

## Objection to Aldi planning application ref 220849 – Site 7a. Policy and Impacts Report

This report supports Sovereign Harbour Residents Association’s opposition to the planning application by Aldi for a foodstore on Pacific Drive, Sovereign Harbour North, Eastbourne (EBC Planning Application No. 220849). The application should be refused as being contrary to EBC policy and is not appropriate development in a residential location.

### A. Planning Policy

1. It is contrary to EBC Employment Land Local Plan (ELLP) policy EL4, with explanatory paras 4.38 & 4.48. Adopted and still current, this policy is intended to be part of Eastbourne’s new Local Plan. Policy EL4 is clear that whilst some other employment uses may be acceptable on site 7a, ‘old’ use classes A1, A3 & A5 are not compatible with the established residential use of this area. The applicant’s Planning Statement at para 4.18 mentions only policy EL1, whilst paras 5.29/5.30 and paras 5.65/5.68 simply record the text and existence of policy EL4 but fail to discuss or address it in any way at all. A remarkable and serious omission.

2. The Planning Statement makes various assertions without sufficient evidence or are manifestly wrong, such as in the following examples (in numerical order of appearance):

Para 1.11 asserts there is an “identified need within the (local) Authority”. NPPF para 2.2 states any such need shall be objectively assessed - yet, with no evidence provided, there is nothing to assess on any objective basis.

Para 2.3 claims “the site is away from any existing development”. Misleading or wrong.

Para 4.77 asserts that “cumulative impacts are not severe” and para 5.64 says it is “clear” there are “no adverse impacts” but their evidence is weak and/or flawed, as detailed below at section B.

Para 7.6 & 7.7 (Conclusions) wrongly state that site 7a is not in a residential area, *and* ignores ELLP policy EL4.

Appendix 3 (Planning Policy Review, at paras 1.4, 1.7 & 1.9) repeat some of the above questionable statements and yet, in reference to the Sovereign Harbour SPD, it correctly says “Site 7a has a closer relationship with the existing residential area on Pacific Drive.”

3. The Planning Statement contends the many requirements of the NPPF are met. Yet their evidence is unsound and not always supported on the facts as they apply to site 7a, as follows:

**NPPF 8** - The Social Objective for sustainable development. Residents of the North Harbour area very largely oppose this application because they can see how the several and cumulative impacts are so severe as to outweigh any potential benefit [*see section B below*]. Thus we contend that the presumption in **NPPF 11**, para b (ii) & d, is rebutted.

**NPPF 91** - The applicant has *not* considered the likely significant adverse impact on planned investment in the Sovereign Harbour District Centre. Although under the 2500 sq. m. threshold for a full viability impact assessment, **NPPF 90a** and **EBC Saved Policy D4** require it where (as here) investment is planned for an existing site in the same nearest centre as the site is outside. Para 6.8 of the Planning Statement fails to address this nearby district centre (only the town centre) and thus ignores any impact on other and better located district centre sites. We refer here to the applicant's sequential test rejection of the former cinema site in the Sovereign Retail Park, at para 6.74, on the ground that EBC have granted provisional planning consent (subject to an s.106 agreement) to a direct competitor – B&M. This is clearly "*planned investment*" - and in the event that site did become available, it is sequentially better located. So either way, being outside the District Centre and lacking a viability impact assessment, site 7a fails as against the centre's cinema / B&M site.

**NPPF 92 (c)** requires the applicant to *identify local need* for the health and well-being benefits that it claims will flow. But, to the extent that such a claim might be demonstrated, any such need is already planned to be met by the above mentioned existing consent for the competitor B&M.

**NPPF 104/105.** The applicant's Planning Statement, at 4.67, asserts there is a "*genuine choice of transport modes*". It also states – but wrongly – that the 5/5a bus route is 2 per hour on weekdays whereas it is only once an hour at Pacific Drive (worse, only 2 hourly on Sundays). Route 5 serves this North Harbour location at Pacific Drive; Route 5a serves South Harbour, hourly, weekdays via Atlantic Drive. We are not alone in saying this bus service is far from being frequent enough.

## **B. Significant Adverse Impacts.**

**1. Traffic & transportation.** The applicant seeks to rely on the Transport Assessment (TA) from Connect Consultants, who concluded that no adverse impacts would arise. We believe that report to be materially flawed and should be questioned for its use of certain vital assumptions, as follows:

(i) The calculations of existing site trip attraction rates are wrong to take use-class B1 as reference – see TA para 4.6 and Tables 4.3 & 4.4.

