

APPLICATION: MA/10/1844 Date: 22 October 2010 Received: 3 February 2011

APPLICANT: Aldi Stores LTD

LOCATION: 26-32, WELL ROAD, MAIDSTONE, KENT, ME14 1XL

PARISH: Maidstone

PROPOSAL: Erection of a Class A1 Retail food store with associated parking and servicing as shown on drawing nos. 7079A-100, 101, 105, 3no. CGI images, Design & Access Statement, Transport Assessment Update, Sustainability Statement received 03/11/2010 as amended by drawing nos. 70179A-102revB, 103revB, 104revB, 106revB, V7079/L01revA, L02revA received 03/02/2011 and a sequential retail assessment received 07/02/2011 as clarified by e-mail received 17/02/2011.

AGENDA DATE: 7th April 2011

CASE OFFICER: Steve Clarke

The recommendation for this application is being reported to Committee for decision because:

- Councillor Sellar has requested it be reported for the reason set out in the report

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13, T23, ENV49
South East Plan 2009: SP2, SP3, CC1, CC4, CC6, T4, T5, NRM2, NRM4, NRM10, TC1, TC2, BE1, BE6, AOSR7
- Village Design Statement: N/A
- Government Policy: PPS1, PPS4, PPS5, PPS23, PPG13

2. HISTORY

2.1 The site has been subject to a number of recent applications for mixed retail/residential development. Prior to this the site was occupied by a plant hire business, offices and a large warehouse building. The previously buildings on the site have been demolished and the site is enclosed by a hoarding.

2.2 Relevant recent planning history is as follows:

- MA/08/1971: Mixed use development comprising a retail food store plus three separate retail units with three residential units above and associated car

parking (amendment to previously approved scheme MA/06/1331): APPROVED 14/12/2008

- MA/06/1331: Mixed use development comprising a retail foodstore with fifteen residential units above, plus three separate retail units with three residential units above and associated car parking - amendments to scheme MA/04/2067 in respect of extension to foodstore, retention of nos. 24 and 25 Well Road and alterations to the approved car parking scheme APPROVED 01/09/2006
- MA/04/2067/02: An application for approval of reserved matter of landscaping approved under application MA/04/2067 for a mixed use development comprising of a retail food store with 15 residential units above and 3 separate retail units with 3 residential units above car parking: APPROVED 04/11/2005
- MA/04/2067/01: Application for approval of reserved landscaping matters approved under application MA/04/2067, for a mixed use development comprising of a retail food store with 15 residential units above & 3 separate retail units with 3 residential units above & car parking: REFUSED 15/07/2005
- MA/04/2067: Outline application for a mixed use development comprising a retail foodstore with 15 residential units above and 3 separate retail units with 3 residential units above and associated car parking, details of landscaping are reserved for future consideration (re-submission of MA/04/0866): APPROVED 14/01/2005
- MA/04/0866: Outline planning application for a mixed use development comprising a retail foodstore with 15 residential units above and 3 separate retail units with 6 residential units above. Details of landscaping are reserved for future consideration: WITHDRAWN 23/80/2004.

3. BACKGROUND

- 3.1 Members will have noted from the planning history set out above, that there have been three previous permissions granted for mixed retail and residential development on this site. The two earliest schemes included 15 residential units above the Aldi store with a separate building housing 3 retail units and three flats above. The 2008 planning permission dropped the 15 units above the Aldi store.
- 3.2 The current scheme has no residential units or separate retail units.

3.3 The differences between the approved schemes and the current scheme are as follows:-

| Application | Total gross retail floorspace on site | Aldi Store gross floorspace | Aldi Store net sales floorspace | Parking spaces | Residential units |
|--------------------|--|------------------------------------|--|-----------------------|--------------------------|
| 04/2067 | 1600m ² | 1290m ² | 869m ² | 71 | 18 |
| 06/1331 | 1674m ² | 1364m ² | 940m ² | 67 | 18 |
| 08/1971 | 1753m ² | 1583m ² | 1125m ² | 64 | 3 |
| 10/1844 | ----- | 1523m ² | 990m ² | 81 | 0 |

4. CONSULTATIONS

External

4.1 **Kent Highway Services:** Commented originally as follows on 20 January 2011:

'The application proposes a foodstore with a gross floor area of 1523m² and a retail floor area of 990m² with 81 parking spaces. Approval has previously been granted for a foodstore with a larger retail area and with 3 additional subsidiary retail units and 3 flats.

In terms of traffic generation, the reduction in the retail area and the absence of the subsidiary units and flats will lead to less traffic being generated to the site than that generated by the previously approved application.

81 parking spaces are proposed. The Kent & Medway Vehicle Parking Standards recommend a maximum of 1 space per 14m² for food retail over 1000m². This equates to a maximum of 109 parking spaces required. The site lies within the town centre in a highly sustainable location where access can be made by alternative modes to the private car. With this in mind the level of parking proposed is considered to be acceptable, although I would recommend that a Travel Plan is provided to further encourage trips by other means than the private car.

