

## **MC/25/0753**

**Date Received:** 8 April 2025  
**Location:** St John Fisher School, 79 Maidstone Road, Chatham Medway  
**Proposal:** Demolition of existing buildings and structures and construction of a new food retail store (Use Class E(a)), with access, car and cycle parking, landscaping and associated works.  
**Applicant Agent:** Aldi Stores Limited  
Avison Young  
Miss Annabelle Underdown  
65 Gresham Street  
London  
EC2 V7NQ  
**Ward:** Fort Pitt  
**Case Officer:** Mary Smith  
**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 19 November 2025.**

### **Recommendation - Approval subject to**

- A Referral to the Secretary of State (required due to the objection from Sport England).
- B The applicant entering into a Section 106 agreement to secure:
  - 1 A contribution of £79,702 towards a Play Zone at Maidstone Road Sports Ground.
  - 2 A contribution of £30,000 towards the renewal of two bus stops/shelters on Maidstone Road, to include real time information.
  - 3 A contribution of £20,000 towards walking and cycling improvements along Maidstone Road, which could include drop kerbs and tactile paving to improve accessibility.
- C The following planning conditions:
  - 1 Statutory commencement  
  
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

## 2 Approved drawings

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

Received 8 April 2025

0112 Rev P02 Proposed Demolition Plans  
0113 Rev P02 Proposed Demolition Plans  
0124 Rev P01 Proposed Demolition Elevations  
0125 Rev P01 Proposed Demolition Elevations  
0126 Rev P01 Proposed Demolition Elevations  
0141 Proposed Plans (Roof)

Received 20 June 2025

0140 Rev P04 Proposed Plans  
0150 Rev P08 Proposed Elevations  
0161 Site Sections

Received 7 October 2025

20235-(90)13 Rev P02 Boundary Wall with Maidstone Road, Elevations and Sample Panel Details

Received 9 October 2025

0151 Rev P10 Proposed Elevations  
0153 Rev P10 Proposed Street Elevations

Received 24 October 2025

1001 Rev P14 Proposed Landscaping Plan  
1002 Rev P03 Proposed Tree Planting Details

Received 28 October 2025

0130 Rev P35 Proposed Site Plan  
0131 Rev P15 Proposed Site Demolition Overlay  
0160 Rev P05 Site Sections

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

## 3 Contamination investigation

No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:

- (i) A preliminary risk assessment which has identified:
  - o all previous uses.
  - o potential contaminants associated with those uses.
  - o a conceptual model of the site indicating sources, pathways and receptors; and

- o potentially unacceptable risks arising from contamination at the site.
- (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the prior written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in accordance with paragraph 187 of the National Planning Policy Framework 2024.

#### 4 Construction Environmental Management Plan (CEMP) for ecology

No development (including site clearance and demolition) shall take place until a construction environmental management plan (CEMP) for ecology has been submitted to and approved in writing by the Local Planning Authority. The CEMP for ecology shall be based on the recommendations in the submitted Ecological Appraisal and Preliminary Roost Assessment and include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of species or habitat-specific method statements and must include precautionary approach and mitigation for bats).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP for ecology shall be implemented and adhered to throughout the site clearance, demolition and construction period in accordance with the approved details.

Reason: To avoid harm to ecology and protected species and in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

5 Levels

No development shall take place (excluding site clearance and demolition) until full/final details of proposed site levels (including cross sections and regular spots heights comparing existing and proposed levels) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: As full details have not been provided, in the interests of amenity and with regard to Policies BNE1, BNE2 and BNE43 of the Medway Local Plan 2003.

6 Drainage scheme

No development shall take place (excluding site clearance and demolition) until a scheme based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The scheme shall include (where applicable):

- a) Details of the design of the scheme (in conjunction with the landscaping plan where applicable)
- b) A timetable for its implementation (including any phased implementation).
- c) Operational maintenance and management plan including access requirements for each sustainable drainage component
- d) Proposed arrangements for future adoption by any public body, statutory undertaker or management company (if applicable)

The development shall be undertaken in accordance with the agreed scheme and shall be retained as such thereafter.

Reason: To manage surface water during and post construction and for the lifetime of the development in accordance with paragraphs 181 and 182 of the NPPF 2024.

7 Method statement - wall demolition

Prior to the commencement of works to demolish the sections of brick wall along the Maidstone Road frontage, a method statement for demolition by hand and setting aside bricks and stone toppings for potential reuse shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is carried out in a satisfactory manner, to enable the use of reclaimed bricks where possible and to minimise the impact on the Conservation Area and street scene, in accordance with Policies BNE1 and BNE12 of the Medway Local Plan 2003.

8 Sample panel for new wall

Prior to the commencement of works (excluding groundworks) to construct the new wall and piers to the Maidstone Road frontage, a sample brick panel of 1m x 1m illustrating brick type, brick bond, coping stones, mortar mix and finish together with/including details of how salvaged materials will be reused shall be assembled on site for inspection and approval in writing by the Local Planning Authority. The panel shall be kept on site for the duration of the build of the new wall and piers, and the works shall be carried out in accordance with the approved details.

