

<b>COMMITTEE DATE</b> 26 July 2018		
<b>REFERENCE NO -</b> 18/502780/FULL		
<b>APPLICATION PROPOSAL</b>		
<p>Variation of Condition (14) of planning permission MA/12/2314 - Erection of Class A1 retail development (with ancillary cafe) and associated servicing, car parking, landscaping and access arrangements. (The net internal sales area of the store hereby permitted shall not exceed 3,722 sq metres (net) of which no more than 1,797 sq metres (net) shall be used for the sale of fashion goods and no more than 1,841 sq metres (net) shall be used for the sale of home goods. No more than 74 sq metres (net) shall be used for the sale of stationery, greeting cards and wrapping paper within a concession ancillary to the sale of fashion and home items. No more than 53 sq metres (net) shall be used as a travel agent as a concession ancillary to the main retail use. No more than 198 sq metres (net) shall be used as a cafe and this will be ancillary to the main retail use).</p>		
<b>ADDRESS</b> Next Eclipse Park Sittingbourne Road Maidstone ME14 3EN		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<p>The changing of 402 square metres of storage floorspace to retail floorspace will not have detrimental or adverse impact on the vitality of the Maidstone town centre</p>		
<b>REASON FOR REFERRAL TO COMMITTEE –</b>		
<p>Boxley Parish Council has called the application to committee as they consider that the proposed change will have an adverse impact on the vitality of the Town Centre.</p>		
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Boxley	<b>APPLICANT</b> Next Plc <b>AGENT</b> Q+A Planning Ltd
<b>DECISION DUE DATE</b>		<b>PUBLICITY EXPIRY DATE</b>
22/08/18		19/07/18

**Planning History (Most relevant)**

14/505077/ADV

Advertisement consent for 1no. free standing internally illuminated sign to direct customers into car park.

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Approved Decision Date: 08.01.2015

13/1895

Application for a non-material amendments following the grant of planning permission MA/12/2314 (Erection of Class A1 retail development (with ancillary cafe) and associated servicing, car parking, landscaping and access arrangements) being:

Revisions to the elevations and roof plan as shown on drawing nos.

5320/P113revA, 5320/P102revK received 04/11/2013 and drawing nos.

5320/SK-P101 and 5320P101revN received 07/11/2013.

Approved Decision Date: 05.12.2013

12/2314

Erection of Class A1 retail development (with ancillary cafe) and associated servicing, car parking, landscaping and access arrangements as shown on drawing nos. NEXT001revL (Floor plan), 2009/12/B/4 (location of viewpoints), 9504-500revP1 (Highways scheme plan), 9504-513revP2 (Highway sign marking 1 of 2), 9504-514revP6 (Highway sign marking 2 of 2), Retail Statement, Planning Statement, Transport Statement, Travel Plan revB, Phase One Habitat and Ecology Appraisal, Statement of Community Involvement, Land Contamination Preliminary Risk Assessment, Office Accommodation Supply and demand in Maidstone, Business Case Report received 02/01/2013 as amended by drawing nos. 5320/LP01revB (Site location plan), 5320/P21revB (Site layout plan), 5320/P101revG (Front and rear elevations), 5320/P102revG (East and West elevations), 5320/P108 (Artist views), 5320/P109revA (Artist views), 5320/P112revD (Cross section through site), Design and Access Statement, External Lighting statement, Transport Update Note, Foul and Surface Water Drainage Statement and drawing no. A1598-610revP6 (Drainage) received 15/02/2013 and further amended by drawing nos. 13-01-01revE (Illustrative Landscape Masterplan) received 07/05/2013 and 13-01-03 (Examples of planting) received 10/05/2013.

Approved Decision Date: 31.10.2013

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

1.01 The application lies to the northeast of the Bearsted Road and A249 roundabout. The site lies within the Eclipse Park and is a large two storey retail store in a prominent position. The Next store was constructed in the past five years and is of a modern design served by a large car park, with landscaping around the perimeter of the site.

### **2. PROPOSAL**

2.01 This is a Section 73A section to vary condition 14 of the original planning permission at the Next store, to allow existing storage floorspace to be switched to retail floorspace, i.e., the net retail floorspace will increase by 402 square metres. For clarification, the store is not being extended nor is a mezzanine floor being inserted. It is simply changing storage space to

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retail. The overall store does not get any larger under this application and no external alterations are proposed under this application.

2.02 The additional 402 square metres of retail floorspace will be used as follows: 318 square metres for fashion, a reduction of home floorspace by 43 square metres and the inclusion of two small ancillary concessional areas, 74 square metres for stationary (Paperchase) and 53 square metres for travel agent (Virgin). The existing Costa café remains unchanged under this application.