The parking standards also indicate that 1 goods vehicle space is required per 500m² which in this case would require 2 HGV parking spaces. Only 1 space is proposed as was the case in the previous application. I would recommend that the car park management plan includes the management of deliveries.

The new access proposed is as agreed under the previous permission and tracking diagrams have been submitted indicating that a 14.1m long artic is able to access the site, turn and leave in a forward gear. I would recommend that a condition is attached to any planning permission indicating that deliveries shall not be undertaken using a vehicle larger than a 14.1m long rear wheel steer articulated lorry and deliveries should be

restricted to take place outside of the highway peak periods of 0800-0930 and 1630-1800.

Visibility from the access is adequate, however I would recommend that a vision splay across the north east corner of the site is maintained to allow a 4.5m x 43m vision splay from James Street.'

Therefore, no objections were raised subject to a number of suggested conditions and informatives being imposed.

Rather than refuse the application, I requested amendments to the application showing the requested visibility splay at the James Street Wheeler Street junction. The amended plans received on 3 February 2011 included the splay and it has been confirmed by Kent Highway Services that the indicated splay is acceptable.

- 4.2 **Environment Agency:** Has confirmed that it has no objections to the development subject to a contaminated land condition being imposed, and informatives governing the undertaking of the contaminated land survey and the storage of fuel/chemicals on the site. They also wish to be re-consulted if the proposals to discharge both foul and surface water drainage to existing public sewers changes.
- 4.3 **Southern Water:** Have advised of the location of public sewers in close proximity to and within the site. They also wish a condition to be imposed requiring details of foul and surface water drainage to be submitted and an informative regarding the need to make an application to connect to the public sewer.
- 4.4 **UK Power Networks:** No objections

Internal

- 4.5 **MBC Conservation Officer:** No objections are raised having considered the impact on the setting of the nearby listed prison wall.
- 4.6 **MBC Environmental Health:** No objections subject to a requirement for a closure report following contamination mitigation works, lighting details and an hours of operation condition being imposed on any permission along with informatives governing the hours of operation and conduct on site during construction.

5. REPRESENTATIONS

- 5.1 **Cllr Sellar** has requested that the application is reported to Committee for the following reasons:

'There is great concern raised by local residents regarding the development being the cause of even more vehicular movements at this already very busy junction, which even now causes long queues of traffic at the lights in all four directions. With the store bringing more cars and lorries, how are they going to negotiate their departure from the car park so close to the lights?

The site of the former Greyhound pub is now residential and there is concern about their outlook and the lighting impact needs serious consideration.

Being within a residential area the design of the building and the landscaping of the enlarged car park must be very good, which was a serious consideration on the previous scheme and the focus of much consideration by residents and local Councillors at that time.

The main feelings that this neglected site has become a wildlife enclave, but at the same time a local eyesore, especially for the residents living opposite and in James Street, and it is a development long time coming. But the feeling is, it must be right in very way to fit in with this type of urban residential area.'

- 5.2 No representations from local residents or other interested parties have been received.

6. CONSIDERATIONS

6.1 Site Description

6.1.1 The application site amounts to approximately 0.52ha in area and is located immediately adjacent to the junction of Well Road/ Wheeler Street and Holland Road to the northeast of Maidstone Town Centre. Well Road forms the southwest boundary of the site, Wheeler Street the south-eastern boundary and a section of the site fronts James Street.

6.1.2 The site was formerly occupied by a number of buildings previously in use as offices/car sales together with a tool hire and sales centre. All the buildings on the site have now been demolished and the site secured by fencing. The previous buildings on the site amounted to 1810m² retail/trade space, and 570m² of B1/A2 floorspace a total of 2380m².

6.1.3 There is a fall of 2.37m across the site from James Street to Well Road, the site also falls in a southeast-northwest direction along the Well Road Frontage (a drop of approximately 1.77m). The pavement level of Well Road is approximately 1.2m lower than the site and as a consequence there is a grey brick retaining wall along this boundary. There are no trees on the site.

6.1.4 Adjacent to the north-western corner of the site in Well Road are a number of two-storey terraced dwellings situated on the back edge of the pavement. Adjacent to the site in James Street are two storey terraced dwellings the

gardens of which back onto the existing tool hire building the external wall of which forms the boundary of the residential gardens. On the north-eastern side of James Street opposite the site lies Kilburn House, a four-storey block of flats

- 6.1.5 Opposite the site in Well Road is the tall ragstone wall of Maidstone Prison This is a Listed structure (Grade II), and on the opposite corner of County Road/Well Road a two storey office development is situated right on the back edge of the pavement. Adjacent to this development is situated the recently completed residential development on the site of the former Greyhound Pubic House. This has also incorporated ragstone in the design. The south-eastern side of Wheeler Street is characterised by two-storey terraced dwellings. There is a newsagents/local convenience shop located at the junction of Wheeler Street/Holland Road.
- 6.1.6 The site area amounts to 0.52ha in area and has no specific designation/allocation in the Maidstone Borough-wide Local Plan 2000.
- 6.1.7 The site is well related to the public transport network. The site is approximately (on foot) 350m from a main-line railway station (Maidstone East) and it is directly served by Route 79 and by other 'bus routes at Maidstone East and elsewhere within the Town Centre. The site is located approximately 420m from the Primary Shopping Area as defined in the Maidstone Borough-wide Local Plan 2000. There are no major physical barriers to pedestrian movement between the site and the Town Centre.

