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APPLICATION: MA/12/0232 Date: 10 February 2012 Received: 14 February 2012

APPLICANT: Tesco Stores Ltd

LOCATION: LAND AT STATION APPROACH AND, GEORGE STREET,
STAPLEHURST, KENT

PARISH: Staplehurst

PROPOSAL: Erection of a class A1 retail store, associated parking and petrol filling station; transport interchange comprising bus and taxi drop-off/pick up facilities, 39 short stay railway station car parking spaces, and covered walkway to existing railway station building; and 660-space commuter car park and nature area the Phase 1 desk Study Environmental Assessment; Transport Assessment; Community Consultation Statement; Planning and Retail Statement; Flood Risk Assessment; Ecological Assessment; Interim Travel Plan; Landscape Supporting Statement; Design and Access Statement; site location plan; plan number 1674/P/09 A; 1674/P10 A; as received on 13 February 2012, plan number 1674/P/01 J; 1674/P/07 B; AA TPP 04; 1674/P/02 F; 1674/P/10 B; 1674/P/08 E; as received on 17 May 2012; Cumulative Impact Assessment (retail); Cumulative Impact Assessment (highways) as received on 7 September 2012, additional landscape and visual information submitted on the 13 December 2012, and draft Heads of Terms submitted on 17 December 2012.

AGENDA DATE: 10th January 2013

CASE OFFICER: Chris Hawkins

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

- Staplehurst Parish Council wish to see the application reported to Committee.
- If approved, it would be a departure from Policy ENV28 of the Development Plan.

1. **POLICIES**

- Maidstone Borough-Wide Local Plan 2000: T7, T13, ENV6, ENV28, ENV49
- South East Plan 2009: BE4, RE3
- Draft Core Strategy 2011: CS1, CS4, CS5, CS6, CS7, CS8
- Draft Integrated Transport Strategy (2012)

APPENDIX

- National Planning Policy Framework 2012 (NPPF); Ministerial Planning for Growth Letter; Planning for Town Centres: Practice guidance on need, impact and the sequential approach (December 2009).

2. HISTORY

'Site A' – the eastern section of 'land to the north of the railway line'

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|------------|---|
| MA/97/1102 | Application to vary condition 01 of MA/94/0960 to allow a further 3 years for the submission of detailed design and landscaping for the erection of a health centre (incorporating 6 squash courts, ponds and landscaping). Approved. |
| MA/97/0457 | Variation of condition 01 attached to MA/94/0341 to allow a further period in which to commence the development originally permitted under MA/90/1627E. Approved. |
| MA/94/0960 | Application under S73 of the Town & Country Planning Act 1990 to develop land without complying with conditions 1b & 2 of Outline Permission MA/91/0419E. |
| MA/94/0341 | An application to carry out development permitted under MA/90/1627 E without compliance with condition 1 to allow a further time period in which to commence the development. Approved. |
| MA/91/0419 | Outline Application for 2 storey squash and health club with car parking. Approved. |
| MA/90/1627 | Change of use to open air recreation, tennis courts with landscaping. Refused. Allowed on Appeal. |

'Site B' – the western section of 'land to the north of the railway line'

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|------------|---|
| MA/92/1374 | Erection of stable block (portable building) for five horses. Approved. |
| MA/98/0443 | Variation of condition 01 of planning permission reference MA/92/1374s to allow a further time period in which to commence the development of a stable block. Approved. |

Site A and Site B – land to the north of the railway line

APPENDIX

MA/03/1232 Relocation of existing station user car park to provide 600 station user car park spaces, ticket machine, taxi office, waiting shelter, new platform access, enhanced landscaping, security lighting and associated highway improvements. Withdrawn.

Prior to being withdrawn the application was recommended for refusal on the following grounds:

- 1) *The proposal would involve development in the open countryside outside the extent of any settlement defined in the development plan and contrary to policies ENV1, RS1 & RS5 of the Kent Structure Plan 1996 and ENV28 of the Maidstone Borough-Wide Local Plan 2000.*
- 1) *The proposal would have a detrimental impact on the character and visual amenities of the area contrary to policies S2 & ENV1 of the Kent Structure Plan 1996 and ENV28 & ENV49 of the Maidstone Borough-Wide Local Plan 2000.*
- 2) *It is not considered that the full impact of the proposed development on nature conservation interests has been assessed. As such the development may have a detrimental impact on nature conservation interests contrary to policy ENV2 of the Kent Structure Plan 1996.*
- 3) *The design of the access road to the car park is detrimental to road safety and prejudicial to the free flow of traffic on George Street.*
- 4) *The proposal would be likely to have a detrimental impact on the amenity of nearby residential property by reason of noise and would therefore be contrary to policies ENV4 and ENV28 of the Maidstone Borough-Wide Local Plan 2000.*

'Site C' – Existing Station Car Park

MA/03/1282 Redevelopment of land to provide a foodstore with associated parking, transport interchange and highway improvements with means of access, siting and landscaping for consideration now, with external appearance and design reserved for future consideration. Withdrawn.

Prior to being withdrawn the application was recommended for refusal on the following grounds:

APPENDIX

- 1) *The proposal would result in a large new convenience store for which it is not accepted that there is a demonstrated need and is likely to lead to adverse impact on the vitality and viability of nearby centres contrary to policies R1, R2, R10 and R15 of the Maidstone Borough Wide Local Plan and policies R1 and R2 of the Kent Structure Plan 1996.*
- 2) *The proposal would result in the loss of car parking facilities for the railway station requiring the provision of new facilities in the countryside detrimental to the character and appearance of the area and contrary to policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and ENV1, RS1 and RS5 of the Kent Structure Plan 1996;*
- 3) *The proposed layout is considered to be unsatisfactory and detrimental to the character and appearance of the area contrary to policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996;*

*It should be noted that the policy 'landscape' has altered since these applications were previously considered (although not determined). As such, any recommendation on this current application should be determined in accordance with the most recent government guidance and existing policy.

MA/96/1304 Outline application for demolition of existing garage and erection of new supermarket with means of access and siting to be determined. Approved.

MA/96/0694 Change of use of car park to open market on Sundays only between the hours of 0700 and 1500. Approved.

'Site D' – Land to the West of the Station Car Park

MA/08/0895 Stationing of portable office building for use as taxi booking office (Renewal of MA/03/0717). Approved.

MA/05/0836 An application for the prior approval of the local planning authority for the installation of a 15m high telecommunications mast, 6 No panel antennae, 1 No 600mm dish antenna, 1 No 300mm dish antenna, 3 No outdoor Vodafone equipment cabinets, a 2.1m high compound fence and other development ancillary there. Approved.

MA/03/0717 Stationing of portable office building for use as taxi booking office. Approved.

APPENDIX

MA/96/0266	Stationing of portable office building. Approved.
MA/92/0035	Change of use from storage and distribution (B8) to retail (market use). Approved.
MA/86/2034	Change of use for siting of tarmac production plant. Approved.
MA/82/0680	Outline application for erection of small industrial units. Approved.
MA/76/1452	Outline application for residential development. Refused.

2.1 Planning History Considerations

- 2.1.1 Whilst both the application for the car park and the foodstore were proposed to be refused, the applicants withdrew the applications prior to determination. Neither application was formally presented to Members, and as such are considered as an officer view (at that point in time). These proposed reasons for refusal therefore carry no weight in the determination of this application – they are included for background information only. Nonetheless, the similarities between the previous submissions and this application are noted.

3. CONSULTATIONS

- 3.1 **Staplehurst Parish Council** were consulted and made the following comments on 14th March 2012:

- 3.1.1 Having heard verbal submissions by members of the public over the previous two hours, Councillors then considered their recommendations to Maidstone Borough Council. The first proposal to approve the application in principle was not supported by a majority (4 voted to approve, 8 against, 1 abstention and 1 non-voter). It was considered that more work needed doing on the application, so would be safer to refuse it at present. A second proposal was then put by Councillor John Kelly, seconded by Councillor Sam Lain to recommend REFUSAL of the application. This proposal was carried by 10 voting for refusal of the application and 4 voted against the proposal. Councillors requested that this application be reported to MBC Planning Committee. The reasons for refusal were agreed as follows:-

- The proposal would result in a supermarket on land which would be a 'departure' from the development plan and the proposal in itself does not mitigate for that departure. The draft Core Strategy and the former

APPENDIX

Borough-wide Local Plan do not show any development on this greenfield site, the railway boundary of which is a defined northern boundary to Staplehurst. Major development north of this boundary would encourage other development north of the village.

- The proposal would result in the loss of car parking facilities for the railway station requiring the provision of new facilities in the countryside detrimental to the character and appearance of the area.
- The proposal would result in substantial development taking place for the net gain of 10 formal car parking places but ignores additional informal car parking spaces currently available; this is deemed inadequate for future growth. It is considered that at least 800 spaces are required and feasible either south of the railway (by better use of space or on the proposed site by the applicant). Insufficient commuter parking would cause increased displacement parking in neighbouring roads and residential areas.
- The proposed layout is considered to be unsatisfactory and detrimental to the character and appearance of the area. There is insufficient detail of landscaping and screening. Removal of existing landscaping beside the London-bound platform near the proposed transport interchange is not welcome. No detail of the style and design of the proposed covered walkway from the transport interchange to the existing station.
- The scale of the store is considered to more than adequately serve the area and whilst many people want a supermarket; this proposal is considered to be too large for the needs of the area and is not sustainable with the current infrastructure. This assumes customers coming from other locations. This would have a detrimental impact on the feel and well-being of this rural location. The proposal would lead Staplehurst into becoming a transport and retail hub for the weald. The proposed scale of the development does not adequately promote a thriving, inclusive and locally distinctive rural community whilst continuing to protect the open countryside for the benefit of all (PPS4 EC15.1).
- The proposed new highway arrangements for Station Approach and George Street give great cause for concern. Egress from George Street southwards is considered difficult, unsafe and needs to be reconsidered. Paragraph CS7 of the draft Core Strategy states that development proposals must show how they do not create an increased risk to road safety. Insufficient detail is given for the siting and phasing of the traffic-light junction on the A229 with Station Approach, Market Street and nearby factory. The relationship of this junction with existing bus stops in Station Road is not made clear and the retention of bus stops on the A229 Station Road is considered

APPENDIX

necessary. There are real concerns regarding highway safety and congestion that the proposals would create for A229 traffic through-put, commuters, shoppers, residents, commercial and delivery vehicles to/from the industrial estate. A major concern is the highway aspect, due to the agreed further expansion of the Lodge Road Industrial Estate (Ref: MA/09/0455 Drawing No DHA/6962/02). This will create a further 93,625 sq/ft (8,698sq/mtr). The proposed Tesco development is approx. 36,414 sq/f of retail unit only. (Tesco Montague Evans; Ref ED2 Page 6) This does not include the Petrol Station on Station approach. The new industrial units would be of a mixed usage scheme due to sizes, thus creating a large amount of movement from cars and lorries, in and out on a regular basis along a shared piece of common road. Station Approach will not be able to accommodate such volumes in the near future if the Tesco development takes place, even with the proposed traffic light system in place. PPS4 EC6.2/D refers. In addition traffic from the proposed North/commuter car park trying to access the Store and petrol station throughout the day, which will be exacerbated at peak times. This in turn could precipitate the industrial units not being let or sold therefore potentially hindering the expansion of job creation in the local community.

- The proposed new car park would be on a greenfield site north of the railway line which is of great concern for reasons of flooding and drainage. There is insufficient detail in the proposals and particularly the Pinnacle survey, was considered superficial for the drainage needs of the area which is low-lying. The water run-off into local ditches that feed into the river Beult (that has a history of flash flooding) will cause back up flooding of the site and along the path of the ditch as it flows as a tertiary river into the river Beult. No geological survey of the site was apparent.
- The Ecological solution for the newts is unacceptable - To be sited so close to the road bridge embankment and the car park itself, it was considered that road salt run off could cause problems for the newts. It would be better if the newts were moved elsewhere and additional commuter car parking provided (with suitable landscaping/screening). Relocation of the newts would make it possible to plant a dense tree belt between the car park and the top of the embankment.
- There was no pre-application meeting with the Parish or Maidstone Borough Councils which is a requirement as mentioned in the documentation.