Reason: To ensure that the development is carried out in a satisfactory manner, to minimise the impact on the Conservation Area and street scene and in accordance with Policies BNE1 and BNE12 of the Medway Local Plan 2003.

9 Materials

No development above slab level of the proposed building shall take place until details and samples of all materials to be used externally for both the building and hard landscaping have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policies BNE1 and BNE12 of the Medway Local Plan 2003.

10 Acoustic assessment - mechanical plant

No development above slab level of the proposed building shall take place until:

- a) a desk based acoustic assessment of mechanical plant has been undertaken to determine the impact of noise arising from the plant. The noise rating level (L<sub>Ar</sub>,T<sub>r</sub>) of mechanical plant shall be at least 10dB below the background noise level (L<sub>A90</sub>,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014; and
- b) the results of the assessment and details of any mitigation measures have been submitted to and approved in writing by the Local Planning Authority.

The approved measures shall be implemented before the plant/development is brought into use and shall thereafter be maintained in accordance with the approved details.

Reason: To ensure that adequate mitigation measures are in place in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

#### 11 Biodiversity enhancement

No development above slab level of the proposed building shall take place until details of biodiversity enhancement measures within the site (such as building-integrated bat boxes, bird nest boxes, bee bricks, native species planting and installation of a log pile) together with a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and timetable, and the enhancement measures shall be maintained as such thereafter.

Reason: To ensure ecological enhancements are incorporated into the development in accordance with BNE37 of the Medway Local Plan 2003.

#### 12 Lighting

Prior to the installation of any external lighting on the site details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of how the impact of the lighting on protected species, habitat and site neighbours has been minimised, including:

- a) The lighting being designed in accordance with the Bat Conservation Trust and the Institution of Lighting Professionals Guidance Note 8/23 Bats and Artificial Lighting at Night.
- b) A plan showing the location, type of lights and light spill.
- c) The lights to be downward facing.
- d) Hours of operation.

All external lighting on site shall be in accordance with the approved details.

Reason: In order to limit the impact of the lighting on protected species, habitat and amenity in accordance with Policies BNE2, BNE5 and BNE39 of the Medway Local Plan 2003.

#### 13 Boundary treatment

Prior to the first use of the building details of boundary treatment and retaining walls (including position, design/appearance and materials) shall be submitted to and approved in writing by the Local Planning Authority and completed in accordance with the approved details. They shall be retained as approved thereafter.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of amenity in the locality in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

14 Landscape Management Plan

Prior to the first use of the building a landscape and biodiversity gain/enhancement management plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape and biodiversity enhancement areas/works for a minimum period of five years (noting that any on-site biodiversity net gain will need to be secured for a minimum of 30 years) and arrangements for implementation. The development shall be implemented in accordance with the approved details.

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

15 Cycle parking

Prior to the first use of the building full details of cycle parking provision shall be submitted to and approved in writing by the Local Planning Authority and the approved details shall be implemented on site. The cycle parking provision shall be retained as such thereafter.

Reason: To ensure the provision of suitable cycle parking in accordance with Policy T4 of the Medway Local Plan 2003.

16 Travel plan

Prior to first use of the building an updated Staff Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include a defined and supported role for a Travel Plan Coordinator, SMART targets and initiatives for promoting sustainable transport with particular emphasis on walking and bicycle use, with details of future monitoring and update procedures. The approved Travel Plan shall be implemented upon first use of building and shall be kept in place, and updated, thereafter. It shall be continually monitored and updated on an annual basis starting from the date of its approval, with any updated measures implemented as part of these annual reviews and improvements, to achieve a reduction in car dependency.

Reason: In the interests of promoting safe and sustainable development in accordance with Policy T14 of the Medway Local Plan 2003.

17 Customer sustainable transport initiatives

Prior to the first use of the building, details of a package of measures to encourage and promote the use of sustainable transport by customers shall be submitted to and approved in writing by the Local Planning Authority. The measures shall include the promotion of cycle parking/routes, local bus stops and electrical vehicle charging points, with a defined and supported role for a

Customer Sustainable Transport Initiatives Coordinator and details of future monitoring and update procedures. The approved details shall be implemented upon first use of building and shall be kept in place, and updated, thereafter. They shall be continually monitored and updated on an annual basis starting from the date of their approval, with any updated measures implemented as part of these annual reviews and improvements, to achieve a reduction in car dependency.

Reason: In the interests of promoting safe and sustainable development in accordance with Policy T14 of the Medway Local Plan 2003.

18 Drainage verification

Prior to first use of the building (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: To ensure that a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere in accordance with paragraphs 181 and 182 of the NPPF 2024.

19 Contamination verification

Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in accordance with paragraph 187 of the National Planning Policy Framework 2024.

20 Energy efficiency and climate change

The approved development shall incorporate the measures to address energy efficiency and climate change set out in the submitted Renewable and Low Carbon Energy Statement and the Sustainability and Climate Change Statement. Prior to the first opening of the retail store a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that the approved measures have been implemented on site.



Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with Policy BNE4 of the Medway Local Plan 2003 and paragraph 161 of the National Planning Policy Framework 2024.

21 Unexpected contaminations

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in accordance with paragraph 187 of the National Planning Policy Framework 2024.