6.2 Proposal

- 6.2.1 The current application proposes the erection of a Class A1 retail foodstore. The total proposed gross retail floorspace on the site would be 1523m² The proposed foodstore has a gross internal floor area of 1432m² and net sales area of 990m²
- 6.2.2 Compared to the previously existing buildings on the site, the current proposals would result in a net reduction in floorspace on the site of some 948m² of which 820m² would be retail/trade space.
- 6.2.3 Proposed parking provision for the development is 81 spaces for the retail element including 4 disability parking spaces and 4 parent & child parking spaces, 2 motorcycle bays and 6 cycle spaces. (Members will have noted from paragraph 3.3 of the report that the extant permission has a 64 space car park). The main vehicular and pedestrian entrance to the site is from Wheeler Street.
- 6.2.4 The main store building is to be sited adjacent to and parallel with Well Road. It is a maximum of 29m in width and 63m in length. Due to the topography of the site, its overall height varies from between approximately 6.8m to 7.5m. The store would have a metal clad flat roof.

- 6.2.5 The prominent design feature of the building is a curved ragstone wall located at the corner of the building adjacent to the junction of Well Road and Wheeler Street. The site boundary walls that front James Street, Wheeler Street and Well Road, are also to be constructed from ragstone and will also be prominent on the streetscene. The entrance to the store is at the north east corner of the building facing the car parking area. On the Wheeler Street elevation, it is linked to the ragstone corner feature by a glazed curtain wall with a stainless steel plinth and projecting canopy that returns along part of the north elevation of the store facing the car park area. The canopy projects some 2.m from the façade of the building facing Wheeler Street and 3m as it returns into the car park area.
- 6.2.6 The elevation of the building facing the car park area is to be constructed using what is indicated on the submitted drawings as a red brick plinth. The plinth increases in depth towards the northwest of the site due to the fall in site levels. Above the plinth would be rendered and this area would be dissected by a single row of high level windows set approximately 2.5m above the internal floor level of the building.
- 6.2.7 The Well Road elevation of the building is split into three distinct sections. Firstly, a continuation of the curved ragstone wall at the junction of Well Road and Wheeler Street, secondly a rendered wall on a brick plinth with a continuous band of high level windows and thirdly a curved section following the line of Well Road with a brick plinth and rendered panels above. This section would be broken up by a series of tall window panels 3.5m high and 3m in width interspersed with green walls set some 300mm off the facade of the building varying between 4.5 to 5.1m in height allowing for changes in ground levels. The roof of the building would be a metal roof. This would be hidden from view behind a parapet.
- 6.2.8 The frontage of the site to Well Road would be bounded by a new 900mm high ragstone retaining wall rather than the current grey brick wall. The land between the wall and the building would be landscaped, as would other areas within the car park and along James Street and Wheeler Street. The Wheeler Street and James Street frontages would also be bounded by a ragstone wall a minimum of 500mm high, with planting behind. The remaining boundaries with residential properties in James Street and Well Road would be formed by 300mm high walls surmounted by doubled sided close boarded timber fencing to provide an overall minimum height of 1.8m.
- 6.2.9 A detailed planting scheme has been submitted with the application. This proposes the planting of eight Heavy Standard Large-leaved Limes to the Well Road and Wheeler Street frontages, along with 5 Silver Birch and 5 Mountain Ash Trees (also Heavy Standard) within the car park and along the frontage to James Street.

- 6.2.10 The tree planting would be supplemented by shrub planting. The shrub planting along Well Road would comprise Hazel, Yew, Osier, Spindle, Butchers Broom and Guelder Rose. The green walls would be planted with Common Ivy and Wisteria.
- 6.2.11 The shrub planting along Wheeler Street would comprise Spindle, Guelder Rose, Butchers Broom and Yew and along the James Street frontage Holly and Yew. Within the heart of the car park area, a combination of Hawthorn, Privet, Elder, Creeping Bramble, Cherry Laurel, Apple Rose, Sweet Box, Cotoneaster, Box Honeysuckle and Brachyglottis Sunshine would be planted.
- 6.2.12 The application is supported by a Design & Access statement, an updated highways position statement, a statement prepared by the application on their environmental management programme which includes a pre-assessment indicator for BREEAM-Retail showing that the scheme could achieve a VERY GOOD rating. A sequential retail site assessment has also been submitted.

