

REPORT SUMMARY

REFERENCE NO - 21/500866/FULL		
APPLICATION PROPOSAL Application for use of part of the existing Wickes retail unit to provide a Class E (formerly A1) foodstore retailing convenience and comparison goods, together with external alterations, the removal of the existing entrance lobby and installation of a new entrance pod and replacement glazing to shopfront as well as alterations to the existing delivery bay, reconfiguration of the customer car park to provide trolley storage, covered cycle parking, and car parking for disabled and parents with children.		
ADDRESS Wickes St Peters Street Maidstone ME16 0SN		
RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> There is no harm caused by the development, or conflict with the Development Plan. 		
REASON FOR REFERRAL TO COMMITTEE – Application called in by Councillor Purle due to concern with the potential future residential redevelopment of Broadway Shopping Centre and St Peter’s Street and these being a matter of significant interest to local residents.		
WARD Bridge	PARISH/TOWN COUNCIL	APPLICANT Lidl Great Britain Ltd AGENT RPS Consulting Services Ltd
DECISION DUE DATE 16/06/21	PUBLICITY EXPIRY DATE 24/05/21	OFFICER SITE VISIT DATE 31/03/21

RELEVANT PLANNING HISTORY

03/1035 - Demolition of existing buildings and erection of retail warehouse unit with associated parking, landscaping and access – Approved – 12/12/2003

21/500867/FULL - External alterations to part of the existing Wickes Extra retail unit, works to include the creation of a new shopfront and replacement plant to the rear – Pending Decision

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located off St Peter’s Street within the town centre boundary, 190m to the west of the Maidstone town centre primary shopping area, on the opposite side of the River Medway. It is currently occupied by a Wickes Extra store and its associated customer car parking area. Access to the site (customer and deliveries) comes directly from St Peter’s Street albeit from two separate access points.

- 1.02 Condition 6 of planning permission MA/03/1035 of the existing store limits the range of goods that can be sold from the store and states:

The use of the retail floorspace hereby approved shall be restricted to the sale to visiting members of the public of bulky goods only and for no other purpose, including any other use within Class A1 of the Town and Country Planning (Use Classes) Order 1987. Bulky good shall comprise, for the purposes of this condition, the following only:-

- *Building, DIY and garden products and plants.*
- *Pets and pet supplies.*
- *Furniture, carpets, floorcovering and household furnishing.*
- *Large 'white'/brown' domestic appliances (including computers and gas products with ancillary smaller goods only.*
- *Automotive goods, bicycles and spare parts.*
- *Office furniture and large equipment/appliances with ancillary smaller office supplies only.*
- *Caravans, tents, camping and boating equipment only (not including sports equipment and clothing).*

Reason: In the interest of preserving the economic vitality and viability of Maidstone town centre in accordance with Policies R1, R2 and R3 of the Maidstone Borough-Wide Local Plan 2000.

- 1.03 The site is bounded to the east by St Peter's Wharf Retail Park which contains a number of other large retail units. The River Medway lies beyond the retail units. To the north, the site is bounded by flatted residential accommodation at Pevensey Court and St Peters nursery school (Grade II Listed) is located to the south. To the west the of the site on the other side of the existing landscaping that bounds the railway line lies St Anne Court and other residential and commercial units on Buckland Road.

2.0 PROPOSAL

- 2.01 Lidl plan to occupy part of the existing Wickes store, allowing them to vacate their existing unit at the Broadway Centre. Wickes will remain in the building with a reduced floor area. This application therefore seeks permission for external alterations to part of the existing Wickes Extra retail unit, including the removal of the existing entrance lobby and installation of a new entrance and replacement glazing to shopfront. The application also seeks permission to expand the range of goods within that part to be occupied by Lidl to a Class E (formerly A1) foodstore retailing convenience and comparison goods, and also includes alterations to the existing delivery bay; reconfiguration of the customer car park to provide trolley storage; covered cycle parking; and car parking for disabled drivers and parents with children.
- 2.02 The proposed Lidl store (Unit B) will have a 2,070 sqm gross internal area (GIA) comprising a net sales area of 1,250 sqm plus warehouse and ancillary floor space including staff welfare facilities, offices and toilets. The remaining floorspace

(3,458sqm GIA) will be retained by Wickes and an application for external alterations to the remainder of the retail unit (Unit A) is being considered under application reference 21/500867/FULL.