3.1.2 Some Councillors were not opposed in principle to a retail development on Network Rail land south of the railway and noted that a number of members of the public favoured such a development. However, a majority of Councillors considered that the application as submitted did not adequately address the

APPENDIX

serious concerns listed above. Nevertheless, if Maidstone Borough Council decided to approve the application, the following conditions and further research be carried out to mitigate the impact of the development:

- That the petrol station would not sell newspapers (to safeguard the viability of the existing local newsagents).
- Negotiations with Arriva take place with a view to improving the overall bus service and addressing the 1½ hour gap in service between 0800 & 0930 whilst extending the weekend service provision.
- Before the replacement station car park north of the railway is brought into use, Network Rail and/or the rail franchise operator shall provide rail and car park ticketing facilities on the north side of the railway/Ashford-bound platform.
- To research potential demand and future-proof the development by looking at the long-term impact of the proposal in all areas but mainly the traffic issues.
- In case the applicant's view (that there will not be any flooding problems in the commuter car park) proves to be wrong or miscalculated, there would need to be a mitigation provision that remedial works would be undertaken to deal with it, so that local residents wouldn't pay the price.
- Off-site improvement works to upgrade the existing footpaths and traffic-light crossroads (Marden and Headcorn Road – with motion sensors) to enable disabled people from Sobell Lodge to reach the Tesco store by themselves.
- No mezzanine floors to be added within the proposed building.
- Consult the local community on store and petrol filling station opening times.
- Signage should not project above the rooflines of any building.
- Improved landscaping or substantial shelter belt for the screening of both sites and bridge embankments, including details for the siting of acoustic fencing.
- Electric charging points in both car parks and at the store.
- That the new northern car park should be complete and fully open to users before any works are started on the existing three southern car parks.
- That consideration be given to the location of the bus stops in Station Road.
- Section 106 Agreement to be negotiated with the Parish Council with reference to its approved list (to be submitted with this response to MBC). Remove all references to S106 funding being spent on Network Rail Car park and Travel Plan.
- The store should sell primarily food with no pharmacy.
- Liaison with other businesses in Lodge Road should take place regarding delivery times to the store to reduce traffic conflicts and to minimise delays at the traffic lights caused by exiting Tesco customers.

APPENDIX

- A free bus service to serve local villages such as Frittenden (that had no commercial bus service) would be appreciated.
- Light pollution concerns were expressed. It would be appreciated if the local impact of the commuter car park north of the railway in particular, could be checked and improved upon.
- Recycle Area to be re-sited to a place where it does not impact on traffic flows at entrance/exits to car park or petrol station and at a location where it can be suitably screened.
- Removal of the proposed Lorry Lay-By as there is no perceived need.
- The inclusion of cycle ways adjacent to footpaths and link up to neighbouring communities.
- The inclusion of traffic light sites on all plans.
- Consultation with Network Rail as to the implementation of a Clustered rail services/ticketing provision for Headcorn, Staplehurst and Marden.
- Review traffic management at George Street junction to include temporary/full time traffic light system or substantial roundabout.'

3.1.3 Further comments were received by the Parish on 1 June 2012, following the receipt of amended plans:

3.1.4 'Thank you for your letter dated 17th May with enclosures. Councillors have now considered the amended plans and made the following recommendation:

3.1.5 To recommend *refusal*, observing that the amended application did not materially change the first application and therefore all the original objections recorded by the Council remained. Please refer to this Council's letter dated 13th March 2012 for full details. Councillors requested that this application be reported to MBC Planning Committee.'

3.1.6 As Members are well aware, these are purely the comments of the Parish Council, which have not been influenced by the case officer. It is acknowledged that their views on this application may differ from that of the adjacent application (ref MA/11/1944). Whilst there are similarities between the two applications, the Parish Council are clearly entitled to come to a different conclusion on each should they wish.

3.2 Maidstone Borough Council Landscape Officer was consulted and made the following comments upon the application:

3.2.1 'There are no arboricultural constraints on this site in relation to Tree Preservation Orders, veteran trees or designated ancient woodland.

APPENDIX

- 3.2.2 The three hedgerows (H1 to H3) identified within the applicant's ecological assessment are considered not to qualify as 'important' under the current criteria of the Hedgerows Regulations 1997.
- 3.2.3 The arboricultural assessment statement appended to the Landscape Supporting Statement produced by aspect landscape planning, January 2012, indicates that all trees on the site, with the exception of T70, fall into category C (trees of low quality and value). It is therefore very important that sufficient new structural planting is included in the landscape scheme to succeed these trees which generally would have a relatively short lifespan.
- 3.2.4 Whilst tree protection fencing is denoted on plan AA TPP 03 there is some inconsistency in terms of which trees are to be retained and removed, particularly in the area where bunding is proposed around the pond to the north of the site. A revised plan showing the location of tree protection is therefore required.
- 3.2.5 The detailing of the hard landscaping in conjunction with the new tree planting is very important, specifically to ensure trees are not damaged within areas of parking. I would suggest a strong form of vertical delineation, whether in the form of raised kerb edging or knee rails.
- 3.2.6 In my view the principles of the proposed landscaping are generally acceptable but a fully detailed hard and soft landscaping scheme should be required by condition to ensure the long term success of the scheme. The details should also include the provision of a maintenance specification and a long term management plan, specifically addressing the tree succession issues.
- 3.2.7 In conclusion, I **RAISE NO OBJECTION** to this application on landscape detail or arboricultural grounds and recommend pre-commencement conditions as detailed above.
- 3.3 Maidstone Borough Council Spatial Policy Team** were consulted and raised no objections to the proposal in so far as the impact upon the existing retail centres, but acknowledged the position of the site, being one within the open countryside. The details of their comments are provided within the main body of the report.
- 3.3.1 The comments identify the following matters are being of the principal planning policy issues:
- A. The application site lies substantially outside the limits of Staplehurst as defined in the Maidstone borough-wide Local Plan

APPENDIX

- A. The availability of sequentially preferable alternative sites for the proposed supermarket
- B. The impact of the proposed supermarket on Staplehurst village centre and other identified retail centres

3.3.2 With regards to the first matter, the following comments were made:

3.3.3 'Apart from the showroom site at the corner of Station Approach and Station Road, the application site lies outside the limits of Staplehurst village as defined on the Local Plan proposals map. Outside these built limits, restrictive countryside policies apply with development generally limited to that requiring a countryside location (Policy ENV28).

3.3.4 To the south of the railway line the proposal is to redevelop the existing site to provide the store, store parking, station drop off facilities and short stay station parking. This part of the proposal is therefore a redevelopment of previously developed land and the NPPF directs that planning decisions should encourage the effective use of such land (paragraph 111). To this extent the proposal could deliver the more efficient use of a PDL site, which, whilst clearly outside the boundary in the MBWLP is immediately related to the built up area of the village.

3.3.5 The development to the south of the railway line would result in the loss of the existing car parking area for users of the station. To address this loss, the creation of a substantial commuter parking area to the fields to the north of the railway line is proposed. The proposed commuter car park would constitute a substantial incursion of built development into a greenfield site in the countryside into an area with known ecological value. The railway line defines a clear change in character with the land to the north of it comprising open rural landscape with only sporadic development. This development would cause harm the rural character of this locality and would be contrary to Policy ENV28 which states that planning permission will not be granted for development which harms the character and appearance of the area. In addition to not causing harm (which it is considered this proposal would), the policy lists the specific categories of development into which a proposal must fall to be acceptable. Criterion (4) states 'the provision of a public or institutional use for which a rural location is justified'. In this case it could be argued that the commuter car park is a public use however a rural location is not justified because this facility is already in existence in a more suitable location on the south of the railway line.

3.3.6 In addition, ponds are present on the site to the north of the railway line and Policy ENV41 affords specific policy protection to ponds on the grounds of their

APPENDIX

visual or ecological value. Mitigation should be sought if development would result in their loss.

- 3.3.7 MBWLP Policy T7 applies to the station building and parking areas and seeks to prevent redevelopment when a station closes. The railway station is not closing as part of this proposal so the policy is not directly relevant in this case.
- 3.3.8 The points regarding the sequential approach, and the impact upon the town centre are addressed within the main body of the report.
- 3.4 **Maidstone Borough Council Environmental Health** were consulted on the application and raised no objection subject to the imposition of suitable conditions.
- 3.5 **Maidstone Borough Council Economic Development** were consulted and support this application in so far as the provision of extra jobs is encouraged.
- 3.6 **Kent Highway Services** were consulted and made the following comments:
- 3.6.1 'I refer to the above named planning application for a Tesco foodstore and petrol filling station on land at Station Approach and a new station car park on land at George Street in Staplehurst.
- 3.6.2 Access to the foodstore would be made via the existing A229 Station Road / Station Approach / Market Street junction, which would be widened and signalised to increase its operational capacity and upgraded to current highway standards. Access to the new station car park would be made via the existing A229 Station Road / George Street junction, which would also be upgraded to current highway standards.
- 3.6.3 The trip rates and traffic generation methodology have been accepted. Capacity assessments and Road Safety Audits have been carried out on the upgraded A229 Station Road / Station Approach / Market Street and A229 Station Road / George Street junctions. The results indicate that the proposal would not be detrimental to highway capacity and the Designer's Response to the Road Safety Audit has been accepted.
- 3.6.4 Additional highway works are proposed and these include the provision of pedestrian crossing facilities at the A229 Station Road / Station Approach / Market Street junction, a transport interchange at Staplehurst Station incorporating bus and taxi drop-off/pick-up facilities, and a puffin crossing facility on Marden Road. The applicant is required to provide these works as

APPENDIX

part of a Section 278 Agreement, with details to be agreed with Kent County Council (KCC) Highways and Transportation.

- 3.6.5 A Draft Travel Plan has been prepared and a monitoring fee of £5,000 is required. Details of the final Travel Plan shall be approved by KCC prior to any beneficial occupation of the development.
- 3.6.6 Parking is proposed for 235 cars at the foodstore and 660 cars at the new station car park, including disabled spaces. A Car Park Management Plan is to be implemented at the foodstore car park to discourage long stay parking and 30 cycle stands are to be provided, which is acceptable.
- 3.6.7 I can confirm that subject to the above, I do not wish to raise objection to this application. I would recommend that the following conditions be attached to any consent granted:-

1. Before any work is commenced a Method Statement showing the phasing of the development shall be submitted to and approved in writing by the Local Planning Authority and the development shall not proceed other than in accordance with the approved programme.
2. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.
3. Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.
4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority.
5. 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.

APPENDIX

6. The area shown on the submitted layout as vehicle parking space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

7. No dwelling/building shall be occupied or the approved use commenced until space has been laid out within the site in accordance with the details shown on the application plan(s) for cycles to be parked.

8. The area shown on the approved plan as vehicle loading, off-loading and turning space, shall be paved and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude its use.

9. The access details shown on the approved plans shall be completed to the satisfaction of the Local Planning Authority prior to the commencement of any other works authorised by this permission, the occupation of any buildings hereby approved, the use of the site being commenced, and the access shall thereafter be maintained.

3.6.8 Following the submission of a cumulative transport assessment, the following comments have been received:

3.6.9 'I have reviewed the Cumulative Transport Assessment submitted by Waterman Boreham on behalf of Tesco. The assessment reaches similar conclusions to those reported in the Sainsbury's Cumulative Transport Assessment, in that the proposed Sainsbury's access roundabout is forecast to operate close to its design capacity in the opening year (2014). It is accepted, however, that the junction will still allow for daily variations in traffic flow.

3.6.10 The proposed Station Road / Station Approach / Market Street signalised junction would operate within its design capacity with both foodstores in place in the opening year. Indeed, there would be a slight improvement in its operation in comparison to the 'Tesco only' scenario, as the majority of foodstore traffic would be distributed to the south.

APPENDIX

3.6.11 On this basis, I can confirm that I am satisfied with the revised information provided.'

3.7 Kent County Archaeology were consulted and raised no objections subject to the imposition of a suitable condition requiring a watching brief to be undertaken.

3.8 Kent County Council Ecology were consulted and made the following comments:

3.8.1 The Ecological Assessment report has been submitted in support of this application. The format lacks clarity in places so our response attempts to summarise the ecological interest of the site and the impacts identified before advising on the adequacy of the survey and the appropriateness of the proposed mitigation.

3.8.2 Of the habitats identified on the site, the following were assessed as having some interest, or as having potential to support protected species:

- Hedgerows – assessed as of low ecological value in themselves, but likely to provide habitat for bats (foraging and commuting) and birds (foraging and nesting).
- Scrub – assessed as of low ecological value in itself, but provides structural diversity to the site and nesting and foraging habitat for birds. Although not stated in the evaluation (section 4.5.3), this resource also provides opportunities for great crested newts (GCN) and reptiles;
- Trees – most are immature specimens through there is a mature English oak and a line of semi mature English oaks present, overall the trees are assessed as of low/moderate ecological value that adds to the structural diversity of the site and provides good nesting and foraging habitat for birds;
- Grassland – the grassland is close-grazed and assessed of low species diversity. In the north east and the south west of the northern half of the site (north of the railway line), there are areas of greater potential interest and there are 'several large anthills' present. Overall the grassland is assessed as of low ecological value, although it is acknowledged that a botanical survey at the correct time of year may have identified increased botanical interest in some areas. It is not acknowledged that the grassland is likely to provide a commuting route for great crested newts and reptiles.
- Tall ruderal – assessed as of largely low ecological value with some areas of greater species richness. It is not explicitly acknowledged that these areas add to the structural diversity of the site of that they provide opportunities for GCN or reptiles.