6.3 Principle of Development

- 6.3.1 The principle of retail development on the site has already been established with the previous permissions including the still extant permission under application reference MA/08/1971. It is acknowledged however, that the previous permissions were mixed retail and residential schemes that included three smaller retail units with flats above at the corner of Wheeler Street/James Street. The applicants have indicated that a mixed use scheme is now unviable and that their store requirements have also changed, which is why the current application has been submitted.
- 6.3.2 There have also been two material changes to the policy framework since the last permission was granted. Firstly the South East Plan was adopted in July 2009 and secondly, PPS4 was published in December 2009. It is therefore necessary to consider whether these changes are sufficient to require a different conclusion on the acceptability in principle of the development.
- 6.3.3 South East Plan policy TC2 encourages local planning authorities to develop strategies that support the function and viability of pre-eminent town centres within the sub regional areas and the assessment of capacity to accommodate change and growth in those areas including the potential impact on viability and vitality of town centres. Maidstone is designated as a primary regional centre under Policy TC1 of the South East Plan.
- 6.3.4 PPS4 'Planning for Sustainable Economic Growth' published in December 2009 has replaced the now cancelled guidance in PPS6 that the earlier applications were considered against.

6.3.5 Under the terms of the guidance in PPS4, it is necessary to consider the location of the application site relative to the Primary Shopping Area. The site is not a town centre site as it is not within the primary shopping area. To be classed as 'Edge of Centre Site', the site would need to be well connected to and within easy walking distance (i.e. up to 300m) of the primary shopping area.

6.3.6 Whilst there are no major physical barriers separating the site from the primary shopping area, the site lies approximately 420m from the closest point of the primary shopping area as defined in the Borough-wide Local Plan 2000. In my view therefore the site should be more appropriately described as an 'out of centre' site which is defined as follows:

'A location which is not in or on the edge of a centre but not necessarily outside the urban area.'

6.3.7 Due to the revised government advice in PPS4 a sequential site assessment in accordance with policies EC14 and EC15 of PPS4 was requested from the applicant. This has been submitted and considered. The floorspace of the proposal does not meet the threshold (2500m²) for the impact test of PPS4 (policy EC14) and there is no longer any requirement in PPS4 on applicants to demonstrate need ('headroom'). The viability and suitability of a number of sites in the Town Centre were considered. These were;

6.3.8 The former Army & Navy Store, Week Street

This was identified by Officers as potentially being available.

In response it is stated that the ground floor retail space of 675m², is less than the minimum space requirement for Aldi of 990m². Combined with the first floor space (824m²) the space would be in excess of Aldi's requirements and the operation of a food store would be compromised by having the sales space on two floors. The servicing and car parking facilities are also inadequate. It is concluded that the site is not suitable.

6.3.9 Maidstone East

This site is the only outstanding retail allocation with a more central location than the application site which has yet to be fulfilled. The site is part of a larger site being promoted for a comprehensive mixed use development. Given that the February 2010 Town Centre Study supports 3295m² of net convenience floorspace, an Aldi store would only constitute a small proportion of this and would it is stated not have the gravitas to form the catalyst for the wider redevelopment of this key opportunity site.

6.3.10 The unit under The Gateway, King Street

This site was also identified by Officers as potentially being available.

The unit has 823m² at ground level and 1100m² at basement level. It is again stated that this is not suitable as the sales floor would need to be split across

two levels. It is also stated that the basement service delivery arrangements would also severely impact on the efficiency of the store as it would not be possible to offload the incoming goods direct into in store storage areas or the sales floor, a key requirement for the efficiency of discount retailing.

6.3.11 Former Post Office, 1 King Street

Again, this site was identified by Officers.

This unit only offers space over two floors and it has no associated car parking or servicing facilities. The scale of the site also offers little in the way of redevelopment potential.

There is an extant consent for change of use to A3.

6.3.12 22-27 High Street/1-9 Pudding Lane

This potential site was also identified by Officers.

Optimax Ltd. occupy 24/25 High Street on a long lease and this unit is therefore unavailable. Whilst the 5 units combined at 22-27 High Street and 1-9 Pudding Lane would provide a combined floor area of 1,366m² gross, since the middle unit 24/25 High Street is unavailable this discounts the site as an opportunity. The remaining 1,040m² of gross floorspace would be too small to accommodate the Aldi scheme and would not be suitable since the occupied unit splits the floorspace in half, preventing a single retailer occupying the remaining ground floor area.

6.3.13 The initial assessment also looked at and discounted 87/88 Week Street as the 1430m² was split over three floors. The unit has however, since been occupied by a Tesco Express store.

6.3.14 The sequential site assessment also confirms that since 2008 Aldi have altered their business model with their preferred format now being a store with 990m² of net sales floorspace. It is noted that the extant permission (for a larger store) has been included as a commitment within the Council's latest Retail Capacity Study.

6.3.15 The spatial policy section and myself have considered the sequential site assessment, the specific requirements of the applicant and the currently proposed changes to the scheme which have deleted the smaller retail units.