(ii) The net development effect calculations, at TA para 4.12, are wrong to deduct from the proposed Aldi traffic flows (at TA appendix 8) any allowance for the previous but never implemented class B1 use for this site. The stark reality is that the site currently has ZERO trip attraction and it is a nonsense to pretend otherwise. This undermines all of the subsequent calculations at TA table 4.15, appendix 10 and the capacity analyses at TA para 5.4 .

(iii) The calculations for the proposed Aldi food-store trip attraction evidently are based on the existing Aldi store at Lottbridge Drove. But the TA at Table 4.5 wrongly assumes that shoppers arriving/leaving that store during commuter peak hours are in any way representative of shopping peak hour trips – which tend to be late a.m. & early p.m., as seen on Saturdays. So the true appropriate trip numbers must be greatly higher, resulting in the need to re-work all the subsequent calculations at Tables 4.6 & 4.15 (again!), with significant re-assessments for junction and roundabout capacity at TA para 5.4.

(iv) The TA's use of Aldi's Lottbridge Drove store as a comparator should also be questioned because (unlike site 7a) it is entered from a 2-lane highway and it benefits from two separate exit points – all facilitating a far smoother and safer site manoeuvring operation, especially for HGVs. By contrast, site 7a is not typical of Aldi's stated needs for a good, timely and efficient delivery operation. Unless another more comparable Aldi store exists in the UK then proper modelling should be employed instead of simply assuming that the proposed scheme is workable for site 7a.

(v) The above point (iv) is very relevant because it is clear from the Planning Statement and other filed documents that the applicant relies on unimpeded HGV access to the site at all times during store opening hours as well as outside those hours. Aldi's delivery schedule timings are based on 2 to 3 minutes for entry & docking; 1 minute for exiting. It is apparent from the proposed car park plan and HGV swept-path that the main car park aisles will need to be cleared of all other vehicles to permit HGV entry from the highway – a procedure that is bound to create a traffic back-up on Pacific Drive. Moreover, as envisaged, the scheme has designed-in the very pedestrian / vehicular conflict sought to be avoided by NPPF 112/113. This needs serious reconsideration.

(vi) In consequence of the above points, both individually and cumulatively, we believe the conclusions of the TA to be unsound. It is apparent that the junction and roundabout capacities have been calculated on several flawed assumptions; and we believe a re-working of the TA will show that capacity would be exceeded at both Pacific Drive roundabouts (Harbour Quay & Martello). Further re-calculation may then be needed at the Harbour Roundabout to the west, which should also reflect planned investment at the Sovereign Retail Park (B & M, McDonalds & Costa).

(vii) Wider but serious implications, affecting the entire North harbour area, are not fully thought through in the TA (or at all). Highway planners are aware that the Martello roundabout on A259 is the only vehicular access to/from a cul-de-sac with over 2000 homes and many small businesses. The implications of any delays arising from a blockage here or on Pacific Drive are too obvious and wide-ranging to require stating. Those risks must not be made even more likely with such a large increase in traffic as proposed by Aldi.

**2. Noise.** The Noise Report (necessarily) contains a great many assumptions that in turn rely on previous assumptions made by others. In particular the TA by Connect, we contend, is based on several flawed assumptions as detailed above. Subject to any consequential re-

working of the TA, the following paragraphs of the Noise Report should also be re-considered: 4.7, 4.12, 4.13, 4.22, 4.23, 4.24. In light of the scale of those assumptions, and the technical complexity around any planning conditions that might assist, in its present form the Noise Report provides an unsound basis upon which to determine this application – the more so given the close proximity of housing.

**3. Lighting.** The Design & Access Statement at para 7.3 implies no impacts will arise during the normal store opening times of 07.00 to 22.00 on weekdays. Yet that ignores the certainty of store activity for deliveries, unloading and other staff functions beyond those hours, such that the considerable lighting will remain in use from 06.00 and as late as midnight or beyond. This is not appropriate for a residential area – EBC ELLP policy EL4 is there for good reason. The effects on residents of the proposed adjacent care home would be equally distressing in the event it proceeds.

In this context also, the headlights of vehicles entering Pacific Drive would sweep the windows of houses directly overlooking the Harbour Quay roundabout and the proposed care home, as would the headlights of vehicles exiting the site affect other homes immediately opposite in Pacific Drive. The development of a large food-store located close by in a residential area is wholly inappropriate and unacceptable development.

### **Summary**

- \* The application is contrary to EBC ELLP policy EL4.
- \* The adverse impacts significantly and demonstrably outweigh the benefits.
- \* The true likely traffic impacts, in particular, are unacceptable and/or severe enough to engage NPPF 111 and warrant refusal.

Sovereign Harbour Residents Association

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