APPENDIX

- Ponds – four ponds are present on the site, all of which are assessed as species poor. Pond 1 is assessed as of limited wildlife value. Ponds 2 and 3 are assessed as of low wildlife value and pond 4 is of low/moderate value as it provides habitat for species associated with dense reeds.
- Wet ditch – the northern section of the wet ditch is assessed as species poor, but no value is assigned. No evaluation is provided for the southern section of the wet ditch, although '*aquatic/emergent species are more abundant along the length*'. No ditch is shown on the *Habitats and Ecological Features* drawing 1272/ECO3B.

3.8.3 The report provides an evaluation of the potential for protected species impacts, with some specific surveys undertaken. The following were assessed as potentially (or confirmed as) using the site:

- Bats – the site contains no suitable structures (buildings or trees) that are considered suitable for roosting bats. It is concluded that the ponds and the boundaries of the site provide the greatest opportunities for bat use of the site. No activity survey was undertaken and trees with the potential for roosting bats present adjacent to the site (reported as 'south-east of the site – but we assume this is meant to read 'south-west') were not assessed.
- Badgers – a specific survey was undertaken that found no evidence of badger use of the site, though it is acknowledged that there are suitable habitats present.
- Hedgehogs – suitable habitats and hibernation sites were recorded on the site. The habitats of value to hedgehogs are not detailed within the evaluation.
- Amphibians – the most recent surveys during 2009 recorded GCN breeding in two of the four ponds within the site, with the previous population assessment indicating a medium population (peak count 22). Previous GCN surveys in 2007 and 2003 have recorded peak counts of 79 and 39 respectively (also indicating medium populations). It is suggested that the ponds are deteriorating in their quality and suitability for GCN. The 'detailed investigation' of the status of GCN within the site is provided in a separate section of the report. The habitat proposed to be lost to the development provides opportunities for GCN, primarily as a commuting route (the grassland) but also as foraging and sheltered habitat (scrub and hedgerow). As such, the development works will require a European protected species licence to derogate from offences.
- Reptiles – suitable reptile habitat was identified on the site, primarily outside of the grazed grassland areas. No reptile survey has been undertaken, despite numerous biological records in the area and the incidental sightings of grass snake and slow worm during 2009.

APPENDIX

- Birds – the evaluation concludes that the site is unlikely to be of special ornithological interest, although there are habitats present on the site which provide suitable nesting and foraging habitats for common bird species.
- Invertebrates – the site is assessed as containing 'a number of habitat niches for invertebrates', although it is not expected that these would include any rare or notable invertebrate assemblages.

3.8.4 Evaluation of the submitted reports:

3.8.5 With regards to Botanical Interest – section 4.17.5 states that 'it may be desirable to undertake further botanical survey prior to the clearance of vegetation' and that any found should be trans-located to retained areas of natural habitat on the site. Whilst KCC Ecology would often require further information prior to the determination of the application, in this instance they have enough information, both provided by the applicant, and provided from field surveys that updated the Kent Habitat Survey 2011 to agree with the recommendations within the report.

3.8.6 With regards to Bats - The ponds and the boundaries of the site have been assessed as of the greatest areas of value to foraging bats on the site. The ponds are being retained and the report considers that the proposed habitat improvement works will result in increased opportunities for foraging bats. As such, the primary source of potential impacts to bats is from lighting of the proposed development.

3.8.7 No lighting proposals have been submitted with the application and as such we consider that the opportunity to ensure that the lighting is designed to have a limited impact on bats must be secured. Some recommendations are provided in 6.1.3, however while "*reduced wattage*" and "*reduced number of lamps*" may help to limit the potential for impacts, there is no qualifier to indicate what these are 'reduced' from.

3.8.8 It is stated that close-board wooden fencing will be used to reduce light spill and that landscape planting (once mature) will also shelter the sensitive habitat areas from the lighting necessary to the development. All these factors must be included in the lighting proposals. We also advise that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements).

3.8.9 The implementation of the recommendation to erect bat boxes on the site (section 6.1.6) would serve as an ecological enhancement, providing opportunities for roosting bats that are not currently available on the site.

APPENDIX

- 3.8.10 'Other mammals' were assessed, and the recommendations relating to badgers (section 6.1.7) and hedgehogs (section 6.1.8) must be implemented to reduce the potential for impacts to these species.
- 3.8.11 Great crested newts were also considered. Section 7 of the *Ecological assessment* considers the potential impacts to great crested newts (GCN) and proposed mitigation. No confirmed breeding ponds will be lost to the development. The development of the car park in the northern part of the site will present a barrier to dispersal between the on-site ponds. Section 7.3.10 concludes that "*good dispersal opportunities are available via the hedgerow and ditches*" but that the potential remains for a high scale of impact on GCN as a result of the loss of terrestrial habitat. We advise that the conclusion that the effect on connectivity is considered to be low requires further consideration in relation to on-site between-pond interactions, particularly given that the mitigation proposal includes the use of permanent exclusion fencing and the inclusion of culverts to facilitate GCN movement between the eastern and western retained habitat in the area north of the railway. There has been no attempt made to assess any of the 25 ponds that are present within 500m of the proposed development site for their suitability or use by GCN; clarification is required to ensure that consideration has been given to the potential for the site acting as a dispersal corridor for the population of GCN in the area as a whole.
- 3.8.12 Outside of our concern regarding the potential barrier effect of the car park in the area of the site north of the railway, we consider that the proposed enhancements to the ponds and to the retained terrestrial habitat should ensure that the site provides an improved environment for great crested newts post-development. The identified potential for post-development interference from pedestrians, litter and general disturbance are of some concern and we would expect these to be addressed through the ongoing management of the site. There will also be a need to ensure that checks of the permanent fencing are regularly carried out.
- 3.8.13 No reptile survey has been undertaken at the site and as such there is no assessment of the potential level of impact to reptiles that are present. Given that translocation of reptiles is proposed, we do not consider this to be acceptable as Maidstone BC need to be able to adequately address all material considerations in their determination of this application. With no understanding of the species and populations of species currently using the site, the impacts cannot adequately be assessed. We advise that a reptile survey is undertaken and the results made available to inform the determination of this application.
- 3.8.14 The nesting bird mitigation detailed in section 6.1.18 must be adhered to.

APPENDIX

- 3.8.15 In addition to the ecological enhancements required to mitigate for impacts, additional enhancement measures are proposed in section 6.2. We advise the inclusion of these in the development proposals as they will support Maidstone BC in meeting the key principles of Planning Policy Statement 9; not only to avoid, mitigate or compensate for harm to biodiversity but also to incorporate ways to enhance and restore it. We advise that the ecological enhancement proposals are detailed in the landscape strategy as a condition of planning, if granted.
- 3.8.16 If you have any queries regarding our comments, please contact me.'
- 3.8.17 Further comments were received on the 18 December 2012:
- 3.8.18 'While we have not been provided with a reptile distribution map, it has been emphasised that the area of unsuitable reptile habitat within the proposed wildlife area is horse and rabbit grazed. Ecological enhancements would provide replacement habitat for some of that lost, and along with appropriate management the area does have potential to support the reptiles. We advise that the detailed specification for the mitigation, to ensure that the area's potential for wildlife is optimised, could be secured by condition.
- 3.8.19 We still query the need for the footpath within the wildlife area; the wildlife benefits are likely to be greater without it and will be more achievable.
- 3.8.20 The culvert specification must be required as a condition of planning. As an informative we advise that evidence of existing schemes that have incorporated such features should be provided by the applicant.
- 3.8.21 The maintenance (in perpetuity) of the permanent reptile and great crested newt exclusion fencing must be secured by planning condition/obligation.'
- 3.9 Kent Wildlife Trust** were consulted and object to the proposal in its current form. It is stated that there is no objection in principle to the development of a retail store and a new car park to serve the station, subject to suitable mitigation and measures to enhance local biodiversity, however it is not considered that the measures suggested at present are sufficient to maintain, let alone enhance local biodiversity.
- 3.10 Natural England** were consulted and acknowledge that Great Crested Newts are present within the application site.
- 3.10.1 They state that Great Crested Newts (GCN) are protected under Schedule 5 of the Wildlife and Countryside Act 2981 and the Conservation of Habitats and Species Regulations. This protection covers both the species themselves and

APPENDIX

the places that they use for breeding and shelter (including ponds and associated terrestrial habitat). These species can only be disturbed, or their places of shelter interfered with under a licence issued by Natural England. In order to obtain a licence, the following tests must be met:

- The consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';
- There must be 'no satisfactory alternative'; and
- The action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

3.10.2 The survey information provided by the applicants indicates that great crested newts (GCN) are present within the application site and utilising ponds or terrestrial habitat that are likely to be affected by the proposals. The proposals set out in the application, however, appear sufficient in principle, to mitigate any potential impacts on GCN populations. This is based on; the survey findings that the potential terrestrial habitat to be occupied by the proposed car park on the northern part of the site, adjacent to the retained and improved ponds, is currently of limited value as GCN habitat, and; that habitat connectivity between the ponds can be maintained through mitigation measures.

3.10.3 In the circumstances, and subject to an appropriately worded condition to secure the details of the GCN mitigation measures as set out in the Aspect Ecology's Ecological Assessment, January 2012 at Section 7, Natural England is now satisfied that these proposals should not be detrimental to the maintenance of the population of GCN at a favourable conservation status in their natural range (as defined in Regulation 53 of the Conservation of Habitats and Species Regulations 2010).'

3.11 The Environment Agency were consulted raised no objections subject to conditions.

3.12 Southern Water were consulted and raised no objection to this proposal subject to the imposition of suitable conditions.

3.13 EDF Energy were consulted and raised no objection to this proposal.

3.14 Network Rail were consulted and raised no objections to this proposal.

APPENDIX

4. REPRESENTATIONS

4.1 Neighbouring occupiers were notified of the application, and to date 173 letters of representation have been received. Of these letters, 149 are in favour of the development and 24 object to the proposal. The points raised within the letters of support are summarised below:

- These proposals are the best plans for a supermarket for the village;
 - The proposal would result in more job opportunities within the village;
 - Residents would be able to walk to the store, rather than rely on the private motor car or public transport;
 - The village needs more shops;
 - The proposal would allow for a cheaper weekly 'shop' for those on a budget;
 - The proposal is better for those without a car;
 - The proposal would support an expanding village;
 - The proposal would save petrol and be more sustainable for those within the village;
 - The supermarket would be beneficial to those with disabilities;
 - The proposal would enhance the entrance of the village.
- It should also be noted that a further **175 representations of support** have been received. These are pre-prepared slips created by the applicants, and have been returned by households within the vicinity to the Council. Whilst supporting the application, they give no specific grounds.
- A petition containing **501 signatures** was submitted in favour of the planning application. The petition encouraged the provision of jobs and greater convenience for the residents of Staplehurst and the surrounding area.

4.2 The main points of concern within the objections are summarised below:

- The site is inappropriate for the location;
- Previous development within the site was dismissed on appeal – these grounds remain relevant;
- Traffic generation, and highway safety are a concern;
- The proposal would have an adverse impact upon ecology;
- The proposal would have an adverse impact upon the rural character of the area;
- There are concerns about drainage from the site;
- There are concerns flooding within the proposed car park site;
- The impact of the lighting would be detrimental to the character of the area;
- The impact upon the rural community would be detrimental;

APPENDIX

- The store is too large, and would impact upon the existing shops and services within the area;
- The monopolisation of the Borough by the applicants is a concern;
- The proposal would result in more rubbish within the streets;
- The proposal would result in more noise within the locality;
- There is not enough parking proposed for the station;
- The retail impact assessment is not exhaustive;
- There would be a detrimental impact upon residential amenity.

5. CONSIDERATIONS

5.1 Background

5.1.1 This is a full application for planning permission for the erection of a new supermarket and provision of car parking, both for the store and the erection of a new station car park. The application was initially submitted to the Authority on the 13 February 2012, with amended plans reducing the size of the store subsequently received on the 17 May 2012.

