by pedestrians, as there is a footpath which runs along the southern boundary of the site and a bus stop. The footpath leads to a zebra crossing which enables pedestrians to cross the access road safely. It is not considered that an access point on the southern boundary of the Aldi site would be a hazard to pedestrians therefore. However, if Tesco were to erect a fence on this boundary, pedestrian access would still be available from the site entrance on the eastern boundary. As an alternative to crossing Tesco land, pedestrians are able to reach the town centre via Brooks Road and Malling Street.

6.12 The Highway Authority has confirmed that the access will be of sufficient width and radii to accommodate delivery vehicles. Aldi have confirmed that, in order to avoid conflict with customers vehicles, only one main delivery per day will be made before the store is open to the public. This can be controlled by condition. Other deliveries will be made during the day using smaller vehicles which will not conflict with other users.

6.13 Adequate parking and cycle spaces are to be provided and a Travel Plan, together with a financial contribution towards sustainable transport measures, namely the enhancement of the dial-a-ride service, will also be provided through a s106 Agreement. With these measures in place, the Highway Authority believes that the proposal will encourage linked trips and non motorised forms of travel. There is therefore no highway objection to the proposal.

Design and Sustainability

6.14 The site is located close to the river and is visible from Phoenix Causeway, across the Tesco car park. The site is generally flat and is bordered by a palisade fence on the southern and western boundaries with chainlink fencing on the other boundaries. The proposal will remove those fences and open up the site to public access, with new planting to help soften the appearance of the development. The proposed building has a crisp, simple form with white rendered walls and panels of clear glazing, resulting in a contemporary appearance.

6.15 The building will be two storeys high, rising to a height of 9.2m with a grey coloured membrane flat roof. The building will be sited on the western end of the site with the frontage given over to car parking. The massing of the building is broken down at the rear with the introduction of a landscaped terrace which faces over the Tesco car park towards the river.

6.16 The comments of the Friends of Lewes are noted, but it is not agreed that the building should be of a more traditional form to reflect the design of the Tesco store. It is considered that the proposed design reflects the industrial form of other buildings in the vicinity, but has a more attractive contemporary appearance which will enhance this part of the town.

6.17 With regard to sustainability, the site is located close to the town centre and will encourage shared trips by pedestrians. A Travel Plan will be required as part of any permission to encourage further non-car modes of transport. Renewable energy technologies were considered by the applicants but dismissed as not being viable. However, large amounts of glazing on the east and south elevations will encourage passive solar gain and there will be a number of sustainable construction methods used to comply with the Building Regulations. A supporting document submitted with the application demonstrates that Aldi are keen to incorporate 'green' practices into their everyday business. While there is lack of use of renewable energy measures, the development is generally considered to meet the requirements of the Council's Sustainability Checklist in terms of its location and mixed land use and is therefore acceptable.

Conclusion

6.18 It is considered that this mixed use development will enhance the range of shopping facilities in Lewes and will offer discounted products to a sector of the population which is currently not well served in the town. The proposal is not considered to have a harmful effect on the retail function of Lewes.

6.19 The provision of a suite of offices at first floor will meet a recognised need for start-up office space within Lewes and overcomes any concerns over the loss of the B8 warehouse accommodation currently on the site. The site is close to the town centre and will enable shoppers to combine a trip to the store with a visit to the main shopping area, thereby increasing the sustainable credentials of the development.

6.20 It is therefore considered permission can be granted.

7. RECOMMENDATION

That permission is granted subject to a S106 agreement to ensure the delivery of the office accommodation, to secure a financial contribution for the provision of a financial advisor together with a sustainability contribution and travel plan, and the conditions below.

The application is subject to the following conditions:

1. The retail store hereby permitted shall be used for the sale of convenience goods and the maximum to be used as net sales area shall be 1,025m². Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification), no more than 15% of the net sales area shall be used for the sale of comparison goods.

Reason – To ensure that the development does not adversely affect the vitality and viability of Lewes town centre having regard to Policy E3 of the Lewes District Local Plan.

2. No tobacco products, loose confectionery, magazines or newspapers, greeting cards, lottery tickets or scratchcards shall be sold from the retail store at any time, unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure that the development does not adversely affect the vitality and viability of Lewes town centre having regard to Policy E3 of the Lewes District Local Plan.

3. No more than 850 product lines shall be on sale from the retail store at any one time. At no time shall the store include a delicatessen counter, in-house bakery, fish counter or meat counter from which products are sold, unless otherwise agreed in writing by the Local Planning Authority.

Reason – To ensure that the development does not adversely affect the vitality and viability of Lewes town centre having regard to Policy E3 of the Lewes District Local Plan.

4. The development shall not be occupied, and open for trading, until 76 vehicle parking spaces have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of vehicles. The car park shall be free to all users for a period of at least 3 hours to encourage linked shopping trips in Lewes town centre.

Reason – To ensure that the development is provided with a sustainable level of vehicle parking and to encourage linked shopping trips having regard to Policies ST3 and E3 of the Lewes District Local Plan

5. The proposed access shall be in the position shown on the submitted plan number 833302B date stamped 9 July 2007 and constructed in accordance with East Sussex County Council standards.

Reason – To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway having regard to Policy ST3 of the Lewes District Local Plan

6. The development shall not be occupied until cycle parking has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason – To ensure the development is provided with a sustainable level of cycle parking and to ensure the site is accessible by non car modes having regard to Policy ST3 of the Lewes District Local Plan.

7. The development shall not be occupied until any redundant parts of the existing access are closed and the kerb, footway and/or verge is reinstated.