- 2.03 The existing pedestrian / vehicular access arrangements to the site from St. Peter's Street will be retained. In terms of car parking, a total of 186 spaces will be provided onsite to serve both units and this is a loss of 4 parking spaces compared to the existing car park layout.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP4, SP21, SP23, DM1, DM3, DM4, DM6, DM8, DM16, DM21, DM23
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- MBC Air Quality Planning Guidance (2018)
- Maidstone Riverside Planning Guidelines – January 2020
- Kent County Council Minerals and Waste Local Plan 2013-2030

4.0 LOCAL REPRESENTATIONS

- 4.01 Cllr Purle: Makes the following (summarised) comments:

- The loss of Lidl from Broadway Shopping Centre could result in redevelopment of this site to high density residential and large amounts of traffic;
- Redevelopment of Broadway Shopping Centre could result in worsening air quality;
- At odds with Maidstone Riverside Guidance that anticipates a lower density form of development; and
- Infrastructure should be in place before the redevelopment of Broadway Shopping Centre.

- 4.02 One resident comment neither objection nor supporting, but wishes to see safe pedestrian access to the store.

5.0 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)

- 5.01 KCC Highways – No objection subject to conditions and travel plan monitoring contribution
- 5.02 MBC Environmental Health – No objection subject to conditions
- 5.03 Kent Police – Recommend that Secured by Design (SBD) Commercial 2015 and British Parking Safer Parking Scheme (SPS) be adopted for this planning application
- 5.04 KCC Minerals and Waste – No comments

- 5.05 Southern Water – Requires a formal application to connection to the public sewer
- 5.06 KCC Drainage – No objection
- 5.07 Environment Agency – Refer to Standing Advice
- 5.08 MBC Conservation Officer – No objection
- 5.09 Health and Safety Executive – Advise against as the development would for indoor use by the public above 500m² and is in an Inner Zone of a major hazard site (Transco PLC)
- 5.10 MBC Economic Development (Verbal Comments) – Confirmed the Royal Mail Sorting Office allocation as not suitable or available in the required timeframe

6.0 APPRAISAL

6.1 The main issues for this application are considered to be as follows:

- Principle of development
- Highways
- Design and Appearance
- Residential Amenity

Principle of Development

- 6.02 Policy DM16 states that proposals such as this development should be located in an existing retail centre (Maidstone town centre or other retail centres) unless by means of a sequential approach it can be demonstrated that it cannot be accommodated here, and secondly that it cannot be accommodated at an 'edge of centre' site. Only then can an alternative 'out of centre' location be considered, which should be accessible by public transport. This follows paragraph 86 of the NPPF which states that Local Planning Authorities should apply a sequential test to planning applications that are not in an existing centre and are not in accordance with an up-to date Local Plan.
- 6.03 Whilst the site is located within the town centre boundary, it is located outside of the primary and secondary retail frontages and is therefore considered to be located as an edge of centre location.
- 6.04 National Planning Policy Guidance (NPPG) provides a checklist that sets out considerations that should be taken into account in determining whether a proposal complies with the sequential test, as follows:
 - With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre.

- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.

- If there are no suitable sequentially preferable locations, the sequential test is passed.

6.05 In terms of assessing alternative sites, the applicant has undertaken a search of suitable sites within the Primary Shopping Areas. The only potential site identified is:

- The Mall – adjacent to Iceland and KC Rock & Sons on the ground floor

6.06 In terms of The Mall, the available unit extends to only 1,400 m² gross, although there is a further 1,000m² available at the basement level. However, the applicant considers that this unit is not suitable as the service access is via a delivery bay at basement level from which goods must then be wheeled through into the building to a delivery lift, which would then take them up to the store on the lower level. They point out that trading on multi levels in such centres is difficult, which would require a movement away from standardised concept store model and utilising floorspace that is not designed with 'deep discount' in mind. This invariably means that the efficiencies and cost savings that come with a standardised store model are not able to be realised, and therefore such stores must achieve significantly increased turnover to account for increased operating costs. Whilst the NPPF advises that flexibility should be applied by retailers where possible, it is accepted that The Mall unit would compromise the applicant's business model.