5.1.2 This application was submitted shortly after the Authority received the application (MA/11/1944) for a new Sainsbury's supermarket on land to the south of this application site (on the existing DK Holdings site) – this application was received on 10 November 2011. The Sainsbury's application is for a supermarket of 1,784 sqm (net sales), and for the relocation of the existing factory building. A separate application (MA/11/1943) for the relocation of the factory building was approved on the 14 September 2012.

5.1.3 Maidstone Borough Council has sought a legal opinion on the merits of hearing the applications separately, or together, and it was concluded that it would be most appropriate for Members to be able to hear both applications at the same meeting. However, in order for a decision to be made on the evening, both applicants have been required to provide us with cumulative impact assessments, both in terms of highways impact, and retail impact. All information has now been submitted, and as such both applications are now able to be determined.

5.1.4 In terms of the applications, an officer recommendation is given on each proposal, and it is suggested that each application is presented and discussed prior to a determination of either application. As such, on each application conditions and reasons for refusal are appended, which could be used should Members disagree with the recommendations. These are for the purposes of Members being able to make a decision on the evening of Committee, not 'options' *per se* – the recommendations have been fully considered, with all material considerations balanced fully, and carefully. The applicants of the Tesco

APPENDIX

scheme have requested a side-by-side analysis of each of the two schemes and within each report there is a description of the main aspects of the schemes. This should not be used as a substitute for reading the full reports.

5.2 Site Description

- 5.2.1 The application site consists of two distinct parts – one upon which the new store, store car park, southern station car park and petrol filling station would sit, and one to the north where the new proposed car park for Staplehurst station would be located.
- 5.2.2 Firstly the land to the south of the railway line. This land falls substantially outside of the defined village boundary of Staplehurst, although is very much read as being within the settlement of Staplehurst. The land encompasses the existing station car park, the access road into the car park, and land to the west, which is, in part currently used as informal car parking for the station.
- 5.2.3 This land is considered to be, in part, previously developed. Part of the existing station car park is provided with a tarmac surface (the part nearest to the A229), and there is an element of lighting within. A low rail surrounds the parking area. There is little soft landscaping within the car park, and what has grown around the perimeter appears as self-seeded. The car park covers an area of approximately 1 hectare and is covered by policy TR7 of the Maidstone Borough Wide Local Plan 2000, which ensures that no development takes place upon the land that would preclude the use of the land as a transport 'hub'. To the north of this part of the site is the railway line, and station platforms, and to the south of the site are the buildings that form part of the DK Holdings factory. It should be noted that the DK Holdings site is the land that forms part of the application for the Sainsbury's supermarket, under application reference MA/11/1944. This application is discussed in more detail, later in the report.
- 5.5.4 The station building itself would not be repositioned as a result of this proposal, although small physical works are proposed to the station in the form of the access points of the station. The existing station building is a relatively nondescript, functional building that is constructed of brick with a plain tile roof. This single storey structure appears to have been constructed in the mid to late 20th Century. There is a single storey, pitched roof structure to the south of the station building which serves as a taxi office. The station itself contains a bridge which allows for disabled/pedestrian access across the railway line.
- 5.5.5 There is a single storey part pitched roof/part flat roof building on the corner of Station Approach and the A229 which currently houses 'Premier Domestic Appliances'. This building has a small service yard/car park to the side and the rear, which is bounded by a 1.8metre wire mesh fencing along the highway, and

APPENDIX

backing on to the car park. Adjacent to this is an area utilised by a hand car wash facility. This land falls within the village confines.

5.5.6 The informal car parking area in the west of the application site does contain some trees and shrubs, although again, these appear to be self-seeded, and of little merit. This part of the site covers an area of approximately 0.5 hectares. This part of the site is bounded to the south by some two storey commercial buildings, and some of the commercial sheds that form part of the Lodge Road Trading Estate.

5.5.7 To the north of the railway line is the area in which the proposed main station car park would be relocated. This land is 'greenfield' with a large number of trees and shrubs within the centre, as well as a number of ponds. This part of the site covers approximately 3 hectares. This part of the application site is bound to the north by George Street, which contains one large residential property, and by the A229 to the east. The A229 rises as it heads southwards past this element of the site, rising at its highest point as the bridge crosses the railway line.

5.5.8 This part of the site has no specific designation upon it but it adjacent to the land covered by Policy T7 of the Borough Plan. The land appears unused at present, although does contain a telegraph pole in the south eastern corner, with a telecommunications mast in the south western corner (although the red line goes around this feature, so it is not actually within the application site).

5.5.9 In terms of its location, Staplehurst is approximately 15km from Maidstone, 5km from Marden, 6km to Headcorn, 9km to Cranbrook and 15km to Hawkhurst. In terms of public transport provision, buses run once an hour from Staplehurst to Maidstone (and to Cranbrook), and trains run to Ashford and London every 30 minutes during the day (with increased frequency during peak hours).

5.3 Proposal

5.3.1 The proposal is a full planning application and is for the erection of a new supermarket of approximately 1795sqm (net sales), including café. The supermarket would have an overall footprint of 2817.78sqm (which would include the entrance lobby, café, and back of house/plant room. The net sales area of this proposal would be split up in the following ways:

- Convenience: 1,513sqm
- Comparison: 227sqm
- Flexible (seasonal): 55sqm
- Total: 1,795sqm

APPENDIX

- 5.3.2 The applicants have indicated that they would be happy for this split to be conditioned should planning permission be granted.
- 5.3.3 The proposal would bring a significant number of jobs should the store be constructed. Whilst no specific numbers have been submitted as part of submission made by the applicants (the application form suggests approximately 150 jobs), it is understood that this would result in a variety of jobs, including managerial, team leader and 'shop floor' employees. This would also result in both full time and part time opportunities. The matter of the employment generated is discussed in full later within the report.
- 5.3.4 The proposed building would have a large section of glazing to the front of the store, with a projecting café on the northern side of this elevation. This elevation would have a maximum width of 48.8metres (although the canopy width would be 53metres). The café would project by approximately 7.5metres. The entrance lobby would project by approximately 4.5metres.
- 5.3.5 The southern elevation of the building would be constructed of grey panels and larch timber cladding. There would be high level windows along part of this elevation. Again, the roof would overhang this elevation, providing an element of interest. This elevation would have a length of approximately 61metres, although this would be splayed for the 'final' ten metres of the building.
- 5.3.6 To the western end of the building would be the loading bay, which would be provided with a 3.5metre high boundary treatment, and large gates. The 'rear' elevation would be functional in form, but would not be highly visible from the public domain. This elevation would be finished with a grey metal cladding.
- 5.3.7 The remaining elevation (north) would face onto the station platform, and would consist of a number of individual elements. Firstly the café would be a single storey element, with a gently sloping mono-pitched roof. The main body of the building would then run alongside the platform, with the applicants proposing some artwork along this elevation, as well as high level glazing (as on the southern side). The canopy of the roof would run along the length of the main store itself. To the rear of this, the flat roof element of the building, and the internal loading area. This elevation would have an overall length of approximately 87metres.
- 5.3.8 Passive ventilators are proposed upon the roof of the building, as are rooflights. Some signage is also proposed upon the roof (although this would be subject to a separate application for advertisement consent should permission be granted).
- 5.3.9 The car park for the supermarket would contain 203 parking spaces, and these would be set out within three main aisles. These parking spaces would consist of

APPENDIX

13 disabled bays, 8 parent and child bays, and 182 standard size bays. There would be an element of tree planting through the car park, with an element of tree planting (it is proposed that 27 trees be planted within the car park area). The access roads would be constructed of tarmac and the spaces would be constructed of porous block paving.

- 5.3.10 The proposed filling station (PFS) would be located within the south-eastern corner of the application site. This would contain a small kiosk – which would have a footprint of 86.8 square metres, and a height of 3.45 metres. This kiosk would contain services tills for the petrol station, as well as a small area for some retail sales. Due to the restricted scale of this proposal, these sales would be likely to be limited to newspapers, drinks and snacks and other smaller items that one associates with PFS sales. The kiosk would be clad in timber larch panels, and would have a flat roof.
- 5.3.11 The garage would be provided with 16 pumps, within four clusters (four on each cluster). These would be set under a large canopy that would measure 21.8 metres by 14.8 metres, and would have an overall height of 5.1 metres. It is proposed that this be in Tesco's livery, with the plans showing an advertisement above (although this would be subject to a separate advertisement consent application should permission be granted). The PFS would absorb approximately 500 sqm of the application site, and would be served from an internal roundabout that would also serve the store car park.
- 5.3.12 It is proposed that a strip of landscaping be provided along the eastern edge of the site, adjacent to the PFS, as well as trees on either side of the kiosk, along the southern boundary of the site.
- 5.3.13 The applicants are proposing enhancements to the junction of Station Approach and the A229 (Station Road). These enhancements consist of providing traffic signals that would control traffic flows into and out of Station Approach. This is to address the significant increase in traffic flows out of this junction, which at present has no controls. It is also proposed that a pedestrian crossing be provided at this point, in order that those on foot are able to cross this well used road in a safe manner.
- 5.3.14 Access into the site would be 50 metres west from the junction, which would be provided with brick paving. This would be provided with a pavement on either side, and a central traffic island.
- 5.3.15 The applicants are proposing a service access road to be provided along the southern boundary of the site. This would be a two-way road, with an area of staff parking along its northern side, a lorry waiting area, and access to the service area for the supermarket, and also the network road compound retained

APPENDIX

at the western end of the application site. It is proposed that a zebra crossing be provided close to the junction with Lodge Road.

5.3.16 Within the northern part of the car park is a proposed 'transport interchange' and enhancements to the existing station area. This consists of both long and short term parking, taxi waiting area, bus stops, a covered walkway to the station, and a bicycle shelter. This element of the proposal would cover an area of approximately 6750sqm.

5.3.17 Due to the development being proposed within the existing station car park, it this application also includes the provision of a new car park serving passengers to the north of the railway line. The existing car parks hold approximately 550 cars (although some of these are set out within a relatively informal manner. This proposal would see the creation of 660 parking spaces (which includes 30 disabled parking bays). This would be an increase of 20% on the existing provision. The car park would be constructed solely of tarmac albeit of a permeable form.

5.3.18 It is proposed that the access to this car park be provided from George Street, which itself would need to be upgraded at the junction with the A229 (Maidstone Road). This would include a right hand filter lane on the A229 into George Street as well as changes to the bell mouth to improve visibility.

5.3.19 To the east of the proposed car park is an area set aside for ecological 'enhancements'. This area would be approximately 14,000sqm and would contain two ponds and a watercourse, together with a meandering footpath (for public access) and a significant level of landscaping. Much of the landscaping proposed would be positioned so as to soften the appearance of the car park beyond from views from the A229. It is proposed that this land be managed in conjunction with the Parish Council or Kent Wildlife Trust should permission be granted.

5.4 Supporting Documents

5.4.1 In addition to the submitted plans and drawings the application is accompanied by (not exclusively) the following documents:

- Design and Access Statement
- Planning and Retail Statement
- Transport Assessment and Travel Plan
- Renewable Energy and Efficiency Statement
- Flood Risk Assessment
- Statement of Community Involvement
- Tree Survey

APPENDIX

- Phase 1 Desk Study Environmental Assessment

5.4.2 These documents can be viewed via the planning pages on the Council website.

5.4.3 Following the initial submission, the applicants have now submitted a response to the release of the National Planning Policy Framework, cumulative impact assessment relating to both the retail impact and the highway impact of two stores of a comparable size being provided adjacent to one another within the village.

5.5 Principle of Development/Planning Policy

5.1 Planning for Growth

5.5.1 On 23 March 2011 when the Chancellor of the Exchequer announced the Budget, the Minister for Decentralisation, Greg Clark, delivered a written statement. This statement sets out the steps the Government expects all local planning authorities to take (with immediate effect) in order to rebuild Britain's economy. Relevant extracts from the statement are given below as they are material to the consideration of this application.

'The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should, wherever possible be 'yes', expect where this would compromise the key sustainable development principles set out in national planning policy.'

The Chancellor has today set out further detail on our commitment to introduce a strong presumption in favour of sustainable development in the forthcoming (now released) National Planning Policy Framework, which will expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out-of-date, silent or indeterminate.'

5.5.2 The statement goes on to advise that:

'When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant – and consistent with their statutory obligations – they should therefore:

- (i) *Consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust*

APPENDIX

- growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
 - (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);
 - (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;
 - (v) Ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably, and that they can give clear reasons for their decisions.'