6.3.16 Having assessed each of the sites it is considered that Maidstone East is clearly not a suitable site for the proposed store, given the wider regeneration aims of the Council for this important site. The High Street/Pudding Lane site is also unsuitable given the letting of space that has already occurred. The conclusions reached in the assessment in respect of the other sites are also accepted. Clearly it is important for a discount food retailer such as Aldi to have a single sales floor that they can service efficiently. The remaining sites are therefore all either too small or split over two floors.

6.3.17 The Council has also permitted a larger store (1125m² net sales floorspace) permission for which is still extant, and with the other permissions that have been granted on the site in the past has clearly accepted the principle of a foodstore on this site. The site would not in my view impact on the delivery of other key sites such as Maidstone East as it caters for a potentially different market. It is not considered that the development would result in any adverse impact on the vitality or viability of the town centre.

6.3.18 The fact that a only a single retail store with no residential accommodation or smaller retail units is now proposed together with the provision of a larger car park is acknowledged as a retrograde step which could lead to a reduction in linked trips. It is however, considered that the scale of the proposed store is appropriate to the site and that it would widen choice generally whilst also serving the predominantly residential area around it. No objections are therefore raised to the principle of the development.

6.4 Design

6.4.1 The main issue to be considered in relation to the design of the development is whether it would be out of keeping with the character of the area. I consider the design of the proposed building to respond positively to the character and appearance of the locality, with curved features reflecting the nearby ragstone prison wall as it returns along County Road from Well Road and which is the dominant feature in the area. Moreover, the building is of the right scale in relation to its context.

6.4.2 The curved ragstone feature at the junction of Well Road and Wheeler Street will in particular provide a prominent focal point to the scheme and add significant visual interest to the development and the streetscene and reflects the character of the area which is dominated by the prison wall. This feature also enable the building to turn the corner of Wheeler Street and Well Road well and due to its set back has provided some 'breathing space' to the front of the development.

6.4.3 The introduction of large panelled windows interspersed with living walls along the Well Road frontage also breaks up the length and mass of the building. The juxtaposition of the windows and living wall elements provide a pronounced rhythm to the elevation which alludes to the rhythm present in the terraced housing that adjoins the site. The projecting canopy and the framed glazing to the Wheeler Street frontage of the building provide visual interest and will result in shadowing and a distinct layering to this elevation of the building. The roof of the building would be metal and this would be hidden from view behind a parapet.

- 6.4.4 The provision of ragstone retaining walls to the site frontages along James Street and Wheeler Street although only 500mm to compliment the ragstone corner feature on the building is an acceptable boundary treatment that again reflects the strong influence of the prison wall on the character of the area and is more positive than the previous low wall and railings, that surrounded the former car park on the site.
- 6.4.5 The current wall along Well Road is a crumbling grey brick wall that adds nothing to the area's character or appearance. This would be replaced by a 900mm high ragstone wall providing a strong visual feature along the entire length of this boundary to the site that again clearly reflects the character of the area.
- 6.4.6 The proposed building is of a scale that is not larger than the surrounding development. This is evidenced by the street scene elevations submitted as part of the application. The store itself is also set back from the site boundaries providing space to the front of it and as a result will not appear as dominant in the streetscene.
- 6.4.7 The car parking is also largely located away from the street frontages. Where this is not possible, significant landscaping to soften the visual impact has been introduced. The submitted scheme shows the provision of eight Heavy Standard Large-leaved Limes to the Well Road and Wheeler Street frontages, along with 5 Silver Birch and 5 Mountain Ash Trees (also Heavy Standard) within the car park and along the frontage to James Street. This together with native shrub planting along the highway boundaries has enabled a more robust streetscape to be created than was the case with the previous development on the site. The verticality of the landscaping also contrasts with that of the development which also adds interest to the scheme.
- 6.4.8 The Conservation Officer has raised no objections to the development in terms of the setting of the Grade II listed prison wall or the design of the scheme as now proposed.
- 6.4.9 The key to achieving a successful development here will be in the detailing of the development, especially the materials. The materials need to be of a high quality. I consider it necessary and appropriate therefore to specifically ensure that ragstone samples are provided and that sample panels showing the bonding, mortar mix and pointing details of the ragstone are set up on site and kept as a reference point to ensure to a high quality to the detailing, particularly the important corner feature.
- 6.4.10 Given the extensive use of ragstone within the development and around the site boundaries, I do consider that the use of a yellow stock brick for the plinth of the building and a retaining wall to a fire exit pathway on the Well Road frontage rather than the currently indicated red brick would be more appropriate in terms

of appearance. I also consider that details of the glazing frames and windows should also be submitted and approved to ensure that the frame details are not too thick and dominant. Likewise, some elements of the architectural detailing should also be submitted and approved. The surface treatment of the external pavement areas within the site and on the Wheeler Street frontage should also be agreed.