6.07 In the absence of any suitable and available sites within the defined primary shopping area, the next preference is for sites on the edge of the centre, which means land that is well connected to, and up to 300m from, the primary shopping area. The following sites were investigated due to their size and if they were available to occupy:

- Maidstone East and the Former Royal Mail Sorting Office
- King Street Car Park and former AMF Bowling Site
- Powerhub site

6.08 King Street Car Park is a retail allocation in the Local Plan for up to 1,400m² but with part of the site having been redeveloped for housing, it is not large enough for the development proposed. Nor is the site available. Maidstone East is the Council's primary retail allocation allowing for up to 10,000m² comparison and convenience retail. Whilst in principle the site would be suitable, MBC (who joint own a significant part of the site) have confirmed that the likelihood of the site being available is beyond the time period for when Lidl have targeted their new store to be open. On this basis, it is not considered to be available site at this time or deliverable within a reasonable timeframe.

- 6.09 The 'Powerhub building and Baltic Wharf' is also allocated for retail in the Local Plan and was previously granted permission for a food store. However, in response to the identification of the site as an opportunity site, the site's owners are bringing forward alternative proposals and as such the site is not available.
- 6.10 Therefore, for the above reasons it is considered that the sequential test has been met showing that the proposal could not be accommodated on a site within the town centre or on an allocated site on the town centre edge in accordance with policy DM16.
- 6.11 Policy DM16, criterion 1. ii. requires the submission of an impact assessment where the proposed floorspace is in excess of 2,500m². The proposed Lidl store would have a floorspace of 2,070m² and a retail impact assessment is not considered necessary.
- 6.12 Opportunity site Planning Guidance has been produced for the Riverside and has been adopted as material planning consideration by the Council. The purpose of this document is to encourage, promote and facilitate the redevelopment of sites along St Peter's Street on the western side of the river. The application site is shown as site 4 with the redevelopment of the site anticipated for longer term of 10+ years. It is not considered that the granting of permission for part of the existing building to be used for convenience and comparison retail would preclude the longer term redevelopment of the site for residential-led mixed-use in future.

Highways

- 6.13 Policy DM21 (Transport impacts of development) requires proposals to demonstrate that the impacts of trips generated are accommodated, remedied or mitigated to prevent residual impacts. A transport note has been provided by the applicant which considers the worst-case scenario that the existing Lidl store within the nearby Broadway Shopping Centre is taken up by another supermarket.
- 6.14 In terms of impact, the most significant transport impact is considered to be the junction of the A20/Buckland Hill which is predicted to operate over capacity in the PM peak with or without the impacts of this proposal. Trips generated by these proposals would worsen the situation at this already congested junction, however it is noted that this worsening is relatively minimal in the context of the current conditions and therefore the impacts would not be substantially adverse. A similar reduction in capacity is experienced between the AM peak scenarios, again the junction is already expected to operate over capacity in the AM peak without the development impacts and therefore the resultant increase in queueing is proportionately less, at an approximate uplift from 24 to 35 vehicles.
- 6.15 In addition, the proposal is expected to result in potential impacts on the A20/St. Peter's Street junction, however the actual increase is considered to be relatively modest in the context of the existing level of movements through these junctions on a daily basis. In terms of mitigation and potential financial contribution towards a planned scheme of mitigation, KCC Highways state that there are no suitable planned highway capacity or sustainable transport measures at present, so a contribution is not an option at this time. The most appropriate course of action is

considered by KCC Highways to be a reduction in the motor vehicle trip generation to the site. This would be achieved through support for sustainable and active travel modes and through a monitored Travel Plan and infrastructure on site.

- 6.16 In terms of sustainable travel, the site is within walking distance of the town centre, several bus routes and Maidstone Barracks and West train stations. It is also within walking distance of nearby residential areas. Sustainable transport measures, such as cycle parking, EV charging and a Travel Plan can be secured by condition. KCC Highways have requested £5,000 towards a Travel Plan monitoring fee, however MBC officers do not consider this contribution to be a necessary pre-requisite to granting planning permission as the draft Travel Plan includes the appointment of a Travel Plan Coordinator who would record and address any pertinent information to be considered with submission of a monitoring report to MBC and KCC Highways.
- 6.17 In terms of the site access, the existing access junctions to this site are not proposed to be changed as part of this proposal. The level of traffic movements through these junctions is expected to increase as a result of the proposals, however the types of vehicles utilising the accesses is not expected to change. It is considered by KCC Highways that the site accesses have a good safety record and no objection is raised to the site access.
- 6.18 Kent Highways have assessed the access and impact of traffic upon the local highway network and raise no objection in terms of capacity or safety. For the above reasons the proposals are considered to comply with policies SP23, DM16, DM21 and DM23 of the Local Plan.