5.5.3 Finally, the statement concludes by saying:

'Benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy, and transport consents. The Secretary of State for Culture, Olympics, Media and Sport, the Secretary of State for the Environment, Food and Rural Affairs, the Secretary of State for Energy and Climate Change and the Secretary of State for Transport have consequently agreed that to the extent it accords with the relevant statutory provisions and national policies, decisions on these other consents should place particular weight on the potential economic benefits offered by an application. They will reflect in principle in relevant decisions that come before them and encourage their agencies and non departmental bodies to adopt the same approach for the consents for which those other bodies are directly responsible.'

2) National Planning Policy Framework (NPPF)

5.5.4 The National Planning Policy Framework, which was published by the Government on 27 March 2012 (after the application was submitted) and now constitutes national planning policy. This policy seeks to promote sustainable development, both within town centre locations, and rural areas. The Framework sets out the three 'dimensions' to sustainable development, which sets out the roles that 'planning' should perform:

APPENDIX

- *An economic role – with development contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation.*
- *A social role – with development supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of the present and future generations, and by creating a high quality built environment with accessible local services that reflect the communities need.*
- *An environmental role – with development contributing to protecting and enhancing our natural, built and historic environment; and as part of this helping to improve biodiversity, use natural resources prudently, minimise waste and pollution and adapt to climate change.*

5.5.5 Whilst the NPPF sets out that the Government expects local authorities to support the delivery of sustainable development, it does highlight that this requirement does not simply override the existing policies within the Development Plan. The Maidstone Borough Wide Local Plan was adopted in 2000, however, the policies were 'saved' (and thus revisited) in 2007. The South East Plan was adopted in 2009 – however, the fact that the Government intends to revoke this document is a strong material consideration. It is on this basis that I consider the aims of the NPPF to carry significant weight in the determination of this planning application.

5.5.6 The NPPF states that:

The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meet the twin challenges of global competition and of a low carbon future.

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

5.5.7 Whilst 'significant weight' should be given to delivering economic growth, the NPPF does not state that this should override existing planning policy, but that it should be a strong material consideration.

5.5.8 In order to address the matter of the rural economy, the NPPF requires for planning policies to support economic growth in rural areas in order to create

APPENDIX

new jobs and prosperity by taking a positive approach to sustainable new development. In order to promote a strong rural economy local plans are (relevant to this application):

- *Support sustainable growth and the expansion of all types of businesses and enterprise in rural areas, both through the conversion of existing buildings, and well designed new buildings;*
- *Promote the retention and development of local services and community facilities in villages such as local shops, meeting places, sports venues cultural buildings, public houses and places of worship.*

- 5.5.9 The NPPF also requires that a sequential test be carried out for out of town uses that are not in an existing centre and not in accordance with an up-to-date Development Plan. This requirement is the same as set out in the now superseded Planning Policy Statement 4 (PPS4) – the practice guidance remains extant. This states that local planning authorities should require planning applications for main town centre uses to be located in town centres, then edge of town centres, and only if not suitable sites are available out of centre sites should be considered. In addition, the NPPF states that when considering edge of centre and out of centre sites preference should be given to accessible sites that are well connected to the town centre, and that flexibility should be given on issues such as format and scale.
- 5.5.10 It should be noted that the NPPF does re-iterate the Governments requirement for the impacts of development upon the open countryside to be carefully considered, with protection for undeveloped land where there is no overriding need. It also stresses the importance of protecting ecology and supporting biodiversity – within the three 'golden threads'.
- 5.5.11 In order to interpret the NPPF, it is necessary to understand what is meant by 'sustainable development'. Sustainable development encompasses a number of elements, including (not exhaustive) the land upon which it would be built, its proximity to settlements, the manner in which it is constructed, the methods by which people can travel to the site. This matter is fully considered within the remainder of the report.

Development Plan Policies

- 5.5.12 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. The current Development Plan comprises the saved policies of the Maidstone Borough Wide Local Plan 2000 (saved in 2007) and the South East Plan 2009.

APPENDIX

The Government has indicated however that it intends to abolish the South East Plan and this Statement of intent should be regarded as a material consideration.

- 5.5.13 The application site lies substantially outside of the settlement boundary, and is therefore considered as 'open countryside' for the purposes of planning policy. The specific policy that refers to development within the countryside is ENV28 of the Maidstone Borough Wide Local Plan (2000). This policy sets out that development within the rural area will not be permitted if it causes harm to the character and appearance of the area, and if it does not fall within 5 categories (retail/car parking does not fall within these categories). One category refers to a public use being allowed in the countryside if a rural location is justified. I do not consider that the station car park requires a rural location - indeed the existing station car park is not in a rural area and car parking does not have to be sited in a rural area. I am aware that a requirement for additional capacity of about 100 car parking spaces at Staplehurst station has been identified (and is included in the draft Integrated Transport Strategy referred to below). However, whether this additional car parking proceeds into an adopted document is not yet known and where it might be provided has not yet been fully explored. The Tesco scheme would potentially provide one option but I do not consider that a rural location for the proposed car park has been justified in terms of policy ENV28.. The policy also requires that habitat restoration and creation should be provided to ensure that there is no net loss of wildlife resources.
- 5.5.14 Whilst almost the whole site falls outside of the defined village confines, part of it is previously developed land and part of it is undeveloped virgin land.
- 5.5.15 Part of the site also falls within an area designated under policy T7 of the Local Plan. This policy relates to the closure of train stations, and so is not applicable in this instance.
- 5.5.16 In terms of retail provision, Policy R1 of the Local Plan states that retail provision will be permitted within the defined urban or village areas providing that a certain criteria are met. This requires that the proposed development does not threaten the overall vitality and viability of established retail centres; that access arrangements are satisfactory; that the site is accessible from a mode of transports; and that there is no significant detrimental impact upon neighbouring land uses.
- 5.5.17 Policy R2 of the Local Plan refers to major retail proposals (exceeding 500 sqm) and states that they will be approved if in accordance with the criteria of Policy R1 subject to the following criteria being met:

APPENDIX

- That the proposed development meets the requirements and the trade potential of the appropriate convenience, comparison or bulky goods sector;
- That a sequential approach to siting has been followed;
- That out-of-centre locations are chosen adjacent to existing out-of-centre and free standing retail development.

5.5.18 Policy R10 of the Local Plan refers to the designated local centres, (Staplehurst High Street is categorised as one) and the requirement for planning applications to ensure the long term vitality and viability.

5.5.19 The site is adjacent to land allocated as employment land through policy ED2 of the Local Plan. This proposal has no impact upon these designations.

Emerging Core Strategy Policies

5.5.20 Whilst the Core Strategy remains at the draft stage, with much of the work that is ongoing, due to the fact that it has now been through a public consultation, and that Members have had an opportunity to agree much of the background information, I consider it to be a material consideration in the determination of this application. This isn't to suggest that it carries as much weight as the existing policies or the NPPF; but it does need to form part of the consideration prior to determination.

5.5.21 Within the Core Strategy, Staplehurst is identified as a Rural Service Centre (herein referred to as RSC). Staplehurst is acknowledged as the largest RSC within the Borough in terms of population and size, and has a number of key services and facilities. The specific policy (CS4) that relates to RSC sets out that there will be:

- A focus on new housing and employment development within or adjacent to village settlements, and to ensure that a mix of house types and tenures are provided;
- Support applications for local needs housing on appropriate sites;
- Retain and enhance existing employment sites and encourage new employment opportunities;
- Resist the loss of local shops and facilities, whilst supporting new retail development to meet local need;
- Ensure development assists with the creation of vibrant and sustainable communities;
- Ensure that development does not cause harm to natural assets and that development is not located in areas liable to flooding.

APPENDIX

5.5.22 A report was given to the Cabinet to consider in July 2012, which set out the proposed consultation draft of the Core Strategy. Within this document, the housing projections for each rural service centre were provided as follows:

- Harrietsham 315 dwellings
- Headcorn 190 dwellings
- Lenham 110 dwellings
- Marden 320 dwellings
- Staplehurst 195 dwellings

(Those villages affected by this proposal are highlighted)

5.5.23 This report was agreed by Members, and as such the consultation draft was completed accordingly. I consider it important to acknowledge the proposed further growth of these villages - with Staplehurst, Marden and Headcorn all within the catchment area of this proposal. Whilst consultation is ongoing with this draft, it is unlikely that the numbers of units proposed will fall. As such, further expansion at these villages will clearly result in greater demand for convenience shopping to be provided within the locality.

Draft Integrated Transport Strategy

5.5.24 The draft integrated transport strategy (herein referred to as the ITS) was released for public consultation on the 17 August 2012. This consultation period closed on 1 October 2012. The ITS covers the whole Borough, and addresses the measures to be undertaken to enable additional development to be accommodated within the Borough, including the RSCs.

5.5.25 The ITS remains a consultation draft and its contents may change, but it does have some weight when borne in mind against current planning applications. It does not however, override existing policy within the Development Plan.

5.5.26 The ITS indicates the improvements that are requested within Staplehurst to address the proposed growth within the village (as a RSC). These improvements include the following:

- An increase of approximately 100 car parking spaces at Staplehurst Railway Station to accommodate the additional movements expected as a result of new development in the village;
- A new pedestrian and cycle link between the railway station and the residential area to the south of the Lodge Road Industrial Estate;
- Improvements to the ease and quality of bus/rail interchange within the vicinity of the railway station;

APPENDIX

- Construction of a new pedestrian crossing of Marden Road in the vicinity of its junction with Limetrees.

5.5.27 A number of representations have been received with regards to the ITS, however, there has not been a significant response to these particular matters.

5.5.28 Clearly this proposal would bring forward these objectives in advance of the adoption of this strategy. This is a material consideration in the determination of this planning application to which I have attached weight.

Sequential Sites Assessment

5.5.29 The NPPF requires a sequential test to be applied to applications for retail uses which are not in an existing centre and not in accordance with an up to date Local Plan (paragraph 24).

5.5.30 The sequential test directs that retail uses should be located in town (or village) centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered (NPPF paragraph 24). MBWLP Policy R1 specifically directs retail development to sites within existing town and village boundaries. Policy R2 states that a sequential approach to siting should be followed.

5.5.31 The application site is an out of centre site according to the definition in Annex 2 of the NPPF.

5.5.32 According to the PPS4 Practice Guidance the area of search for alternative, sequentially preferable sites should be sites in existing centres within the catchment area of the proposal (paragraph 6.22). The applicants sequential assessment does not identify any alternative sites within or at the edge of Staplehurst centre as defined on the MBWLP proposals map. It is the case that the centre is tightly defined, encompassing the existing retail units and associated service-type uses in the vicinity of The Parade. The applicant's conclusion that there are no known available and suitable sites within or at the edge of the centre is accepted.

5.5.33 The identified catchment area for the proposal extends to include the identified centres at Headcorn, Marden and Coxheath and, outside the borough, Cranbrook. The applicant undertook a sequential assessment of sites within and edge of Headcorn, Marden and Cranbrook centres, as well as Harrietsham which does not have a defined centre in the MBWLP, and found that there were not any suitable alternative sites available (NPPF paragraph 24). The assessment did not extend to Coxheath which also falls within the proposals

APPENDIX

potential catchment area, however, I do not consider that this materially impacts upon validity of the work undertaken.

- 5.5.34 This work has identified that there are no alternative viable sites within the area that are available to accommodate this retail provision. Firstly within the village of Staplehurst there are no sites within the village centre, or adjacent to the village centre that could accommodate such a development. As such, there are no suitable sites, therefore failing the first test (sites should be suitable, available and viable). Likewise, within the villages of Marden and Headcorn, there are not sites within the village centres, or on the edge of the village centres that could accommodate a proposal of this nature.
- 5.5.35 Due to the level of existing built form within these villages, there is a lack of available land to accommodate a development of this scale, so any development would need to take place away from the village centre in each case. I am mindful that the adjacent site (subject to application MA/11/1944) is suitable (although the allocation for employment purposes needs to be borne in mind), and viable (as an alternative occupier has submitted an application) however, it is clearly not available for this occupier due to the land ownership/options on the land.
- 5.5.36 In terms of pedestrian access, the proposal would be a significant distance from the village centre, which would not encourage linked pedestrian trips. Nonetheless, the site is located within a short walk of residential areas, although due to the location, this would be further than the proposal on the adjacent land, which would be marginally closer to the bulk of residential properties. Whilst it is noted that the proximity of a retail use to residential properties is not a specific test as set out within the *Practice Guide on Need, Impact and the Sequential Approach (2009)*, it does have a clear bearing on its sustainability.
- 5.5.37 This site is the one available closest to a transport hub (and a transport hub that is proposed to be enhanced), within the villages identified, which carries some weight when looking at a site sequentially. However, that said, it is (slightly) further from the village, and from the main thoroughfare (the A229) than the proposal on the adjacent site. Sequentially therefore, I do not consider that this site is unacceptable in broad terms and to my mind there is little to choose between the two sites when considering overall accessibility by foot from the town centre or main residential areas, by bus and by train..