22 Surface water drainage

No drainage systems for the infiltration of surface water to the ground are permitted other than with the prior written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants, in accordance with paragraph 187 of the National Planning Policy Framework 2024.

23 Parking provision

Prior to the first use of the building the area shown on the submitted layout as vehicle access, parking, loading and off-loading and turning space shall be provided, surfaced and drained. Thereafter it 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 that area of land or in such a position as to preclude vehicular access to these reserved vehicle access, parking, loading and turning areas.

Reason: Development without provision of adequate accommodation for access, parking, loading, off-loading and turning of vehicles is likely to lead to hazardous conditions in the public highway and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

24 Double yellow lines

Prior to the first use of the building double yellow lines shall be added opposite the site entrance on Maidstone Road, between the existing double yellow lines and the zigzag lines to the crossing approach.

Reason: In order to aid the safe flow of traffic on Maidstone Road in accordance with Policies T1 and T2 of the Medway Local Plan 2003.

25 Landscaping

Prior to the first use of the building (or in accordance with an alternative timetable which has first been submitted to and agreed in writing by the Local Planning Authority) the hard and soft landscaping shall be implemented in accordance with the approved details. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping

26 Retained trees

In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1, BNE6 and BNE43 of the Medway Local Plan 2003.

27 Arboricultural Method Statement

All works on site (including site clearance and demolition) shall be undertaken in accordance with the submitted Arboricultural Method Statement (TG Report No. 16042\_R03\_MK Tyler Grange 07 October 2025) received 9 October 2025, including site monitoring by an appropriately qualified arboriculturist.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1, BNE6 and BNE43 of the Medway Local Plan 2003.

28 Details of new wall

The works to construct the new wall and piers to the Maidstone Road frontage shall be carried out in accordance with the approved details (drawing 20235-(90)13 Rev P02 Boundary Wall with Maidstone Road, Elevations and Sample Panel Details received 7 October 2025) as updated by the details and materials approved pursuant to condition 8 of this permission (including the reuse of existing materials if possible). The works shall be completed before the first opening of the retail store and retained as such thereafter.

Reason: To ensure that the development is carried out in a satisfactory manner, to minimise the impact on the Conservation Area and street scene and in accordance with Policies BNE1 and BNE12 of the Medway Local Plan 2003.

29 Construction Surface Water Management Plan (CSWMP)

The development shall be carried out in accordance with the Construction Surface Water Management Plan (Issue 01 29/09/2025 DSP Group) received 8 October 2025 for the duration of the demolition and construction period.

Reason: To manage surface water during the undertaking of the development in accordance with paragraphs 181 and 182 of the NPPF 2024.

30 Construction Environmental and Logistics Management Plan (CELMP)

The site clearance, demolition and construction works shall be carried out in accordance with the submitted Construction Environmental and Logistics Management Plan (CELMP). In the interests of clarity, all HGV and other large vehicles and plant including all deliveries and removal of materials from the site shall be from the new access to Maidstone Road and not from Scotteswood Avenue, other than in weeks 1-6 when this new access is being built.

Reason: To minimise the impact of the construction period on the amenities of local residents and the local highway network, in accordance with Policies BNE2 and T1 of the Medway Local Plan 2003.

31 Dust emission mitigation

The Dust Emission Mitigation Measures detailed in Table 17 of the Air Quality Assessment shall be in place at all times of the demolition and construction phase of the development.

Reason: To ensure that adequate air quality mitigation measures are in place during the demolition and construction phase, in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

32 Opening hours

The use hereby permitted shall only be open to members of the public between the hours of 08:00 to 22:00 Mondays to Saturdays inclusive and for up to 6 hours between the hours of 10:00 to 18:00 on Sundays.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

33 Deliveries

No delivery vehicles shall arrive or depart within the application site or any goods be loaded, unloaded, stored or otherwise handled other than in accordance with the following maximums:

- o up to a total of 6 deliveries in any 24-hour period
- o within this total, up to 2 deliveries between 06:00 and 07:00
- o a maximum of 1 delivery within any 15-minute period between 06:00 and 07:00
- o a maximum of 4 deliveries in any 1-hour period between 07:00 and 23:00
- o no deliveries between 23:00 and 06:00

Deliveries shall only take place in the loading bay, and it shall include a dock leveller with the tailgate to be enclosed within the building.

Reason: To ensure that the development does not prejudice the amenities of neighbouring property in accordance with Policy BNE2 of the Medway Local Plan 2003.

34 Delivery and Servicing Plan

Site operations shall be in accordance with the Delivery and Servicing Plan (dated 13th June 2025, Appendix 5 of the Technical Note 01 - Response to Highways Matters Raised by Medway Council) received 20 June 2025. Any updates shall be submitted to and approved in writing by the Local Planning Authority prior to their implementation.

Reason: In the interests of amenity and highway safety in accordance with Policies BNE2 and T1 of the Medway Local Plan 2003.

35 Car Park Management Plan

The Car Park Management Plan (dated 13th June 2025, Appendix 2 of the Technical Note 01 - Response to Highways Matters Raised by Medway Council) received 20 June 2025 shall be implemented at all times following the first use of the building.