### **3. POLICY AND CONSIDERATIONS**

Maidstone Borough Local Plan – DM16 & SS1  
National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

No representations have been received from neighbour notification letters, site notice and press notice.

#### **Consultations**

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

4.01 **Boxley Parish Council:** The parish council wishes to see this refused and reported to the planning committee. It is considered that the proposed change will have an adverse impact on the vitality of the Town Centre.

4.02 **Highways England:** We are satisfied that the proposals will not severely impact the safe and efficient operation of the Strategic Road Network. We therefore offer no objection to the variation of this condition.

4.03 **Kent Highways:** *Traffic generation:* As outlined in table 1, which is contained in the applicant's 'covering letter' dated 23rd May 2018, the proposals will see the existing permitted net internal sales area increased from 3,320 to 3,722 square meters. This represents a net increase of 402 square meters. The proposed net increase will include an additional 318 square meters of fashion floor space and two concessional areas (Paperchase and Virgin), with total areas of 74 and 53 square meters respectively.

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4.04 I note that the applicant predicts that both the proposed concessional areas will be ancillary to the buildings primary use, which is for the sale of fashion and home items. The applicant also states that most of the concessions trade will be from customers who have already completed a purchase at Next. As a result, it is implied that most of the traffic generated by the proposals will constitute '*linked trips*,' which are already on the local highway network. Given the modest nature of the proposals and the limited additional trip attraction that they are likely to have, this is considered a reasonable assumption.

4.05 *Parking, Servicing & Turning:* The existing servicing yard located to the rear of the store will continued to be used under the proposals; these arrangements are satisfactory to this authority. Parking surveys of the existing Next car park have recently been undertaken in support of the proposed Mark and Spencer's north of Next (MBC reference: 18/502144/FULL). Although these surveys do show that the car park operates at or near capacity during the lunchtime and early afternoon period; given the limited amount of expansion proposed and high probability of linked trip behaviours, the proposals are unlikely to significantly worsen this situation.

4.06 *Summary:* I can confirm that I do not wish to raise an objection on behalf of the local highway authority.

4.07 **Environmental Protection:** No comment.

## **5. APPRAISAL**

5.01 The key issues for consideration relate to:

- Impact upon the vitality of the town centre;
- Impact upon the public highway

### **Impact upon the vitality of the town centre**

5.02 The reason condition 14 of planning permission MA/12/2314 was imposed on the basis of the following ground: "*To accord with the terms of the application and to safeguard the vitality of Maidstone Town Centre.*"

5.03 The NPPF seeks to support and ensure the vitality of town centres and sets out of hierarchy for where retail development is best sited, with out of town locations needing to apply a sequential approach.

5.04 The application site is clearly already an existing retail site outside the town centre, which was granted planning permission in 2013. As such the principle of retail on this site has already been established through the granting of this planning permission. The original permission was also subject to a retail impact assessment and a sequential assessment.

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- 5.05 The current proposal seeks to switch 402 squares of storage space to retail floorspace within the existing envelope of the building. No extension or external alterations are needed to accommodate the increase in retail floorspace and nor is any mezzanine floor being inserted to provide the additional floorspace. The overall gross floorspace of the Next store does not change, only the split between the retail floorspace and the back office /storage changes.
- 5.06 The NPPF sets a threshold for retail impact assessments where the floorspace to be created is over a 2,500 square metres, where out of town retail development will potentially have an impact. In this instance the floorspace to be created is only 402 square metres and considerably lower than the threshold trigger for the need for a retail impact assessment.
- 5.07 Policy SS1 of the Maidstone Borough Local Plan sets out between 2011 and 2031, provision will be made through the granting of planning permissions and the allocation of sites for 23,700 square metres of retail use (comparison goods). This proposal would seek to contribute to this retail provision, albeit in a small way, as the proposal only provides 402 square metres of floorspace.
- 5.08 Policy DM16 of the Maidstone Borough Local Plan sets out the sequential approach for dealing with retail development and supporting the vitality of the town centre. For development outside the town centre, a retail impact assessment is required if the threshold of floorspace created exceeds 2,500 square metres. As such again no retail assessment is required in this instance.
- 5.09 However looking back the retail impact assessments from the original planning application and also the M&S application, the increase of 402 square metres would have 0.25% to 0.35% impact upon the town centre, which would be unperceivable.
- 5.10 No additional physical floorspace is proposed as part of this proposal and therefore the sequential test is only relevant given for when additional sales floorspace is proposed instead of back of house. The proposal to utilise the existing building is entirely sensible and appropriate by the applicant and essentially represents a specific locational requirement that can not be replicated or accommodated in any other site.
- 5.11 The agent has also stated *"In addition, given that Next are both the applicant and operator of the store, their intentions in Maidstone town centre are relevant to the sequential test in this situation. Next currently operate a store of 631 sqm (net) at The Mall, Maidstone. However, they are due to move to a new store of 953 sqm (net) at 39-45 Fremlin Walk, where a new unit is being created through permission 18/500968/FULL following the amalgamation of four separate units and external alterations. This*