5.6 Impact on Character and Appearance of the Area

- 5.6.1 The application site falls substantially within the open countryside, however, the position of the proposed supermarket is upon previously developed land

APPENDIX

and is not read as '*open countryside*', irrespective of its designation as such. However, the land to the north of the railway line is undeveloped, and is seen as being open rural countryside – with ponds, grass land and trees/shrubs within.

- 5.6.2 To my mind therefore, there are two distinct parts to this site which would be affected differently by the proposal.
- 5.6.3 Firstly, I would assess the impact of the supermarket on the character and appearance of the area. The store would be located within open countryside according to the local plan, however, on site the land is not read as having such a designation. The land is developed, with a station building on its northern part (outside the application site), and much of the area used informally as a station car park. The area currently has no distinct character, and does not contribute positively to the locality. The introduction of a store, and a formalisation of the area would not therefore have a detrimental impact upon the character of this area, and would certainly not erode any sense of openness normally associated with countryside designations.
- 5.6.4 Whilst the supermarket building is of a significant scale – being 6.8metres to the ridge, and 59metres in width, from the public domain it would be predominantly glazed which would lighten its appearance. Nonetheless, it would still be visible from longer distance views to the north, and to the west, but would again be seen against the backdrop of existing built form – and built form of a similar (and larger) scale. It is on this basis that I raise no serious concern about the visual impact that the store would have upon the wider area.
- 5.6.5 The proposed store car park, and petrol filling station (PFS) would be located in the area where there is an existing large surface car park, and a rather functional building (at the junction of Station Approach and the A229). The loss of this building, and its replacement with a PFS would not, in my opinion have a detrimental impact upon the character of the area. A PFS would not appear as an incongruous feature, being to the front of a supermarket, near to a main thoroughfare is an expected location for such a facility. Likewise, a car park, with more soft landscaping than at present, and enhanced public realm would be welcomed in the location – enhancing the character of the area from the present situation.
- 5.6.6 I therefore consider that the development proposed to the south of the railway line would have no detrimental impact upon the character and appearance of the locality.

APPENDIX

- 5.6.7 The loss of the field to the north of the railway line following the provision of a new station car park would see both the loss of existing habitat and the loss of the soft character at this key entry point into Staplehurst both by car (from the north) and by rail (east and west). The key question is therefore whether this change is acceptable, and if not, whether the benefits of the scheme as a whole are sufficient to warrant an approval.
- 5.6.8 The railway line provides at present a very obvious boundary to the village (notwithstanding the designation within the Local Plan) with only sporadic development – as one would expect within the countryside – beyond. The land is currently overgrown with a significant number of small trees and shrubs growing within. There are also a number of water bodies within the site – although some of these do not contain water at all times. The land is read very much as 'open countryside' and has a distinctly rural character. There is little activity upon it and although it is adjacent to railway lines, it is generally tranquil.
- 5.6.9 The car park proposed would provide 660 spaces (including 30 disabled spaces), be constructed of tarmac (permeable where necessary), and would include lighting, barriers, and a barrier controlled entry point. There is no significant landscaping proposed within the car park itself. Pedestrian access to the site would be from within the station itself – there is both a pedestrian bridge and a bridge for disabled passengers. A further pedestrian access is proposed to the north-east of the car park – however due to the proposed use of the site, I don't consider that this would be particularly well used. It is noted that there would be a landscaped buffer to the east of the car park, some of which would consist of existing vegetation, – which would provide an element of screening from the A229. However, irrespective of this proposed (albeit not detailed – species etc have not been indicated) landscaping, I consider that the proposed car park, by virtue of the level of hardstanding, the loss of a significant level of existing open space, and the proposed lighting, would still be visible through this landscaped buffer, and as such, the character of the locality would clearly be significantly altered. What is now a relatively tranquil rural space would be permanently altered by the introduction of activity and noise-generating vehicles. It should be noted that the applicant has suggested that the lighting could be controlled by condition, in terms of hours of use, however, by their very nature these would have to be on until late into the evening, thereby altering the character of the area. This is not to say that lighting on its own would unacceptably harm character and visual amenity but cumulatively the change from rural character and change from countryside views from public vantage points would be marked.
- 5.6.10 This change in character would result in the village being effectively extended some 150metres to the north, to the junction with George Street. The railway

APPENDIX

line does present a very robust, definitive boundary to the village. The levelling of the site, with the provision of such a wide expanse of tarmac would result in the loss of countryside that contributes significantly to the setting of the village of Staplehurst. The loss of this 'soft buffer' and the provision of a car park in its place would have a significant and detrimental impact upon the character and visual amenity of the area, from both short and medium distance views. These views would be from the north and west from George Street, and from the east from the A229. Public footpath KM290 also runs to the west of this part of the application site, although views are limited due to the level of existing screening along this footpath.

- 5.6.11 This impact would be significant, with a very noticeable change in character from the existing. I consider that the railway line acts as a very clear division between the open countryside and the built up more urban area. The open field can be viewed from both short and medium distance views from the east, and from, in parts, the footpath to the west. Whilst it is not highly visible from long distance views at the moment, to my mind this is in part because it blends in with the surrounding countryside. Should lighting and other paraphernalia be provided within the site, the impact upon long distance views may well be detrimentally impacted to a greater extent.
- 5.6.12 I am therefore of the view that the proposal would not fall within any category as set out within Policy ENV28, and would cause significant harm to the character and appearance of the area. I therefore consider this proposal to fail to comply with this policy.

5.7 Architectural Quality

- 5.7.1 The buildings that surround the southern section of the application site are, by the nature of their use, functional in their design. There is little architectural quality within the immediate vicinity of the application site. However, it is important that the proposal within this site, responds to both the height, and massing of these building, so as to not appear as out of keeping – i.e. overly dominant, or of alien form.
- 5.7.2 The building proposed, like those around it, would essentially be a large box that would be clad in timber, with metal panelling, and provided with fenestration on key elevations to provide interest. I would suggest that the building has two key elevations – the elevation facing the car park, and the elevation facing onto the railway station – as these will be those that would be most visible to the public.
- 5.7.3 The front elevation of the building would have a large section of glazing, with the remainder of the wall finished in timber cladding. The elevation would have

APPENDIX

projecting elements, including the entrance lobby, and the café, which would break up the frontage, and provide layering to the building.

- 5.7.4 The side elevations of the proposed store would be blank, although it is proposed that artwork be provided along the station platform elevation in order to provide some visual interest.
- 5.7.5 This is effectively a box with an element of detailing on the 'public' elevations. However, due to the proposed use, and the surrounding development, I do not consider that this would appear at odds with the surrounding development. Whilst falling outside of the village confines, it is read in association with the Lodge Road industrial estate, which is characterised by large functional buildings. The erection of a building of this form and design would not therefore appear as out of character with the locality. I therefore raise no objection to the design of the proposed building.

5.8 Overview of Retail Provision in Locality

- 5.8.1 *Staplehurst* - Within the defined retail centre of Staplehurst is a Spar convenience store which has approximately 250 sqm of retail floor space, an off-licence (Murcatto), a greengrocer (Spuds and Buds), a newsagents (Martins). In addition to this, there are service outlets including a pharmacy, a post office, a bank, an estate agency, a hair salon, and a turf accountant.
- 5.8.2 Outside of the defined area there are additional retail outlets including an opticians, solicitors, public houses, and a butchers. I therefore consider that Staplehurst currently has a broad offer for local residents. However, it is noted that there is very little convenience floor space within the village itself - particularly for a village with a population of in excess of 4,000.
- 5.8.3 *Headcorn* - The village of Headcorn falls within the catchment area of the proposed store. This village is again well served by a variety of shops, however, there is limited convenience floorspace; the largest offer being within the Sainsbury's Local which is approximately 275 sqm.
- 5.8.4 *Cranbrook* - Located approximately 8.5km from the centre of Staplehurst, Cranbrook contains a co-operative supermarket of approximately 1,600 sqm. This is the largest retail store within the catchment area.
- 5.8.5 *Hawkhurst* - Located approximately 14.5km from the centre of Staplehurst Hawkhurst contains a Tesco supermarket of approximately 850 sqm and a Budgens store of approximately 830 sqm (net sales).

APPENDIX

- 5.8.6 *Tenterden* – The small town of Tenterden is 20km away from Staplehurst, and so would fall outside of the catchment area of the proposed supermarkets. However, due to the fact that there are two existing supermarkets – a Tesco (1,700sqm) and Waitrose (1,300 sqm) does draw in existing trade from the catchment area.
- 5.8.7 *Maidstone* – It is noted that the majority of residents within the Staplehurst area, and the catchment area of this store would currently undertake their convenience shopping within Maidstone, which lies 15km to the north of Staplehurst. The closest supermarket within Maidstone to Staplehurst is the Morrison's on the Sutton Road. This has a sales area of 3,456 sqm, and has an extensive food offer, together with some non-food retail. There are a number of other stores within the town, including a Sainsbury's, Tescos, and an Aldi store.

5.9 Retail Impact

- 5.9.1 The proposal would see the creation of a new food store within a village, and area in which there is no current provision of this nature. National planning policy aims to ensure that the vitality and the viability of the town/village centre is not threatened by any edge, or out of centre proposal. The village of Staplehurst does currently contain a relatively small retail area that is designated within the Local Plan as a district/local centre by Policy R1 (xix). This policy seeks to maintain these existing centres for retail purposes, and to resist development that would harm their vitality and viability. The policy then states that proposals for further Class A1 retail development will be permitted in, or immediately adjacent to existing district or local centres.
- 5.9.2 Policy R10 also allows for the provision of new district centres anchored by a convenience store or supermarket, particularly in areas deficient of such facilities, subject to the criteria set out within policies R1, R2, R11 and R15.
- 5.9.3 In assessing this proposal with regards to the impact upon the existing retail provision within the Borough, the Council are satisfied that there is at present a significant level of 'leakage' from this area, with the majority of 'weekly shops' taking place outside of the locality; either in Maidstone, Tenterden or Cranbrook. This leads to a significant number of journeys away from the village, and also restricts choice for those with greater difficulty travelling longer distances. This provision would clearly assist in reducing the number of miles travelled by car, and would also be more accessible for those that are less mobile. It is therefore understood that there are clear benefits for providing such a facility within the village – not just for the village itself, but for the residents of surrounding villages such as Headcorn and Marden.

APPENDIX

- 5.9.4 It is important however, to assess the applications in terms of the impact upon the existing retail provision within the immediate catchment area. To this effect a retail impact assessment has been submitted, and has been fully considered in the determination of this application.
- 5.9.5 This report sets out its methodology which included 1,000 interviews being undertaken within the six identified catchment areas (a minimum of 100 interviews in each). The responses from these interviews identified that 21.8% undertook their weekly shop in the Morrisons store on Sutton Road, 10% at the Co-operative in Cranbrook, 9.3% in the Tescos in Tovil, 6.4% in the Tesco and Grove Green, and 6.3% in the Sainsbury's in Maidstone town centre. It was also identified that 8.4% of respondents undertook their shopping via the internet.
- 5.9.6 Within zone 1 of the identified areas (which covers Staplehurst and the immediate vicinity) only 6.4% of respondents indicated that they undertook their main shop within the centre of Staplehurst. Clearly this indicates that the majority are shopping either in Maidstone, or further a field closer to their places of work/travel etc.
- 5.9.7 A number of other questions were asked within the survey that identified the shopping patterns of both the residents within zone 1, and also those within all other zones identified. These results identified that the role of Staplehurst's retail centre was to provide both a 'top-up shop' and also to provide a wider range of comparison goods, and services.
- 5.9.8 This sets out that whilst trade will be diverted to a certain extent from the existing village centres, the majority will be diverted from large supermarkets from outside of the catchment area. Weight has been given to the fact that the villages are generally trading well at present, with a diverse offer within each (particularly Staplehurst and Headcorn) that allows for both 'top-up' shopping to take place, and also more diverse products and services to be provided (that would not be available within a convenience supermarket).
- 5.9.9 It is not considered that there is any evidence that shops within the existing centres would close should this planning permission be granted and the supermarket built.
- 5.9.10 It is on this basis that I consider the retail impact of this supermarket on its own to have no materially detrimental impact upon the existing retail provision both within the village itself, and within the surrounding area.
- 5.9.11 The proposal would draw the majority of its trade from outside the catchment area, with most shoppers travelling to Maidstone. This would inevitably result

APPENDIX

in a loss of trade from these stores, both in terms of convenience and comparison shopping. However, there is no evidence that this change in shopping patterns would result in the closure of any existing retail provision within Maidstone. There is the possibility that the draw of a more convenient store – i.e. less congestion and adequate parking might draw trade from south Maidstone (Coxheath/Linton or Loose Road) however, I consider that this draw is unlikely to be significant due to the scale of the provision, and the distance to travel.