Reason: To ensure sufficient and suitable parking provision and in the interests of amenity and highway safety in accordance with Policies BNE2 and T1, T13 and T22 of the Medway Local Plan 2003.

## 36 Use class

The premises shall be used for the purposes of Class E(a) retail use only and shall not be used for any other purpose, including any other purpose allowed within the Town and County Planning (Use Classes) Order 1987 (as amended) and the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or in any provision equivalent to that Class in any statutory instrument(s) revoking or re-enacting those Orders (with or without modification).

Reason: To clarify what has been permitted and to allow further assessment of any alternative use in the interests of sustainability/town centre priority, amenity and highway safety including with regard to Policies BNE2 and T1 of the Medway Local Plan 2003.

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

## Proposal

The site is part of the former St John Fisher school site in Maidstone Road Chatham, the school having relocated to a new site off City Way, Rochester. It does not include 79 Maidstone Road and the hard surfaced play area behind this to the north, also formerly part of the school site, or the majority of the former school playing field to the east. To the south the site includes the existing vehicular access onto Scotteswood Avenue (which is not owned by the applicant but is currently the only means of vehicular access to the site), but not the land to either side of this (a hard surfaced area with the separate, private dwelling at 91 Maidstone Road to the west, and the playing field to the east).

It is proposed to demolish all the buildings on this 0.74 hectare site, this being a mix of single to three storey structures, and to construct a retail store with a Gross Internal Area of 1,912sqm, providing a net sales area of 1,154sqm and associated storage, delivery and staff facilities. Intended opening hours are 0800 to 2200 Monday to Saturday and up to 6 hours between 1000 to 1800 on Sundays and it is anticipated that there would be approximately 40 staff. The proposed building would be located towards the southeast of the site with the main public entrance on the northwest corner. A delivery bay would be provided on the eastern side of the building with a plant compound in the southeast corner.

The proposed building would be single storey with a very shallow pitched roof falling from north to south, a maximum of approximately 73.4m by 31.1m (excluding the entrance canopy), and 6.3m high. The west elevation, facing towards Maidstone Road, would be mainly glazed shopfront with silver metallic composite cladding panels above, with a relatively small brick section projecting forward at the southern end. An anthracite grey canopy would project out at the northwest main entrance

corner, wrapping round to the north elevation which would consist of brickwork under the canopy and a mix of anthracite and silver metallic cladding panels above and to the eastern side. The eastern elevation would be all composite cladding, the vehicular access to the loading bay at this end to drop to a lower level than the main building towards the bay, with the plant compound behind (to include air source heat pumps) to be enclosed by a 2.4m high fence. The southern elevation would be mainly anthracite composite cladding, with a brick section at the western end. Much of the roof is intended to be covered by photovoltaic solar panels with the exact position and quantity to be confirmed.

To the west of the proposed building, between it and the frontage to Maidstone Road, 8 child friendly parking spaces (1 for EV's), 7 regular parking spaces and 1 disabled space (EV) would be provided. To the north of the building would be 1 child friendly space, 6 disabled parking spaces, 4 electric vehicle (EV) charging spaces and 77 regular spaces (22 with capacity for future EV charging points), giving a total of car parking 104 spaces. 10 cycle parking spaces are shown on the southern side of the site entrance, with 6 secure cycle parking spaces for staff to the south of the building, in a restricted area. Trolley storage would be provided under the canopy on the northern elevation.

A new vehicular access onto Maidstone Road would be provided near the centre of the site frontage to this road, with a pedestrian footpath linking into the existing pavement on either side. The existing access to Scotteswood Avenue (which is not owned by the applicant) would only be used for construction access. Once the development was completed it would not be possible for it to be used in connection with the retail site due to the position of the building, level differences and landscaping/boundary treatment, although it would remain in connection with the use of other parts of the former school site, primarily the playing field.

The proposals include changes to land levels, lowering the area of the majority of the proposed building. Trees would need to be removed as a result of the development, including to create the new access and within the main area of the site, and new landscaping is proposed mainly on the site perimeter. Along the southern part of the site frontage to Maidstone Road the existing concrete wall would be replaced with a brick wall to match that on the northern side of this frontage. Originally it was intended to keep the trees along the Maidstone Road frontage but due, in part, to this replacement wall, they would now be removed and replaced along the whole of this frontage.

The application is supported by a range of documents including planning, design and access, heritage and climate change statements; landscape and visual impact, preliminary ecology, biodiversity net gain, arboricultural impact and energy and sustainability assessments; playing fields and open space, transport, noise, air quality and lighting assessments; construction environmental and logistics management plan ; and a flood risk assessment and drainage strategy.

## Relevant Planning History

MC/25/0203          Prior Notification under Schedule 2 Part 11 Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for demolition of part 2 and part 1 storey school building (not including the original school building at 79 Maidstone Road).  
Withdrawn 27 February 2025

Previous applications (pre-2000) at the application site relate to various alterations and extensions to the former school site.

