

MC/22/2335

Date Received: 29 September 2022
Location: Land North of Medway Road Gillingham
Medway ME7 1NY
Proposal: Removal of condition 23 (off site planting) on planning permission MC/20/1431 for Construction of a Food store (Use Class E(a) - Retail) together with associated car and cycle parking, servicing, landscaping, and associated works.
Applicant Lidl Great Britain Limited
Miss Holly Masterson
Agent RPS Consulting Services
Miss Gemma Carrieri
2 Callaghan Square
Cardiff
CF10 5AZ
Ward: Gillingham North Ward
Case Officer: Madeline Mead
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 8th March 2023.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 7 May 2020 (in relation to discharge of conditions application MC/20/1054):

LD(14)-CS-01 REV 02 - GA Sections
LD(14)-CS-02 REV 01 - Section Details Sheet 1 - Sandwich Panel
LD(14)-CS-04 REV 01 - Section Details Sheet 1 (Interface Plan Details)
LD(14)-CS-05 REV 01 - Details Sheet 2 (Interface Plan/Section Details)
LD(14)-CS-06 REV 01 - Details Sheet 3 (Typical Sandwich Panel/Portions Details)
LD(14)-CS-07 REV 01 - Approved Construction Options
LD(14)-CS-11 REV 01 - Cladding Details - Option 2
LD(14)-DD-01 REV 02 - Door Schedule
LD(14)-FF-03 REV 01 - Concrete Lidl Arrangement
LD(14)-GF-06 REV 02 - Wall Finish Plan
LD(14)-GF-09 REV 02 - Finishes Plan
LD(14)-RP 01 REV 01 - GA Roof Plan
LD(14)-SG-01 REV 01 - Curtain Wall
PC-03 REV 01 - Isometric View of Precast And Glulam Structure
CG-11 REV 02 - Wall Types Plan - Ground Floor Plan

CG-12 REV 02 - Wall Types Plan - First Floor Plan
ST-410 REV 02 - Details of Steel Door Surroundings
ST-415 REV 02 - GA & Details of Canopy Roof
ST-430 REV 02 - Isometric View 01

Received 18 June 2020

AD 110_REV G - Proposed Site Layout
AD 111_REV B - Proposed Floor Plans
AD 113_REV B - Proposed Elevations
AD 114_REV H - Proposed Site Layout Boundary Treatments

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 The surface water disposal, shall be maintained in accordance with the details set out in the cover letter (dated 11 April 2022) and surface water drainage technical note - Condition 5 ref: SF/LIDLGILLINGHAM.10 (dated 25 January 2022) received 20 April 2022, as approved under discharge of condition reference MC/22/0990.

Reason: To ensure surface water disposal is maintained and managed for the lifetime of the development as outlined at paragraphs 167 and 169 of National Planning Policy Framework 2021 and Policy CF13 of the Medway Local Plan 2003.

- 3 The boundary treatment shall be retained in accordance with the approved details (drawing number AD 114_REV H received 18 June 2020).

Reason: To ensure that the development does not prejudice conditions of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 The area shown on drawing number AD 110_REV G received 18 June 2020 as vehicle parking spaces shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 5 The Travel Plan Ref: JRB/18539/TP01C (dated June 2020) received 18 June 2020 shall be maintained until 30 September 2027.

Reason: To ensure the sustainable transport objective related to the development of this site and to reduce potential impact on the surrounding area in accordance with Policy T14 of the Medway Local Plan 2003.

- 6 The external lighting on the site, shall be retained in accordance with the details set out in the cover letter (by RPS, dated 07/10/22), external lighting design statement (by DAA, issue 2 dated 07/10/22) and email from RPS group (received 01/12/22) as approved under discharge of condition reference MC/22/2481.

Reason: In order to limit the impact of the lighting on the nearby residents and with regard to Policies BNE1 of the Medway Local Plan 2003.

- 7 The refuse storage arrangements for the building, shall be retained on site in accordance with the details set out in the cover letter from rps (ref: JPW1531) received 4 October 2022 and delivery, servicing and waste management plan, by SCP (ref: 18569) received 11 October 2022, as approved under discharge of condition reference MC/22/2365.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 The curtain wall glazing shown on the approved plan (drawing number AD 113_REV B received 18 June 2020) to be clear glazed shall be retained as such and shall not be replaced by obscure glazing or panels or any other such device that would prevent or obscure views into the retail unit.

Reason: In the interest of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 9 Within three months from the date of this decision, four electric vehicle charging points, shall be installed on site. The electric vehicle charging points shall be installed in accordance with the electric vehicle infrastructure product leaflet by ABB and drawing numbers LD(14)-SP-09 Rev A and AD110_REV H received 6 May 2022. Before the 30 September 2027, a further six electric vehicle charging points are to be installed in line with details approved under discharge of condition reference MC/22/1153. Once installed the electric vehicle charging points shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of sustainability in accordance with paragraph 112(e) of National Planning Policy Framework 2021.

- 10 The landscaping on site shall be maintained in accordance with drawing numbers AD_116 Rev M and AD_117 Rev D received 24 August 2022, as approved under discharge of condition reference MC/22/1519 and shall be managed for a minimum period of five years from the date of this decision.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 11 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the

hours 07:00 to 21:00 Monday to Saturday and 08:00 to 18:00 on Sunday and Public Holidays.

These hours hereby permitted shall be discontinued 12 months after the building herein approved has been occupied and after this period no commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart, within the application site outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Public Holidays.

Reason: To allow the Local Planning Authority an opportunity to assess the effect of the permitted development on the amenities of the surrounding area in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 The restrictive access gates to the Walnut Tree Club, shall be retained in accordance with drawing number AD_161 received on the 30 September 2022, as approved under discharge of condition reference MC/22/2348.