6.4.11 The applicants have demonstrated that the scheme is likely to achieve a BREEAM Retail Very Good rating. The scheme has achieved a likely percentage score of 62.25% which is significantly above the required score of 55% to achieve a Very Good rating.

6.4.12 The main measure proposed is a commitment to the installation of a heat recovery system on the store's refrigeration system. Such systems are in place in other Aldi stores. The total energy demand for the building is likely to be in the region of 271,642kwh per year and the heating demand 115,416kwh. The heat recovery system in use by Aldi elsewhere and proposed on this site generates 150,000kwh which is more than sufficient to heat the unit and results in over 40% of the energy demand for the development being met by re-useable energy. Other measures include improved building performance by using materials with a low 'U values' and ensuring good air-tightness for the building. The use of recycled and secondary aggregates and local and res sourcing of materials where possible is also proposed. The design aims to achieve a 2% (natural) daylighting factor across 35% of the retail sales floor to achieve the appropriate BRREAM credits. All lighting will be energy efficient and the store fitted with a back-up power saving system that automatically turns off lights if left on when the store is closed.

6.4.13 Subject to the provisions set out in paragraphs 6.4.9 to 6.4.11 above, which can be secured by means of suitably worded conditions, no objections are raised to the design or layout of the proposed development.

6.5 Residential Amenity

6.5.1 Previously the rear boundary of James Street properties was formed by the imperforate wall of the now demolished Tool Hire premises. The submitted drawings show that a new wall with double sided close-boarded fence above (minimum 1.8m high) would be constructed around the site boundaries where it adjoins existing residential properties in both James Street and Well Road. This will provide an acceptable level of screening and security for adjacent residents. Lighting details can be secured by appropriate condition as is the case with the extant permission. The condition should required details of measures to prevent light spillage.

- 6.5.2 Other potential impacts of the development on neighbouring properties have not changed as a result of the changes to the development as now proposed. Whilst the number of proposed parking spaces on the site has increased, the location of spaces immediately adjacent to properties in James Street and Well Road remain as previously approved as do the bin store locations.
- 6.5.3 The extant and previous planning permissions have been subject to hours of opening and hours of delivery conditions to safeguard residential amenity of nearby residents. These should be re-imposed on any new permission.
- 6.5.4 I do not consider that these revised proposals will result in any unacceptable impact on the amenities of nearby residents sufficient to warrant and sustain an objection on these grounds.

6.6 Highways

- 6.6.1 In respect of car parking provision, Annex D of PPG13 sets a threshold of 1000m² (gross floorspace) for food retailing above which a maximum standard of 1 space per 14m² would apply. This would equate to the provision of 109 spaces on this site.
- 6.6.2 The advice in PPG13 makes it clear that these are maximum standards and advises in paragraph 50 that developers should 'not be required to provide more spaces than they themselves wish, other than in exceptional circumstances which might include for example where there are significant implications for road safety which cannot be resolved through the introduction or enforcement of on-street parking controls.'
- 6.6.3 The Kent County Council parking standard for food stores over 1000m² gross floor area is the same as PPG13.
- 6.6.4 There are currently enforced on street parking controls in the vicinity of the site including residents' parking schemes and double yellow lines. Whilst the car park now proposed is bigger than that previously approved and is therefore less likely to lead to linked trips, the number of spaces proposed is 28 less than the maximum set out in PPG13 and the KCC standard. I concur with the views of Kent Highway Services that the site is in a highly sustainable location close to the town centre where access can be made by alternative modes to the private car and that as a result the level of parking provision is acceptable. Previously, many objections wanted more car parking spaces.
- 6.6.5 Given the fact that the number of car parking space has increased from the previously approved 64 to 81, Kent Highway Services have considered the potential revised impact on the local road network. Their assessment of the application is set out in section 3.1 earlier in the report.

- 6.6.6 Members will note that no objections are raised to the development in terms of the impact on the local road network or highway safety. The proposed site access is in the same location as previously approved and it has been demonstrated that vehicles of the size that Aldi use for deliveries can enter, turn and leave the site in a forward gear.
- 6.6.7 The one concern, visibility at the James Street junction with Wheeler Street across the corner of the site, has been addressed and the required vision splay is now shown on the submitted plans. Its provision and subsequent maintenance should be secured by condition.
- 6.6.8 It is noted that Kent Highway Services have recommended that no deliveries take place at the store during morning and afternoon peak hours. On the previous permissions deliveries were restricted to between 7am and 10am and between 6pm and 9pm Mondays to Saturdays and to vehicles no larger than a 14.1m long rear wheel steer articulated lorry. The reason for the time limit for deliveries was to avoid peak times for shoppers as lorries have to traverse the car park to be able to reach the delivery bay. I do consider it appropriate to re-impose this condition. Kent Highway Services have subsequently confirmed their acceptance to this condition.
- 6.6.9 The previous permissions required a car park management plan to be put in place to prevent the car parking being used by commuters/office workers and also required a Travel Plan to be submitted and agreed. These are still required elements.
- 6.6.10 No objections are raised to the development on highway grounds subject to the imposition of appropriate safeguarding conditions relating to parking provision, a car park management plan, size of delivery vehicles, submission of a travel plan and delivery hours.