Design and Appearance

- 6.19 In respect of design, Local Plan policy DM1 (principles of good design) states that proposals should provide a high quality design which responds to areas of heritage, townscape and landscape value or which uplift an area of poor environmental quality.
- 6.20 The applicant is proposing modest external alterations to modernise the appearance of the building with the following main elements: -
- New glazing on the front elevation of the store
 - New delivery doors to be colour grey
 - Doors to be blocked up with new roller shutter doors colour grey
 - Rendered panels, roof cladding, cladding and soffits to be cleaned and painted.
- 6.21 The proposed alterations are complementary to the overall style and design of the existing building and respect and respond positively to the existing building's streetscape and wider context. The application building is prominent within local views to the south and East along St Peter's Street and it is considered that the proposed external alterations are of a suitable quality and design that would not cause harm to the local area and is considered to be in accordance with policy DM1 of the Local Plan.

Residential Amenity

- 6.22 The application site is an existing retail store and is not considered that the use of part of the store for convenience and comparison retail, or the external alterations would give rise to harm to residential amenity. The existing parking area and store entrance are located on the southern elevation of the building with the closest residential properties to the north across the railway and as such no condition is recommended to restrict the hours of opening for the store. In terms of the service yard, this is located adjacent to residential properties on the northern part of the site and a condition is recommended restricting delivery times to safeguard the enjoyment of their properties by nearby residential occupiers.

Other Matters

Plant

- 6.23 In terms of visual impact, it would be set back from the public highway and would not significantly impact on the street scene. The plant area would sit neatly on the northern elevation of the building within the existing delivery area and screening is proposed in the form of fencing. This type of development is typically found on commercial buildings. It is not considered that the proposal would result in a harmful detrimental impact to the character and appearance of the surrounding area.
- 6.24 Regarding residential amenity, the closest residential properties are located 31m to the north of the proposed plant. The Council's Environmental Health Team has been consulted and has no objection to the location, or details of the plant to serve the store.

Heritage

- 6.25 The closest listed buildings are the Church of St Peter and 6-8 Buckland Road both of which are Grade II listed and are located 130m from the existing building. The Conservation Officer has been consulted and considers that the proposed alterations to the existing building are minor and would not impact harmfully on nearby listed buildings, principally because the setting no longer has a relevance to the to the history and architectural important of either building. No objection is raised on heritage grounds and the proposal is considered to be in accordance with policy DM4 of the Local Plan.

Minerals and Waste

- 6.26 The application site is located in an area with a safeguarded mineral deposit. However, the application site is within the built confines of Maidstone and is thus exempt from land-won mineral considerations. The site is not within 250 metres of any safeguarded mineral or waste facility. No objection is raised by KCC Minerals and Waste Team.

Ecology and Renewables

- 6.27 The NPPF encourages net gains for biodiversity to be sought through planning decisions. The applicant has agreed to provide biodiversity enhancement measures as part of the development and these details will be secured by planning condition.
- 6.28 In terms of renewables, the building already has a large number of solar panels in place with a capacity of 200kW which was approved under application reference 15/510054/PN14J. The applicant has confirmed that these PV panels are to remain.

Broadway Shopping Centre

- 6.29 The Ward Councillor has expressed concern that should Lidl vacate the Broadway Shopping Centre site this would allow the redevelopment of the Broadway site to residential development which would significantly increase traffic, worsening air pollution and impacts on local infrastructure. It should be noted that this current application is to allow the use of the existing Wickes store for convenience and comparison retail only and any application for the redevelopment of the Broadway Shopping Centre would be subject to a separate planning application and consideration at that time and is not for consideration under this application.

Flood Risk

- 6.30 The majority of the site, including the store is located within Flood Zone 1, with a small section of the delivery area in the north eastern corner located within Flood Zone 2. The building is an existing retail store and is classed as less vulnerable development which is appropriate in Flood Zone 2. The EA and KCC Drainage have no comment on this application. No objection is raised on flood risk grounds.