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*shows Next's commitment to the town centre and effectively demonstrates compliance with the sequential test".*

5.12 In light of the above considerations, I am satisfied that the changing of 402 square of storage space to retail floorspace, within an existing retail store will not have any adverse or significant impact upon the vitality of the town centre.

### **Impact upon the public highway**

5.13 The proposed changing of 402 square storage space to retail floorspace will have only a very minor impact in traffic movements to and from the site. Given the proximity to the M20 and the nature of the proposal, Highways England have commented on the application and raised no concerns of the regarding any impact on the Strategic Road Network. Equally Kent Highways have no raised an objection on highway grounds. Acknowledging that a number of trips will linked trips between the main store and two concession ancillary spaces proposed.

5.14 In terms of parking requirements, Kent Highways do not oppose the increase in additional retail floorspace. The existing parking arrangements are sufficient to cope with the minor increase in floorspace, which in part will be negated by linked trips to the two small concession areas to be created. Kent Highways do not consider that the works are unlikely to significantly worsen this situation.

5.15 Therefore the proposal will not result in either significant or severe adverse conditions on the public highway.

### **Other Matters**

5.16 The proposed development does not involve any external alterations or works, just internal changes. As such the proposal will not have any adverse impacts on the neighbouring properties or the local amenities, which is supported Environmental Health who have not raised any concerns with this scheme.

5.17 The majority of the conditions imposed on the original planning permission were pre commencement or pre occupation conditions relating to the building works, which have been completed. Therefore only the conditions that remain relevant to this site have been carried forward with this application.

## **6. CONCLUSION**

6.01 In light of the above considerations, I am satisfied that the proposal will not result in any harm to the vitality of the town centre, will not result in any significant harm to the public highway and will not harm the local amenities. As such I support this application.

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## **7. RECOMMENDATION**

**GRANT planning permission** subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The external lighting scheme shall be operated in accordance with the approved details application MA/14/0735

Reason: To minimise the impact of light pollution in the interests of the character and amenity of the surrounding area.

- 3) The foul and surface water drainage shall be operated in accordance with the approved details application MA/13/2018.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface and foul water from the site.

- 4) The approved details of the parking/turning areas shall be kept available for such use.

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 5) The green travel plan shall be operated in accordance with the approved details application MA/14/0393.

Reason: In the interests of sustainability and to provide an alternative means of transport to the private car.

- 6) The net internal sales area of the store hereby permitted shall not exceed 3,722 sq metres (net) of which no more than 1,797 sq metres (net) shall be used for the sale of fashion goods and no more than 1,841 sq metres (net) shall be used for the sale of home goods. No more than 74 square (net) shall be used for the sale of stationary, greeting cards and wrapping paper within a concession ancillary to the sale of fashion and home items. No more than 53 square (net) shall be used as a travel agent as a concession ancillary to the sale of fashion and home items. No more than 198 sq metres (net) shall be used as a café and this will be ancillary to the main retail use.

Reason: To accord with the terms of the application and to safeguard the vitality of Maidstone Town Centre.

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- 7) The use hereby permitted shall only open to customers within the following times:

09.00 to 22.00 Monday to Saturday and up to 6 hours between 10.00 and 18.00 on Sunday and Bank Holidays. The café cannot be open outside of the store opening hours.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

- 8) Deliveries shall only take place or be accepted at the store within the following times:

07:00 to 22:00 Monday to Saturday or between 09:00 and 18:00 on Sundays/Bank/Public Holidays.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

- 9) The landscaping scheme implemented shall be maintained in accordance with the approved details submission MA/13/2018. Any trees or plants which within a period of five years from the completion of the development approved under planning permission MA/12/2314 die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure a satisfactory external appearance for the development.

- 10) The development shall be carried out in accordance with: Plans numbered: 5320/LP01 Rev B, 5320/P21 Rev B, 5320/P101 Rev G, 5320/P102 Rev G & 5320/P112 Rev D as submitted on 8th February 2013 and 01927-010 Revision G.

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the area.

Case Officer Aaron Hill