6.7 Landscaping

- 6.7.1 A detailed planting scheme has been submitted with the application. This proposes the planting of eight Heavy Standard Large-leaved Limes to the Well Road and Wheeler Street frontages, along with 5 Silver Birch and 5 Mountain Ash Trees (also Heavy Standard) within the car park and along the frontage to James Street.
- 6.7.2 The tree planting would be supplemented by shrub planting. The shrub planting along Well Road would comprise Hazel, Yew, Osier, Spindle, Butchers Broom and Guelder Rose. The green walls would be planted with Common Ivy and Wisteria.
- 6.7.3 The shrub planting along Wheeler Street would comprise Spindle, Guelder Rose, Butchers Broom and Yew and along the James Street frontage Holly and Yew.

- 6.7.4 Within the heart of the car park area, a combination of Hawthorn, Privet, Elder, Creeping Bramble, Cherry Laurel, Apple Rose, Sweet Box, Cotoneaster, Box Honeysuckle and Brachyglottis (Senecio Greyii) would be planted. It is acknowledged that some of these species are not native, however, they do provide colour and suitable ground cover as well as providing in the case of the hawthorn, bramble and cotoneaster a deterrent against climbing the boundary fences.
- 6.7.5 The proposed species reflect those approved under the earlier permissions, which were approved following consultation with Members. The main difference in relation to this application is the introduction of a larger extent of landscaping along the Wheeler Street frontage as the previously approved retail units with flats above are no longer proposed.
- 6.7.6 I consider the submitted details to be acceptable and that they will result in a satisfactory setting for the development. There was very little or no landscaping on the site as previously developed and the new planting scheme will enhance the appearance of the area.

7. CONCLUSION

- 7.1 This revised retail scheme is considered to be acceptable in terms of both the principle and detail of the development.
- 7.2 The design will provide for a well detailed and visually interesting building with appropriate landscaping to provide its setting. The development would not harm the setting of the adjacent Grade II listed Prison Wall and has incorporated ragstone within the design to compliment this key feature in the local townscape.
- 7.3 The scheme is acceptable in terms of its impact on nearby residential properties and on the local highway network. The development will not have an adverse impact on the vitality and viability of the Town Centre. Finally, development of the site would result in a substantial visual improvement to the site's current appearance to the benefit of the character of the area as a whole.
- 7.4 No objections are therefore raised to the development subject to appropriate safeguarding conditions, which reflect those on the extant permission, updated as necessary, but including specific requirements for materials and architectural detailing.

8. 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 development hereby permitted shall be carried out in accordance with the following approved plans:
7079A-102revB, 7079A-103revB, 7079A-104revB, 7079A-105, 7079A-106revB, V7079L01revA, V7079L02revA;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers in accordance with policies CC1 and CC6 of the South East Plan 2009.

3. The development shall not commence until, written details and samples of the materials of the external surfaces of the building, the external surfacing of pathways and forecourt areas to the main store within the site and details of the glazing and architectural detailing of the building, have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include inter-alia:

(i) The use of ragstone for the boundary retaining walls to Well Road, Wheeler Street and James Street as indicated on drawing nos. 7079A-102revB and 7079A-103revB.

(ii) The use of ragstone for the corner feature of the building at the junction of Wheeler Street and Well Road as indicated on drawing nos. 7079A-102revB and 7079A-103revB.

(iii) Large scale drawings (1:20 or 1:50) of the proposed curtain wall glazing system and frames.

(iv) Large scale drawings (1:20 and 1:50) of the proposed framing of the remaining windows proposed within the building.

(v) Details of window recesses.

(vi) Details of the proposed coping at the junction of the external walls and roof of the building.

(vii) Notwithstanding the details shown on drawing no 7079A-102revB, the provision of a yellow stock brick plinth to the store building and the retaining wall adjacent to the building on the Well Road frontage.

(viii) Details of the proposed protection railings to the Wheeler Street frontage and the handrail to the Well Road frontage.

The development shall thereafter be constructed using the subsequently approved materials and detailing;

Reason: To ensure a satisfactory appearance to the development pursuant to policies CC1, CC6 and BE6 of the South East Plan 2009.

4. The development shall not commence until a sample panel of ragstone detailing the proposed bonding of the stone and the mortar to be used for the corner the building at its junction with Well Road and Wheeler Street and the boundary walls to Well Road, Wheeler Street and James Street shall be erected on site and agreed by the local planning authority. The development shall thereafter be undertaken in accordance with the details on the approved panel, which shall be retained on site until such time as the relevant works are completed.

Reason: To ensure a satisfactory external appearance to the development pursuant to policies CC1, CC6 and BE6 of the South East Plan 2009.