Health and Safety Executive (HSE)

- 6.31 The HSE advise against the proposal as the development would be for indoor use by the public with a floorspace in excess of 500m² and the site is located in an Inner Zone of a major hazard site (Transco PLC). Should Planning Committee resolve to grant planning permission the Council will be required to give HSE 21 days from the notice to consider requesting the Secretary of State calling in the application to be determined.

PUBLIC SECTOR EQUALITY DUTY

- 6.32 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7.0 Conclusion

- 7.1 Whilst the Local Plan seeks to direct such uses towards the town centre, policy DM16 can allow for edge of town proposals where the policy criteria are met. The sequential test has been met showing that the proposal could not be accommodated on a site within the town centre, or any other preferred edge of

centre site. The site has good accessibility by public transport and good pedestrian links to the town centre.

- 7.2 It is considered the proposals are in accordance with the relevant policies of the Development Plan and permission is recommended subject to the following conditions.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

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 development hereby permitted shall be carried out strictly in accordance with the following approved plans and documents:

AD101 – Site Location Plan
AD110 – Proposed Site Plan
AD112 – Proposed Ground Floor Plan
AD114 – Existing and Proposed Roof Plan
AD116 – Proposed Elevations
AD120 – Proposed Site Plan Boundary Treatments
AD121 – Proposed Site Plan Surface Treatment
Lidl Plant Details – Received 09/03/2021
Plant Details – Received 15/03/2021
Car Park Lighting Details – Received 17/02/2021

Reason: To ensure a high quality development and to clarify which plans have been approved.

3. The retail building hereby permitted shall not be occupied until details for the provision of 4 publicly accessible electric vehicle charging spaces have been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall be provided and fully available for use prior to the occupation/operation of the retail store and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

4. The retail building hereby permitted shall not be occupied until details of the trolley bays have been submitted to and approved in writing by the local planning

authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure a high quality appearance to the development.

5. Prior to the final completion of the works hereby permitted, details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity by means such as bird boxes, bee bricks and bat boxes. The ecological enhancements shall be installed prior to the occupation/operation of the retail store and shall thereafter be retained for that purpose.

Reason: To protect and enhance the ecology and biodiversity on the site in the future

6. The retail building hereby permitted shall not be occupied until details of cycle parking for 15 bicycles have been submitted to and approved in writing by the Local Planning Authority. The bicycle parking should be located in close proximity to the store entrance, lit, should provide weather protection and separated from parking vehicles with a good off street location. The approved cycle parking shall be provided and fully available for use prior to the occupation/operation of the retail store and shall thereafter be retained for that purpose.

Reason: In the interests of sustainable travel and to provide secure cycle storage

7. The use hereby permitted shall not be commence until a final Travel Plan in accordance with the Planning Practice Guidance and following the principles of the submitted draft Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be thereafter implemented and maintained.

Reason: In the interest of sustainable transport.

8. The development shall not exceed:
 - (a) 2,070 square metres gross internal area;
 - (b) 1,250 square metres net internal retail area, of which:
 - (i) no more than 1,000 square metres net shall be used for the sale of convenience goods; and
 - (ii) no more than 250 square metres net shall be used for the sale of comparison goods.

Reason: To accord with the terms of the retail impact assessment and to safeguard the primary function of Maidstone Town Centre and local centres.

9. The building or land shall be used for E(a) retail use only and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes)(Amendment)(England) Regulations 2020 or permitted under the provisions of the Town and Country Planning (General Permitted

Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To clarify the permitted use and to safeguard the primary function of Maidstone Town Centre and local centres.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 7, Class A to that Order shall be carried out without the permission of the local planning authority;

Reason: To accord with the terms of the retail impact assessment and to safeguard the primary function of Maidstone Town Centre and local centres.

11. No additional floorspace shall be created through the use of mezzanies or otherwise.

Reason: To safeguard the primary function of Maidstone Town Centre and local centres.

12. Deliveries shall only take place or be accepted at the store within the following times: 06:00 to 21:00 Monday to Saturday or between 09:00 and 17:00 on Sundays/Bank/Public Holidays.

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

Case Officer: Adam Reynolds

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.