*For the adjacent site at 79 Maidstone Road, also part of the former school site:*

MC/25/0345          Conversion of existing house recently used as a school to 11 residential apartments together with construction of 8 houses with parking area (demolition of existing extension).  
Refused 9 June 2025

*Other former St John Fisher School site at Ordnance Street, Chatham:*

MC/24/1033          Demolition of existing buildings and construction of 139 dwellings (Class C3) together with associated public open space, landscaping and biodiversity areas, parking, access and associated works.  
Approved 6 May 2025

*Replacement St John Fisher School at land off City Way (former playing field), Chatham:*

MC/25/1049          Installation of floodlights to the existing 3G sports pitch to allow for all year-round use by both the school and local community grounds including amendment to community use agreement.  
Approved 2 September 2025

MC/20/2839          Construction of a 3-storey, 6FE secondary school with 900 pupils and a 285 pupil sixth form with associated accesses (including for construction traffic), parking and hard and soft landscaping and sports pitches including all-weather pitch.  
Approved 27 April 2021

## Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Active Travel England, the Environment Agency, Historic England, KCC Biodiversity, Kent Police, Kent Wildlife Trust, Natural England, Rochester Airport, the Royal Society for Protection of Birds, Southern Gas Networks, Southern Water, Sport England and UK Power Networks have also been consulted.

**Active Travel England** has no comments saying the scheme does not make the statutory thresholds for its consideration.

The **Environment Agency** has no objection subject to conditions regarding contamination and surface water drainage.

**Historic England** confirm that they provide advice when their engagement can add most value. In this case they are not offering advice (which should not be interpreted as comment on the merits of the application).

**KCC Biodiversity** advised that further information was required regarding the impact of the development on bats and this has now been submitted.

*Protected Species* - An ecological appraisal has been carried out with further surveys identified and conducted for bats and reptiles. The bat emergence survey investigated potential roost features to the buildings and found that bats were likely absent from the buildings surveyed. The ecologist recommends precautionary mitigation which can be required as part of a construction environmental management plan (CEMP).

The trees proposed for removal have been checked for potential roost features and one (T2) is stated as having a potential roost feature for individual bats. The revised plans have changed the tree removals, and the ecologist previously noted that further aerial tree assessment surveys were required, which would need to be carried out prior to determination, and any revisions to the bat mitigation provided. A further bat survey has since been completed, and although this does not include an aerial tree inspection, further detailed information has been provided such that they now have confidence that a sufficient level of surveys have been conducted in accordance with guidelines and are satisfied with the precautionary approach and mitigation provided. All mitigation and the pre-felling survey required should be detailed in a CEMP. Bat boxes can also be included within the enhancement measures, they can be placed on trees or buildings or integrated within the building structure, preferably south facing and not impacted by artificial lighting.

As foraging and commuting bats are noted present within the area a sensitive lighting plan is recommended. A lighting plan has been produced, with some appropriate measures, however, further information is required on this. A condition to require this is recommended.

A reptile survey has been conducted, and a low population of slow worms was found, with a peak count of 3 located on an earth mound at the eastern boundary. This earth mound appears to be outside the red line boundary but within the wider site and beside a tree line to the eastern boundary of the school field. Precautionary mitigation has been proposed for the proposed clearance and construction, and this should be included within the CEMP. Fencing will be permeable to allow access is maintained.

Vegetation within the site has been identified as suitable breeding bird habitat and some will be impacted. It is recommended that any works to vegetation are conducted outside the breeding bird season (1st March to 31st Aug) to avoid risk of



impacts or if within the breeding bird season, a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works. This should be included in the CEMP.

Pre works checks have been proposed for badgers and retention of boundary vegetation and precautionary habitat clearance measures for the very limited habitat suitable for dormice. These can be included within the CEMP.

An updated arboricultural impacts assessment and method statement has been provided. The removal of trees for the development and replanting within the BNG information is detailed but we defer to the tree officer as to whether this is appropriate as this is not our area of expertise. All arboricultural tree removal and protection measures would need to be included within the CEMP.

**BNG** - All planning applications received in England (with a few exemptions) must now deliver at least a 10% biodiversity net gain (BNG). A BNG metric and feasibility report with a baseline habitat plan have been provided. The baseline area habitats of 2.07 units are stated as modified grassland, ruderal ephemeral, developed land/sealed surface and introduced shrub. The linear habitats of 0.3 units are a line of trees. As much of the habitat is to be lost, the net change would be a loss of habitat units and a gain of hedgerow units, as new boundary hedgerows are proposed. There is a unit deficit of 0.89 habitat units and off-site habitat units will be required. The proposed onsite BNG habitat creation and enhancement is not considered significant.

There have been some changes to the latest proposed habitat plans. They highlight that some of the proposed other neutral grassland is in very narrow strips around the site boundaries, some with a species rich hedgerow alongside and question if both are achievable, or whether modified grassland is more realistic. They recommend that this is clarified as it could affect the unit deficit. As a representative baseline has been submitted, which is the pre-determination BNG requirement, this clarification of post development habitat plans can be addressed post determination. They suggest that further information is then provided by the ecologist to detail the depth of these areas of planting and how it would be possible to achieve the habitat conditions for both the stated grassland and hedgerow habitat types. If suitable information is provided a very robust management will be required for this to achieve the proposed conditions, and the landscape and ecological management plan will need to evidence this. If the ecologist considers they are not achievable then revised plans and metric will be required.