Reason: To regulate and control unauthorised parking within the adjacent site at The Walnut Club, in the interests of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 The ecological enhancement measures shall be maintained on site in accordance with the revised ecology note ref: ECO02295_874 (dated 9 September 2022) received 9 September 2022 as approved under discharge of condition reference MC/22/1092.

Reason: In the interests of ecology and in accordance with the provisions set out under Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

- 14 The close boarded acoustic fence erected around the external plant with a minimum mass of 10kg/m² in accordance with Reflective Sound Screens BS EN 1793-2: 1998 by Hales Sawmills Ltd; and the Fence Location Plan received 7 May 2020 shall be maintained in accordance with these approved details.

Reason: To protect nearby noise sensitive receptors from noise arising from the plant and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 No more than 20% of the net sales area of the unit herein approved shall be used for the sale of comparison goods and at no time shall more than 3,500 individual lines of goods be sold from the retail unit hereby permitted.

Reason: To safeguard the vitality and viability of existing retail centres and having regard to Policy R13 of the Medway Local Plan 2003 and Paragraph 92 of the National Planning Policy Framework 2021.

- 16 The use shall operate in accordance with the details as set out in the cover letter from rps (ref: JPW1531) received 4 October 2022 and delivery, servicing and waste management plan, by SCP (ref: 18569) received 11 October 2022, as approved under discharge of condition reference MC/22/2365.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety in accordance with Policies BNE2 and T1 of the Medway Local Plan 2003.

- 17 The development shall be maintained, in accordance with the measures set out in the air quality emissions mitigation statement for the development of a Lidl Food Store, Gillingham Report to Lidl Great Britain Ltd (dated April 2022) received 6 May 2022, as approved under discharge of condition reference MC/22/1155.

Reason: To ensure the adequate protection of health and amenity of the surrounding area in accordance with Policy BNE24 of the Medway Local Plan 2003.

- 18 The proposed E(a) Use (Retail) hereby permitted shall remain in that use and no other Class E uses within Schedule 2, Part A, Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of neighbouring and occupier amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 19 The cycle parking, shall be retained on site in accordance with the details as set out in the cover letter (ref: JPW1531) received 16 September 2022 and drawing number AD_160 received 23 September 2022, as approved under discharge of condition reference MC/22/2260.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of the Medway Local Plan 2003.

For the reasons for this recommendation for approval see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

The application seeks to remove condition 23 (off site planting) of planning permission MC/20/1431, which was for the construction of a food store (Use Class E(a) - Retail) together with associated car and cycle parking, servicing, landscaping, and associated works.

Condition 23 states:

The use of the development hereby permitted shall not commence until the details of a mechanism for off-site planting have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a contribution towards off site planting and a timescale for the carrying out and maintenance of the planting.

Reason: In the interests of visual amenity and in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

Relevant Planning History

MC/22/1519 Details pursuant to condition 17 (Landscaping) on planning application MC/20/1431 for construction of a food store (Use Class E(a) - Retail) together with associated car and cycle parking, servicing, landscaping, and associated works at Land North of Medway Road, Gillingham, Medway, ME7 1NY

MC/20/1431 Construction of a food store (Use Class E(a) - Retail) together with associated car and cycle parking, servicing, landscaping, and associated works.
Decision: Approval with Conditions
Decided: 15 October 2021

Representations

The application has been advertised by individual neighbour notification to the owners and occupiers of neighbouring properties.

No letters of representation have been received.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

Planning Appraisal

Principle

The principle of the development has been accepted with the grant of planning permission under reference MC/20/1431.

As the proposal is for the removal of condition 23 (off site planting) of the planning permission, the issue for consideration is if the condition remains necessary for the development and is reasonable in all other respects, in consideration of paragraph 56 of the NPPF; and if sufficient landscaping has been secured via the on-site landscape condition that has been discharged under planning reference MC/22/1519.

Landscaping

Planning reference MC/22/1519 was submitted to discharge condition 17 (landscaping) of planning permission MC/20/1431. This condition secured soft landscaped planting to the north of the site between the parking area and the road, with other pockets of planting to the eastern and western boundaries of the site and a larger landscaped area to the southern boundary between the building and the A289.

It is to be noted that the landscaping details discharged by reference MC/22/1519, has been planted on-site but currently has not become established and therefore the full benefit of the landscaped areas cannot therefore be fully appreciated at present. However, once established the approved landscaping on site would be sufficient to no longer require additional off-site landscaping.

Paragraph 56 of the NPPF requires planning conditions to be kept to a minimum and only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.

With regard to paragraph 56 of the NPPF, it is considered that the condition for off-site landscaping, is no longer necessary to make the development acceptable.

It is considered that the on-site provision of landscaping discharged under condition 17 of planning application reference MC/22/1519, is sufficient and would in the future provide adequate landscaping for this development within the urban area.

Other matters

A variation of condition application is such that when granted approval, in effect, a new planning permission is granted. It is therefore necessary to re-impose the conditions set out in the previous decision notice MC/20/1431. As some conditions have been discharged, they have been re-written to reflect this.

Conclusions and Reasons for Approval

The provision of on-site landscaping as approved under discharge of condition application reference MC/22/1519 is considered to provide adequate landscaping in the future and is therefore considered to comply with Policies BNE1 and BNE6 of the Medway Local Plan 2003 and paragraphs 126 and 130 of the National Planning Policy Framework 2021.

The application would normally be determined under delegated powers but is being referred for Committee determination at the request of Councillor Andy Stamp on grounds that the original application was determined by the Planning Committee, and they felt a condition was relevant requiring further landscape planting.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>