5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development 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 setting and external appearance to the development pursuant to policy ENV6 of the Maidstone Borough-wide Local Plan 2000.

6. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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 pursuant to policy T13 of the Maidstone Borough-wide Local Plan 2000.

7. Prior to the first occupation of any part of the development hereby permitted, a Business Travel Plan which shall include measures for its implementation, monitoring, review and subsequent enforcement, shall be submitted to and approved by the local planning authority in consultation with the highway authority and shall thereafter implemented in accordance with the details of the plan upon first occupation of any part of the development.

Reason: In the interests of sustainability pursuant to policy T5 of the South East Plan 2009.

8. The retail foodstore hereby permitted, shall not be open for trading prior to 0700 hours or after 0000 hours on any day.

Reason: In the interests of the amenities of existing and future adjoining residents pursuant to policy NRM10 of the South East Plan 2009.

9. No deliveries to the supermarket hereby permitted shall be undertaken except between the hours of 0700-1000 and 1800-2100 Mondays to Saturdays and these deliveries shall not be undertaken using a vehicle larger than a 14.1m long rear wheel steer articulated lorry;

Reason: In the interests of highway and pedestrian safety and residential amenity pursuant to policy NRM10 of the South East Plan 2009 and policy T23 of the Maidstone Borough-wide Local Plan 2000.

10. The development shall not commence until a detailed car park management plan has been submitted to and approved by the local planning authority. The subsequently approved plan shall be implemented prior to the first occupation of any part of the development and shall be maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of highway and pedestrian safety and to prevent parking inconsiderate to other road users pursuant to policy T13 of the Maidstone Borough-Wide Local Plan 2000.

11. Notwithstanding the lighting shown on the submitted plans, the development shall not commence until, full details of all proposed lighting, including measures to provide shielding and prevent light spillage to adjacent residential properties, have been submitted to and agreed in writing by the Local Planning Authority. The lighting shall thereafter be implemented and maintained in accordance with the approved scheme. No floodlighting shall be installed on the site without the prior written consent of the Local Planning Authority;

Reason: To safeguard residential and visual amenity in accordance with policy ENV49 of the Maidstone Borough-wide Local Plan 2000.

12.No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason: To safeguard the external appearance and character of the building in accordance with policies CC1, CC6 and BE6 of the South East Plan 2009.

13.Prior to the first occupation of any part of the development hereby permitted, details of a maintenance programme for maintaining the external appearance of the buildings shall be submitted to and approved by the Local Planning Authority. The programme shall thereafter be implemented in accordance with the subsequently approved details.

Reason; To maintain and preserve the character and appearance of the buildings in the interests of the visual amenities and character of the area pursuant to policies CC1 and CC6 of the South East Plan 2009.

14.Prior to the commencement of the development hereby permitted, details of measures to prevent the parking of motor vehicles on the forecourt area of the main store in Wheeler Street shall be submitted to and approved by the local planning authority. The subsequently approved details shall be implemented prior to the first opening of the store and maintained thereafter.

Reason: No such details have been submitted and in the interests of pedestrian safety pursuant to policy T21 of the South East Plan 2000.

15. The development shall not commence until:

1. Approved remediation works for contamination previously identified on the site have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with details of the previously approved methodology for undertaking the works. If during any works, contamination is identified which has not previously been identified, additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

2. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: To prevent harm to human health and pollution of the environment pursuant to PPS23.

16.The development shall not commence until details of foul and surface water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure a satisfactory means of drainage to the site pursuant to policies NRM2 and NRM4 of the South East Plan 2009.

17.The retail unit shall achieve at least a Very Good BREEAM Retail rating. The unit shall not be occupied until a final certificate has been issued for it certifying that at least a Very Good BREEAM Retail rating has been achieved.

Reason: to ensure a sustainable and energy efficient form of development in accordance with Kent Design and PPS1 and policy CC4 of the South East Plan 2009.

18.The visibility splays to the site access to Wheeler Street (4.5m x 90m south and 2.4m x 90m north) and the visibility splay across the site at the junction of James Street and Wheeler Street (4.5m x 43m south) shall be provided prior to the first use of the building and car park hereby permitted. The visibility splays shall thereafter be maintained and no obstruction above 0.6m in height shall be placed or formed within the splays.

Reason: In the interests of pedestrian and highway safety pursuant to policy T23 of the Maidstone Borough-wide Local Plan 2000.

Informatives set out below

The developer should arrange a detailed inspection of Well Road and Wheeler Street in the vicinity of the site with the Kent County Council Highways Department, prior to the commencement of development and after completion, to assess any damage caused by construction vehicles during development, with a view to rectifying any damage caused.

You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/ unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

You are advised to consider in submitting the details pursuant to condition 15 the use of additional raised planter(s) and/or the use of suitably designed bollards.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

No vehicles may arrive, depart, be loaded or unloaded within the general site except between the hours of 0800 and 1900 Mondays to Fridays and 0800 and 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by, the local planning authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.