For off-site units the applicant is directed towards the Kent Biodiversity Net Gain Site Register. Off-site gains/the purchase of biodiversity units may need to be subject to a deed of conservation covenants or Section 106 (as appropriate) and must be registered after determination.

**Landscape and Ecological Management Plan (LEMP)** - under section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and paragraphs 187 and 193 of the NPPF, biodiversity should be maintained and enhanced through the planning system. Enhancement refers to providing net benefits for biodiversity over and above requirements for BNG, avoidance, mitigation and compensation. They

suggest a LEMP is in place that includes the enhancement measures as detailed in the ecological assessment, as well as the landscaping measures for BNG, noting the landscaping plan provided and recommend a condition to achieve this.

**Kent Police** have reviewed the application with regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the NPPF. They recommend applicants/agents consult their Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured by Design (SBD) as appropriate.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime. They make recommendations for CCTV, alarms, door and window standards, lighting, landscaping, access control, parking and cycle storage, waste bins, shutters and site security for the construction phase.

Since their initial response Kent Police confirm that they have met with the application agent to discuss the development and their suggestions (as an employee of Kent Police they say they must remain unbiased and so are unable to say whether they support or object to a planning application).

**Southern Gas Networks** confirm that although they have a high-pressure gas pipeline on the vicinity, the safety and integrity of their high-pressure assets will not be affected by the proposal. They also provide general advice.

**Southern Water** comment on the possible use of soakaways and a connection application. A further response provides guidance on trees planting near sewers, advises that they envisage they can facilitate foul sewerage/surface water run-off disposal to serve to the development, and give advice on soakaways and sustainable drainage systems (SuDs) features. They also ask to be notified prior to demolition works, to protect and safeguard the existing water supply apparatus.

**Sport England** object to the application as it does not accord with any exception to their playing fields policy or paragraph 104 of the National Planning Policy Framework (NPPF).

They say that in response to pre-application consultation last year, they confirmed that they would object as there is no justification for the loss of the playing field. A loss of approximately 0.07 hectares does not seem much, but the reduction of the width of the playing field results in the inability to layout the smallest recognised football pitch, an under 7/under 8, which can currently be accommodated on the site (this pitch measures 43 x 33 m including run-offs and it is estimated the site can accommodate two of these pitches).

They state that Medway Council's Playing Pitch Strategy (PPS) is out of date and is not considered sound and that although Medway agree and are considering commissioning a new PPS, there is currently no up-to-date and robust evidence base. Since the pre-application advice was given the proposal is relatively unchanged other than that the applicant has appointed Sports Planning Consultants (SPC) to prepare a Playing Fields and Sports Assessment (PFASA). However, this

does not address the fundamental issue of sporting need and surplus and replacement. With reference to planning application MC/20/2839, it does not state that the school playing fields which are to be provided at the new school are a replacement for the those at St John Fisher School, subject of this application, and while it is correct the playing fields cease to function as school playing fields due to the new school provision, it is incorrect to assume there is no community need for the playing fields. This can only be concluded through a robust PPS, that the Council do not currently have. Therefore, Sport England do not accept SPC's conclusions that the playing field had already been replaced on the new school site as there is no evidence to support this. They consider that a playing field assessment is required to investigate whether or not the area of playing land to be lost is surplus and, therefore, is acceptable, or the area of playing field lost is replaced elsewhere to provide two under 7/under 8 football pitches.

Sport England's policy to protect playing fields covers the entire playing field site and not just the areas currently marked out with a pitch as the playing field is seen as a resource for pitches to be marked out, pitches can change from one pitch sport type to another, to allow areas to rest from over play and to allow potential for non-pitch sports such as athletics to be marked out. There is no distinction between private and publicly owned or playing fields in active use on the Development Management Procedure Order, the NPPF nor Sport England Policy. Such land can retain the potential to provide playing pitches to meet current or future needs. If it had been Government's intention that planning policy should protect just pitches and not playing field, then the Development Management Procedure Order could have been drafted to make this clear.

The applicant has not provided any evidence by reference to a PPS that the playing field is surplus to both current and future sporting needs. This would not just be the pitch sports that are played, or last played on the playing field, but all pitch sports that could be accommodated on the site, as the playing field is a resource for different pitches to be marked out on. Furthermore, while the area to be lost is a small amount, its loss does impact on the laying out of playing pitches on the playing field. At present it is possible to provide two under 7/under 8 football pitches. If the loss of the playing field is permitted this will no longer be possible.

Sport England, therefore, raises a statutory objection to the application because it is not considered to accord with any of the exceptions to their Playing Fields Policy or paragraph 104 of the NPPF. This could be overcome if the site could be redesigned to avoid the playing field land being lost and the remainder of the land being unable to support the potential two U7/U8 pitches being laid out, or if the whole of the site is replaced elsewhere and the remainder of the site used for development, thus meeting paragraph 104 (b) of the NPPF.