- 5.9.12 As there is a very similar proposal for a supermarket adjacent to the application site, which is also to be heard at this planning meeting, I consider it essential to understand the cumulative retail impact should both applications be approved. In order to fully consider this matter, the applicants have submitted a cumulative retail impact assessment. This identifies the impact that the provision of two stores, with a cumulative size of 3,579sqm would have upon the surrounding area.
- 5.9.13 For the purposes of clarity this report does not suggest that doubling the amount of floor space, would double the impact of the proposal, as due to the size of the sales areas of the representative stores (approx 1,700 sqm each) there would still be a relatively limited offer – i.e. most convenience shopping, with only ancillary comparison – rather than the wider offer that one might expect from a supermarket of 3,400sqm which may for example sell more clothes, electrical goods etc. Nonetheless, the provision of two supermarkets of this scale, together with an increase in parking provision may make these stores slightly more desirable to shoppers, and as such, a small uplift has been assumed.
- 5.9.14 Even with this uplift in sales, I consider this would be likely to draw trade from areas further a field rather than drawing additional trade from the immediate vicinity – as those who live locally would presumably use a new supermarket if only one were permitted. It might be more desirable for residents of say Linton to travel to Staplehurst if they consider that parking would be more straightforward/there would be less congestion. This uplift however, has been identified as small.
- 5.9.15 I am therefore satisfied that should both supermarkets be constructed (which is unlikely), this would in effect lead to a cannibalism of trade between the two stores, as they offer a specific product, rather than a significant impact upon the existing retail offer within the catchment area.

APPENDIX

5.10 Residential Amenity

- 5.10.1 Due to the location of the site, being relatively detached from residential properties, there is little impact upon residential amenity that arises from the proposal to build the supermarket. Indeed, the nearest residential property is over 300metres from the proposed supermarket building. I am therefore satisfied that the proposed store, in relation to noise and disturbance, and overshadowing, creation of a sense of enclosure and overlooking, would not have a detrimental impact upon residential amenity within the vicinity.
- 5.10.2 The location of the proposed station car park would however be relatively close to a residential property to the north of George Street; 'The Grange'. This building would be impacted by additional noise and disturbance by this development, as at present the site is effectively an empty, and unfarmed piece of land. The separation distance between this property and the proposed car park would be approximately 40metres, and there would be a public highway that would separate the two uses. This together with the existing and proposed landscaping along both boundaries (north and south of the highway) would ensure that this noise and disturbance, whilst regrettable, would not be so significant as to warrant a refusal of this planning application on this ground.
- 5.10.3 In terms of the impact of the additional lighting within the application site, I am again satisfied that whilst the proposal would change the character of the area through the introduction of illumination, this would not be to the detriment of the residential amenity of this neighbouring property, nor any other within the immediate vicinity. Again, I see no reason to therefore object to this proposal on this basis.

5.11 Highways and Transport

- 5.11.1 The proposed access to the store car park would be served from Station Approach Road, close to the junction with the A229. This junction is proposed to be altered with the provision of traffic signals, that would control the flow of traffic from Station Approach Road, to the A229, and vice versa. This would also require the widening of the junction (following the removal of the existing building to the north of the junction), and would allow for pedestrian access to be made to the store more readily from the south – as refuges would be provided within the roadway itself.
- 5.11.2 The proposed junction improvements would see the installation of traffic light controls that would allow for improved access into and out of Station Approach on to the A229. This proposal has been fully assessed (stage one safety audit) by Kent Highways Services, and is not considered to give rise to any highway

APPENDIX

safety concerns, and in fact may give rise to some improvements to the safety of this part of the A229.

- 5.11.3 In terms of the parking provision proposed within the development, it is considered that there would be sufficient parking to ensure that there would be no overspill to the local highway network, to the detriment of highway safety. It should be noted that Network Rail have indicated that they may seek to formalise the car parking arrangements within the existing car parks should this application fail, with a tariff introduced.
- 5.11.4 With regards to deliveries to the site, these would be made to the rear, served through a new access road formed along the southern side of the supermarket. There would be sufficient space within the proposed service yard for lorries to enter and leave in a forward gear, therefore not detrimentally impacting upon highway safety.
- 5.11.5 As with the retail assessment, cumulative work has been undertaken (that is intrinsically linked to the cumulative retail analysis) which indicates that this proposal could take place, alongside the neighbouring proposal without any detrimental impact upon highway safety. It is acknowledged that there would be some increase in traffic flows should both stores be permitted, however, this would not result in an unacceptable level of congestion, nor increased risk of accidents. I am therefore satisfied that whether the proposal came forward in isolation, or whether it was provided alongside the neighbouring proposal, there would be no detrimental impact upon highway safety.
- 5.11.6 The applicants are proposing significant enhancements to the station car park, and to create a 'transport interchange' between rail and bus travel. I do consider these to be significant benefits, as at present the majority of buses are not able to run up to the station. This interchange would see the provision of real time bus information, turning areas, enhanced/widened pavement areas and would make the opportunities for public transport connections to be enhanced. Furthermore, the provision of a larger car park is considered to be of some benefit to the passengers that currently use the station. As set out previously many of the enhancements proposed form part of the Council's draft ITS and it should be noted that from comments received from both the applicants and Network Rail, there would appear to be little prospect of these enhancements being brought forward in the short term should this permission not be granted.
- 5.11.7 I am therefore of the opinion that this element of the proposal would be of some significant benefit to the village, insofar as it would see enhancements to both public transport, and to the car parking at the station brought forward at an early stage.

APPENDIX

- 5.11.8 If not brought forward as part of a package with this application, it is likely that it would not be until the introduction of the Council's Community Infrastructure Levy that these measures would be provided.
- 5.11.9 The enhancements to the station itself are also to be welcomed, with a shelter provided, and new public realm proposed. This public realm enhancement would see the provision of wider pavements constructed of block paving. This would be a significant enhancement to the existing situation.
- 5.11.10 Collectively, these proposals would lead to a welcome enhancement to the current public transport provision, both for public transport users and motor car users. They would also improve pedestrian convenience and safety.

5.12 Landscaping and Ecology

- 5.12.1 The proposed northern car park area for the station would see the development of the field and the loss of a significant number of trees and shrubs within the site. This site also contains a number of ponds – although not all of these contain water at all times and the replacement proposals would contain ponds. More than 60% of the land would be 'lost' as a result of this proposal, which would see the removal of a significant amount of habitat, and also soft landscaping.
- 5.12.2 The majority of the landscaping within the site is self seeded, but nonetheless it gives a verdant and rural character to the area and contributes to the visual amenity particularly when viewed from the A229. Whilst the applicants acknowledge the loss of the landscaping would have an impact upon the character and appearance of the locality, they propose mitigation in the form of an area of open land that would become publicly available once complete. This would contain two ponds, and a stretch of waterway that would run north to south through the site, and then run westwards towards the parking area.
- 5.12.3 No specific details have been submitted in terms of the qualitative landscaping enhancements to this area, rather illustrative plans. Nonetheless, from this plan, an understanding of the impact that this planting would have can be fully assessed. At its widest point the landscaped area would be 90metres deep, and at its narrowest point 30metres. This landscaping would soften the development to the west, although as stated, I am of the opinion it would remain visible. It would not in any event alter the fundamental change in character of the land that would be caused by the introduction and creation of a large car park.

APPENDIX

- 5.12.4 Due to the changes in levels, it would not be possible to have a significant level of substantial planting close to the highway, however, it is proposed to incorporate this into the central area of the proposed public open space. Whilst qualitative enhancements could be made within this area, the loss of such a substantial area would undoubtedly have a detrimental impact upon the character and appearance of the locality.
- 5.12.5 In terms of the ecology within this part of the application site, it is clear that the loss of the land itself would result in the loss of significant habitat. There are Great Crested Newts (GCN) within the ponds, and suitable reptile habitat is identified within the application site.
- 5.12.6 An ecological report was submitted with the planning application, which has been assessed by Kent County Council Ecology (their comments are recorded at paragraph 3.8 of this report). This report acknowledges that the following habitats are to be found on the site:
- Hedgerows – assessed of low ecological value, but likely to provide habitat for bats and birds;
 - Scrub – assessed of low ecological value but providing some structural diversity to the site, and nest and foraging habitat for birds. The areas of scrub would also provide opportunities for GCN and reptiles;
 - Trees – most are immature specimens although there is a mature oak within the site and a line of semi-mature oaks also. Overall, the trees are assessed as low/moderate ecological value;
 - Grassland – this is assessed as being of low species diversity, although within the north east and south west of the south west of the northern half there are areas of greater potential interest – including several larger anthills. It is not considered that the grassland would be likely to be used by GCN.
 - Tall ruderal – again, assessed as being of low ecological value, although again, there would be some areas which have greater species richness.
 - Ponds – four ponds are present within the application site, all of which are assessed as species poor, although GCN are acknowledged to be within these ponds.
 - Wet Ditch – the northern section of this ditch is recorded as having low ecological value and the southern section has not been fully assessed, although it is acknowledged that aquatic/emergent species are more abundant along this length.
- 5.12.7 As can be seen, KCC Ecology have assessed the submission, and raise some concerns over the proposal, and the impact that it would have upon the existing ecology. In addition, Kent Wildlife Trust were consulted and have raised objections to the proposal on the basis that they do not consider the

APPENDIX

mitigation proposed to be of a sufficient standard to maintain biodiversity within the site, let alone enhance it. Likewise, Natural England raises concern that the proposal, in its current form would not meet the three specific tests that would allow a licence to be granted under their regulations. Concern is raised in particular with regards to the impact that the separation of the ponds would have upon the population of GCN.

5.12.8 Whilst it is proposed that long grasslands and hedgerows be created in the retained area, this would clearly be a much smaller area than the existing site. It is also proposed that hibernacula and refugia be created within the application site, to further enhance the remaining land. The applicants argue that this would actually lead to an enhancement of the ecology within the locality (not just within the application site). Whilst there is clearly a loss of habitat as a result of this proposal, I consider that the qualitative mitigation can be provided to ensure that there would be negligible harm to ecology (it may be that the qualitative enhancements may be of overall benefit, but I do not consider the information submitted clearly indicates this, at this point in time).

5.12.9 Further work has now been undertaken by the applicants, which have addressed the concerns of Natural England, Kent Wildlife Trust and Kent County Council Ecology, subject to the imposition of suitable safeguarding conditions. Kent County Council Ecology do however retain concerns that the footpath would lead to the possibility of harm to the ecology within the future, and as such this would need to be carefully managed should permission be granted, to ensure that any users of this area do not stray from the paths. The applicants are currently engaged with Kent Wildlife Trust in order to ensure suitable management should the proposal be brought forward.

5.13 S106 Contributions

5.13.1 The applicant has submitted draft Heads of Terms following discussions with the Authority. Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria that sets out that any obligation must meet the following requirements: -

It is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

APPENDIX

5.13.2 The applicant is proposing the following items as part of an overarching package that would be provided to mitigate against the impact to the village centre (and surrounding area). The proposals are:

- The provision of a community bus for a period of five years to serve the outlying areas;
- A contribution of £70,000 for enhancements to the village centre of Staplehurst.
- The provision of a new puffin crossing;
- The provision of a contribution of £50,000 towards the long term maintenance of the nature conservation area which would be spent in partnership with the Kent Wildlife Trust.

5.13.3 In terms of whether these proposals meet the test as set out above, the applicant initially proposed a contribution of £50,000 towards a community bus that would link the supermarket to the town centre (or village centre). The applicants have been advised that the Council would not be prepared to operate such a facility, and that the onus would be on the applicant to provide it. As such, the applicant has now agreed to provide a community bus for a minimum period of 5 years, which the Council consider to be reasonable, and also to ensure that the supermarket is accessible to those within the outlying areas.

5.13.4 With regards to the provision of a contribution of £70,000 towards the enhancement of the village centre. It has been agreed that in order to make the existing offer more attractive, and to therefore mitigate this proposal to a certain extent, it is necessary to see such a provision. It is noted that 'The Parade' is privately owned land, however, the applicants have agreed to work with both the Parish Council and the owners (if possible) to provide suitable enhancements to the public realm within the vicinity of this shopping area. The applicants have submitted a proposed plan which indicates that the following enhancements would be made:

- Replacement lighting;
- Provision of additional planters;
- Replacement tree grills;
- New hard surfacing to enhance the public realm;
- Additional tree planting;
- High quality seating to replace the existing
- Replacement litter bins to be provided.