Reason – To ensure the safety of persons and vehicles proceeding along the highway having regard to Policy ST3 of the Lewes District Local Plan.

8. No deliveries shall be taken at the retail store except between the hours of 8pm to midnight and 6am to 8am Monday to Friday and 4pm to midnight and 6am to 10am on Sundays and Public Holidays.

Reason – To ensure that deliveries occur outside of trading hours to prevent conflict with customer vehicles, having regard to Policy ST3 of the Lewes District Local Plan.

9. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved and completed prior to the first use of the building.

Reason - To enhance the general appearance of the development having regard to Policy ST12 of the Lewes District Local Plan.

10. Prior to the installation of any external plant or machinery, including air conditioning units and extraction fans and ducts on the building hereby approved, full details of such plant or machinery shall have first been submitted to and approved in writing by the Local Planning Authority. The plant shall be enclosed with sound-insulating material and/or mounted in such a location and/or in such a way which will minimise transmission of airborne noise. The installation shall be carried out in accordance with the approved details and thereafter maintained.

Reason – In the interest of the amenities of the locality having regard to Policy ST3 of the Lewes District Local Plan.

11. No development shall be commenced until an investigation assessing the degree of contamination and its water pollution potential has been submitted to, and proposals for remediation have been approved in writing by, the Local Planning Authority, and the building shall not be occupied until the proposals have been implemented as approved.

Reason - To avoid risk to the public, the environment and controlled waters when the site is developed having regard to PPS23 of the National Policy Guidance.

12. Development shall not begin until a scheme for the provision and implementation of a foul and surface water drainage system has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the building.

Reason - To secure a satisfactory standard of development and to prevent the risk of flooding having regard to Policy ST3 of the Lewes District Local Plan and PPS25 of the National Policy Guidance.

13. The office accommodation hereby approved shall be used for purposes within Class B1a only and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason - To enable the Local Planning Authority to control the use having regard to Policy E1 of the Lewes District Local Plan.

14. Before the development hereby approved is commenced on site, details/samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason - To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan.

15. Before the development hereby approved is commenced on site, details/samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that consent.

Reason - To ensure a satisfactory development in keeping with the locality having regard to Policy ST3 of the Lewes District Local Plan.

16. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed prior to the first use of the building. Development shall be carried out in accordance with the approved details.

Reason - To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan.

17. Details of any external lighting for the development shall be submitted to and approved in writing by the Local planning Authority before being installed. The development shall be carried out in accordance with the approved details before the buildings are first used and thereafter maintained.

Reason – In the interest of the amenities of the locality having regard to Policy ST3 of the Lewes District Local Plan.

18. Details of dust suppression measures during construction/demolition, and the method for piling foundations together with noise mitigation measures for any piling works, shall be submitted to and approved in writing by the Local Planning Authority. All construction, demolition and piling works shall be undertaken in accordance with the approved details.

Reason – In the interest of the amenities of the locality having regard to Policy ST3 of the Lewes District Local Plan

19. Before the development hereby permitted is commenced on site, details of the facilities for the storage and removal of refuse from the premises shall be submitted to and approved in writing by the Local Planning Authority and carried out in accordance with that approval.

Reason - To secure a proper standard of development having regard to Policy ST3 of the Lewes District Local Plan.

20. No development shall take place until details of the proposed layout for the office space has been submitted to and approved in writing by the Local Planning Authority. The offices shall consist of incubator start-up units and the space shall include a kitchen, meeting room, reception area and offices of between 150-500 square feet and 750-1000 square feet which are each fitted out with lighting, carpets and internet connections. The office space shall be laid out in accordance with the approved details and be available for occupation at the same time as the first use of the food store.

Reason - To ensure that the office space is provided and available for use at a minimum standard to meet the recognised need in Lewes having regard to Policy E1 of the Lewes District Local Plan.

This decision is based on the following submitted plans/documents:

| <u>PLAN TYPE</u> | <u>DATE RECEIVED</u> | <u>REFERENCE</u> |
|-------------------------|----------------------|------------------|
| Location Plan | 9 July 2007 | 1:1250 |
| Justification Statement | 9 July 2007 | |
| Other | 9 July 2007 | FLOOD RISK |

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| Other | 9 July 2007 | REPORT |
| Other | 9 July 2007 | TRANSPORT |
| Other | 9 July 2007 | RETAIL STATEMENT |
| Other | 9 July 2007 | RETAIL STATEMENT |
| Other | 9 July 2007 | DESIGN STATEMENT |
| Other | 9 July 2007 | SUSTAINABILITY |
| Other | 9 July 2007 | GEO-ENVIRON |
| Design & Access Statement | 9 July 2007 | |
| Other | 9 July 2007 | SOCIAL STATEMENT |
| Photographs | 9 July 2007 | 1 |
| Photographs | 9 July 2007 | 2 |
| Photographs | 9 July 2007 | 3 |
| Photographs | 9 July 2007 | 4 |
| Photographs | 9 July 2007 | 5 |
| Survey | 9 July 2007 | 01 |
| Block Plans | 9 July 2007 | 02 B |
| Proposed Floor Plans | 9 July 2007 | 03 B |
| Proposed Elevations | 9 July 2007 | 04 A |
| Proposed Floor Plans | 9 July 2007 | 05 |

Summary of reasons for decision and any relevant development plan policies/proposal:

It is considered that the proposal meets the aims and objectives of Local Plan Policy and respects the character of the location, complying with Policies ST3, E1, E3 and E6 of the Lewes District Local Plan.