Following re-consultation, they have reviewed the rebuttal to their objection but do not consider that the applicants have proven beyond reasonable doubt that the playing fields are surplus to requirements. They confirm that the NPPF does not allow for financial compensation for the loss of the playing field and note that the applicants have offered the cost of replacement for a single U7/U8 football pitch but not the cost of the land, therefore, their planning exception policy is not met. If the applicants replaced the land necessary to create a football pitch and the pitch itself,

then the NPPF and Sport England's requirements would be met. They highlight that it is not the responsibility of Medway Council to provide the land to lay out a replacement pitch. In summary they maintain a statutory objection to the development. They also confirm that should the local planning authority be minded to approve this application contrary to their statutory objection, then the application must be referred to the Secretary of State, via the National Planning Casework Unit.

**A petition signed by 176 people and 42 individual letters of objection** have been received (some have responded more than once, including following re-consultations on updated submissions), in summary raising the following concerns:

- Contrary to adopted and draft Local Plan policies and to the NPPF.
- Unnecessary retail duplication, already others in the local area, fails to demonstrate a clear need, vying for supremacy of supermarkets.
- Lack of an effective retail impact assessment including to assess the effect on the hierarchy of retail centres in the area, required by Regulation 19 draft Local Plan.
- The submitted retail impact briefing note is not compliant, it is incorrect in its findings and not supported by evidence, does not demonstrate there would not be significant adverse impact on Chatham or on the Scotteswood Avenue Neighbourhood Centre.
- Diverts trade from town centres and erodes commercial sustainability of other local businesses, unsustainable location.
- Risk of significant adverse effects on Chatham town centre, will bring more business away from, priority should be given to securing a supermarket in a central Chatham location – better for local community, more accessible without a car and supporting footfall in the town centre.
- Aldi could improve Chatham High Street by opening there, increasing footfall, served by public transport and serving new flats.
- Already three convenience stores that have served the area adequately for many years.
- Risk of significant adverse impact on Scotteswood Avenue Neighbourhood Centre, loss of local businesses and trade in protected neighbourhood centre.
- Loss of store and post office in Scotteswood Avenue which will close down, leaving potential monopoly for Aldi and harm from loss of post office especially for the elderly and vulnerable.
- Loss of vibrancy and diversity in local businesses, undermining the unique character and economic resilience of the neighbourhood.
- Undermines the principles of localism.
- Opportunity for an alternative use to address community needs such as housing, education, healthcare, cultural facilities - better use with public benefit.
- Lack of housing land in Medway, government fines for not providing enough housing, the site should be considered for this instead.
- Harm to the Maidstone Road Conservation Area, to its appearance, scale and sense of place, does not preserve or enhance it.
- Precedent for further erosion of conservation values.
- Out of character in residential area, visual intrusion (design, signage, lighting, blank frontages), house devaluation and deterioration of environmental quality.

- Scale and massing incongruous, would dominate the area.
- Mismatch next to the cemetery, harm to peace and emotional sensitivity.
- Loss of amenity (including from lighting and security measures), privacy, quiet environment and daylight and sunlight.
- Noise, disturbance and pollution including lorries outside shop hours and from loading bay use.
- Road impact during build period, also construction now to start at 7:30am rather than 8am.
- Local environmental challenges from waste generation.
- Health risks and harm from major demolition (including noise, pollution, parking).
- Lighting intrusion including from signs, also lighting report refers incorrectly to a nearby church.
- Landscape and Visual Impact Assessment downplays impact; proposed planting is insufficient mitigation.
- Is there an Environmental Impact Assessment, helping to encourage wildlife, also the impact on surrounding mature gardens.
- Negative impact on protected wildlife, habitat and biodiversity, reasonable attempts to minimise loss have not been made.
- Bats have been seen on site.
- Threat to the habitat of local rare white squirrels.
- Loss of mature trees and green space, diminishing the suburban garden suburb feel that defines the Conservation Area.
- Tree planting too close to neighbouring property, potential damage/undermining.
- Loss of sports and recreational facilities/open space, Sport England object
- Increased traffic, congestion and accidents, inadequate capacity in roads for this, blocking roads, harm to all including local residents, damage to vehicles.
- Longer delays/gridlock on Maidstone Road including for emergency vehicles and buses, no space for waiting to turn into the site, queuing on the road, increased disputes and hard for lorries with deliveries.
- Close to pedestrian crossing and bus stops and additional use will cause more traffic delay.
- Greater road safety risks for local residents, school children and pedestrians.
- Highway safety issues including junction arrangements, poor visibility, accident history, crossing safety, conflict with existing crossing, traffic volumes, topology, peak/non-peak traffic times, road wear, other transport use and emergency vehicle use have not been adequately addressed.
- Contrary to NPPF and local policies on highway safety and traffic management.
- Routes via Scotteswood Avenue are narrow/single lane and hilly, unsuitable for increased use and for heavyweight vehicles.
- Other developments eg B&M Horsted highlight how large retailers overwhelm local infrastructure.
- Full traffic impact assessment and road safety audit needed.
- Greater wear on local roads.
- More disputes and fights due to traffic related issues.