The enhancements proposed here are significant, and would result in significant improvement to the village centre, mitigating the impact of the proposed supermarket. I also consider that the enhancements proposed to

APPENDIX

relate to the provision of extra retail floorspace within the locality. I therefore consider this element of the proposal to be in accordance with the CIL regulations as set out above.

- 5.13.5 With regards to the provision of a contribution towards the maintenance of the nature area adjacent to the car park; again the applicant has been advised that the authority would not be willing to take ownership of this land. The applicants have identified a partner who they would work alongside (Kent Wildlife Trust) to manage this land, although no management strategy has yet been forthcoming. I am also unsure as to the length of time that a contribution of this nature would enable the management of the land. Whilst the provision of contributions is welcomed, in order to meet the specific CIL regulations, I consider that greater clarity is required.
- 5.13.6 With regards to the provision of a 'puffin crossing', whilst this has been suggested as part of a package within the S106 agreement, I have suggested to the applicant that this could well be provided through a S278 agreement with the Highways Authority. I consider that the provision of such a crossing, on the Marden Road would enable safer pedestrian access to the store, and would be reasonable to be provided. The applicant agrees to this, and as such, whilst it would still be provided, it would not form part of the 'S106 package' as such, but would still be provided, by condition, prior to the occupation of the store.
- 5.13.7 The proposed 'package' that has been submitted as mitigation for the proposed supermarket is a material consideration in the determination of the planning application. Significant enhancements to the village centre are proposed, and the provision of a puffin crossing would also be of significant benefit. However, there are concerns about how the provision of contributions towards the nature reserve would be spent. Nonetheless, to my mind the enhancement to the village, and the package of enhancements to the highways (including the provision of a community bus) would be likely to have the greatest impact upon the continued vitality, and viability of the village centre should the supermarket be permitted and constructed.

5.14 Sustainability

- 5.14.1 The applicant has submitted information with regards to the sustainable elements of the construction of the new supermarket. They have not however, identified whether the proposal would reach a certain level within the BREEAM standards. However, they have identified the following features that would be incorporated should planning permission be granted:

APPENDIX

- Enhanced building envelope – this would reduce the thermal movement through walls, roofs and floors, helping the store to stay warm in winter and cooler in the summer – reducing the demands upon mechanical heating and cooling.
- The design of the lobby would help with heat loss/gain by creating a delay time lock – minimising the amount of heat loss through the front of the store.
- The use of natural light through the provision of roof lights and clerestory glazing. The roof lights would be organised in a checker board fashion across the roof, maximising natural light.
- Natural ventilation would be incorporated within the store.
- Cold aisle retrieval which would allow other areas of the store to be cooled, would be utilised.

5.14.2 Whilst the applicants have not indicated that the store would achieve a BREEAM 'very good' standard, and whilst this Authority does seek to achieve the highest standard of sustainable construction on all new buildings, I do not consider this in itself to represent a reason to refuse planning permission.

5.15 Employment

5.15.1 The proposed supermarket would be likely to generate approximately 150 jobs, which would be a mixture of part time and full time. There would be a significant number of managerial positions, team leaders, and 'shop floor' staff. To my mind, this is a significant benefit that this proposal would bring and as this scheme is deliverable these jobs are likely to come forward should planning permission be granted. Furthermore, the development would be economic development in terms of the NPPF which is proactively encouraged and is at the heart of Central Government's Plan for Growth. The provision of this number of jobs, particularly at present, within this period of limited economic growth is a weighty material consideration in the determination of this planning application.

5.16 Other Matters

5.16.1 Consideration has been given to the impact of light pollution that could occur as a result of this proposal. This has been touched upon previously, with regards to the visual impact of the proposed car park to the north of the railway line and the change in character of that area, however it also needs to be considered in relation to the supermarket, and the car park that serves it. To my mind the introduction of lighting within this area would not have a significantly detrimental impact upon the character and appearance of the area. It is noted that there is no significant lighting within the existing car parking areas, however, it is in an area that is well developed (albeit

APPENDIX

designated within the open countryside in policy terms), with significant street lighting etc. I do not see the provision of lighting within this area to be detrimental to either the character and appearance of the area, nor residential amenity (due to the separation distances previously discussed).

5.17 Public Representations on the Application

- 5.17.1 As indicated within the 'Representation' section above, over 350 individual representations have been submitted, with the majority indicating support for the proposal. Responses to consultation need to be taken into account in reaching a decision on the application.
- 5.17.2 Many of the responses are identical letters, and many are submitted on flyers provided by the applicant. The substance of these letters is set out in Section 4 of this report.
- 5.17.3 It is considered that the expression of public support for the application – which such a significant demonstration of support – does weigh in favour of the application. It should also be noted that the proposal has seen more positive responses received than for the similar application, MA/11/1944, however this has to be seen in the context that many of these letters are identical, or give no reason for supporting the proposal. Whilst the level of support is a consideration, this does not necessarily override any material harm that the proposal may cause.

5.18 Side-by-side analysis of main aspects of Tesco Scheme and Sainsbury's Scheme

- 5.18.1 This analysis is intended to aid members in their understanding of the applications but reference to, at least, the full reports on each scheme is essential as this is not an exhaustive list. A knowledge by Members of the elements, layout, elevations, proposed landscaping and siting of each scheme is assumed as well as an appreciation of the suggested conditions, highway and public transport improvements and headings of a s.106 agreement.
- 5.18.2 The retail floor space of each scheme is broadly similar. Both schemes would provide a similar retail offer. The Council's retail consultants indicate that there is a quantitative and qualitative need for the type and floorspace of shopping to be provided by each scheme.
- 5.18.3 Both schemes are likely to lead to a more sustainable pattern of food shopping in terms of converting food shopping trips by Staplehurst residents from more distant supermarkets such as within Maidstone.

APPENDIX

- 5.18.4 Both schemes are likely to provide a similar number of jobs and to provide an injection of investment into the economy, welcomed by the Government in its 2011 growth agenda.
- 5.18.5 Both schemes would have some impact on the stores in Staplehurst but both schemes are proposing highway-related enhancements and enhancements to the public realm which would to some extent mitigate those impacts.
- 5.18.6 Neither scheme would harm the vitality or viability of Staplehurst town centre or any other centre. If both schemes proceeded (which is unlikely) then they would be likely to take trade from one another rather than unduly harm the vitality or viability of Staplehurst town centre or another centre.
- 5.18.7 The Sainsbury scheme is wholly within the settlement boundary of Staplehurst as shown in the Local Plan. The Tesco scheme is substantially but not wholly outside that settlement boundary. The Tesco scheme involves development of land to the north of the railway line which is wholly outside the settlement boundary.
- 5.18.8 The Tesco scheme is in part on greenfield land and the Sainsbury scheme is wholly on previously developed land.
- 5.18.9 The Tesco scheme is physically closer to the railway station than the Sainsbury scheme.
- 5.18.10 The Sainsbury scheme is physically closer to the town centre of Staplehurst than the Tesco scheme.
- 5.18.11 The Sainsbury scheme is physically closer to the majority of housing within the Staplehurst settlement.
- 5.18.12 The Tesco scheme includes a petrol filling station and the Sainsbury's scheme does not. Each scheme has a cafe.
- 5.18.13 Sainsburys scheme includes parking for 171 cars, cycle parking, new bus stops, a taxi pick up point, new pedestrian crossing and a small roundabout.
- 5.18.14 The Tesco scheme includes cycle parking, parking for 235 customer cars at the foodstore and 660 cars at the new station car park to the north of the railway line. It also proposes a station car park to the south of the railway line with a new station drop off arrangement with some short and long stay parking adjacent to it, and the drop off arrangement would include a bus and taxi pick up area. The scheme would provide a puffin crossing and other pedestrian crossing facilities. The Tesco scheme would include traffic signals controlling

APPENDIX

flows into and out of Station Approach. The Tesco scheme would provide improvements that are sought for Staplehurst that are in the draft Integrated Transport Strategy.

- 5.18.15 The Tesco scheme would provide real time bus information, turning areas, enhanced/widened pavement areas and the new bus arrangement would be situated close to the station building entrance.
- 5.18.16 The Officer Reports in relation to each scheme consider that the Tesco scheme is in conflict with Local Plan policy ENV 28 (development in the countryside) and that the Sainsbury scheme is in conflict with Local Plan policy ED2 (land in employment use). The full reports must be referred to.
- 5.18.17 Sainsburys scheme would involve the demolition of two DK Holdings buildings and a GMS building (B8). The GMS business is coming to an end and the operator is closing down the company irrespective of the Sainsbury scheme. A purpose built factory for DK Holdings on an adjacent site has planning permission and would be erected prior to the operation of a Sainsbury supermarket.
- 5.18.18 The Sainsbury scheme would involve the loss of about 3360 sqm of class B floor space in a location which the Local Plan identifies as an existing area of economic activity/ an area with planning consent for economic development.
- 5.18.19 Sainsburys scheme will enable DK Holdings to operate from modern purpose built premises enabling them to consolidate their operations to become more efficient and expand.
- 5.18.20 The Tesco scheme involves the loss of ecological habitat. The Sainsbury scheme does not. The Tesco scheme offers ecological mitigation.
- 5.18.21 As to matters which would be secured by s.106 agreement or by highway agreement, the full reports must be referred to. Of particular note are:
- Tesco scheme offering £70,000 towards village improvements.
 - Sainsbury's scheme offering £50,000 towards village improvements.
 - Sainsbury's scheme would provide a free shuttle bus service for customers for a minimum of five years serving the local area.
 - Tesco scheme proposing to operate community bus.
 - Sainsbury scheme providing new bus stops and real time information and a new pedestrian crossing.

APPENDIX

6. Balance of Considerations

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 the determination of the application is to be made in accordance with the Development Plan insofar as it is material to the application unless other material considerations indicate otherwise.
- 6.2 The proposed supermarket would be constructed on previously developed land, albeit land that falls substantially outside of the village confines of Staplehurst. The main station car park is proposed upon greenfield land, north of the railway and outside of the village confines. This would harm the character and appearance of that area and would be in conflict with policy ENV28 of the Local Plan. As such, the development would represent a departure from the provisions of the Development Plan.
- 6.3 A number of matters are given full consideration within the report, in particular the impact upon the existing retail provision within the locality, and beyond, and the impact upon the character and appearance of the area.
- 6.4 From the information submitted it is apparent that a supermarket of this scale could be provided to serve the village of Staplehurst, and the surrounding area, without a significant detrimental impact upon the existing retail offer. It is also acknowledged that a similar size of store could also be provided in close proximity without a significant detrimental impact. That said, a single supermarket would provide a suitable provision for the catchment area.
- 6.5 Whilst the provision of the store itself, and the accompanying supermarket car parking would not have any significant visual harm, the car park to the north of the railway line would have a much more detrimental impact. As there would be considerable and significant visual harm and harm to the character of the area as a result of this proposal, through the erosion of the countryside and the introduction of an urban use into the rural area. The question has to be asked as to whether there is overriding justification for this proposal to be approved.
- 6.6 In addition to providing a quantitative and qualitative improvement to food retailing in Staplehurst, it is acknowledged that this scheme would bring forward a number of considerable benefits, including a new station car park to the north of the railway, a new station car park to the south, enhanced transport infrastructure at the station including bus facilities, and traffic controls on the Station Road/Station Approach junction (for which there has been public pressure to be provided for some time and a number of which are identified within the Council's draft ITS), a significant number of jobs, enhancements to the village centre and better accessibility, and I do not view it as harming retail interest in terms of the sequential test. However, I do not consider these factors

APPENDIX

override the substantial harm that the proposal would have to the character and appearance of the countryside. To my mind, that harm, given its location and significance, is not outweighed by the benefits of the scheme. Even if there was no current application for a supermarket of a similar size on other land in Staplehurst, I would recommend refusal of this application. Furthermore, the uncertainty in relation to maintaining biodiversity in that northern area adds to my concern, but even without that uncertainty the scheme is unacceptably harmful.

6.7 As such, I consider that this application should fail, and planning permission refused for the reason set out below.

7. **RECOMMENDATION**

REFUSE planning permission.

1. The proposed station car park would result in the loss of a significant amount of open countryside through the provision of hardstanding, and other associated paraphernalia, to the detriment of the character and appearance of the site, located on a primary arterial route into Staplehurst. There is no overriding need for the provision of A1 retail at this location, and as such the proposal would be considered to conflict with Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) and the aim of sustainable development as set out within the National Planning Policy Framework.