- No respite from adverse impacts compared to school use at much more limited times.
- People will drive to the site due to local topography.
- Bus services will be delayed reducing their reliability.
- Lack of parking will result in additional pressure on local roads, misuse of residents parking and more local tension/disputes.
- Loss of much needed on-street parking for residents opposite site access/parking here causes safety issues.
- Harm to use of driveways/garages opposite the site entrance.
- Potential damage to property opposite access due to traffic accidents.
- Staff cycle parking should not be vertical (standard cycles only and physical strength needed).
- Higher pollution and noise from traffic.
- Existing concern from the community shown by Aldi assessment/survey results.
- Pre-application consultation feedback is not accurate/a fair reflection of views, many local residents feel they have already raised objection but only through this.
- The elderly community comments are not accounted for as they are unable to comment online.
- The petition against is not given enough weight.
- Rogue company that consistently brings areas down.
- The only support is from an organised online campaign by Aldi – misleading, false indication of need, support reasons are vague, repetitive and do not address key issues and responders are not close enough to understand transport consequences, international retail chain using influence and pressure to override local concerns.
- Amended/additional details do not overcome objections and raise further transport concerns.
- Why are amendments being accepted and a decision not just made, website with changes keeps crashing so consultation unfulfilled, goalposts may be changing if Aldi close due to competition from B&M in the ex-Homebase building, key issues still not addressed?

**155 letters of support**, the vast majority in a standard format, have been received, in summary on the following grounds:

- Greater affordable produce during a cost-of-living crisis.
- More choice of good quality food.
- Reduced travel times and improved access to high quality, affordable food for local people including for those without cars, also accessible by bus.
- Relieve traffic at Horsted where not enough parking.
- Significant investment into the local economy.
- Up to 40 new jobs in the area.
- May bring more customers to the area requiring postal services.
- High deprivation area will fill a space causing crime and will help increase attainment for children.
- Hope there will be an in-depth risk assessment for road users as Maidstone Road is a busy main road (raised by one person only).

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The Medway Local Plan 2041 (draft Local Plan) is at Regulation 19 stage, with public consultation having taken place after submission of this planning application, and it is, therefore, also a material consideration but with limited weight due to its early stage. The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework 2024 (the NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

## **Planning Appraisal**

### *Background*

The site was formerly one of two separate sites for the St John Fisher School, both relocating to a single new purpose-built campus off City Way, Rochester in 2022. Since then, the current site former school has been vacant and has been split into three separate areas. The northern part, including the historic building at 79 Maidstone Road, has recently been subject of planning application MC/25/0345 for conversion to eleven flats with eight houses to the rear, this being refused for nine reasons, including heritage, design, overdevelopment, amenity, tree and wildlife concerns. The current site is now understood to be owned by Aldi (excluding the access to Scotteswood Avenue), with the majority of the remainder of the former school land consisting of the playing field to the east.

### *Principle*

The site is located within the urban area in the Local Plan, with the eastern section (approximately 12m wide) being allocated as protected open space (Policy L3). The draft Local Plan shows the site within the urban area with no specific designations other than the Conservation Area which includes the northernmost part of the site. The proposal raises three main matters of principle:

- the loss of the school site,
- the loss of protected open space and
- the placing of a new retail store in this location.

*Loss of the school site* - Policy CF1 of the Local Plan seeks to resist the loss of existing community facilities, saying that this will only be permitted where exceptional circumstances exist such that it would be beneficial to redevelop sites and that replacement facilities of a similar scale and kind will be sought, with Policy T29 of the draft Local Plan recognising the importance of community and cultural facilities and paragraph 100 of the NPPF highlighting the importance of meeting education needs. In the current case the school has relocated to purpose built new facilities on a new site at City Way, therefore, there would be no loss of an existing school, and no objection is raised in principle to re-purposing the main part of the site for alternative use.

*Loss of protected open space* – The eastern strip of the site is allocated as protected open space in the Local Plan. Policy L3 says that development which would involve the loss of open space will not be permitted unless one of the listed exceptions are applicable including that.

- open space and recreation facilities can best be implemented or retained and enhanced through a development of a small part of the site,
- that alternative open space provision can be made within the same catchment area and is acceptable in terms of amenity value, or
- that there is an excess of such provision in the area.

Policy T28 of the draft Local Plan also provides guidance on existing open space, outdoor space and play spaces. Paragraph 103 of the NPPF confirms that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, with paragraph 104 saying that existing open space including playing fields should not be built on unless one of the given circumstances applies including that the loss would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

The site was previously used by the St John Fisher school which now has a purpose-built new premises with associated sports facilities off City Way, reference MC/20/2839. This new school includes all-weather and grass pitches, a multi-use games area (MUGA) and indoor sports hall and a further application, reference MC/25/1049, has recently been approved for the installation of floodlights for the 3G sports pitch to allow additional use by both the school and local community. The assessment of the redevelopment of the other part of the former school St John Fisher school site in Ordnance Street, Chatham for residential development, reference MC/24/1033, included the following:

*The approval of the new school site was explicitly acknowledged to replace the existing school at Ordnance Street and Maidstone Road on the basis that it would absorb their existing pupils, thus making the existing schools and their facilities redundant. This is important because it demonstrates that the provision of new sport facilities and open space at the new school site was proposed and approved on the basis that they would replace the existing facilities at Ordnance Street (and by inference Maidstone Road), which themselves would cease to function.*

The new school site facilities were also acknowledged to be larger and of better quality, with extensive opening hours (the Ordnance Street school gates were locked at 5pm). In addition, within the Ordnance Street site an area of open green space for use by new and existing residents of the area is proposed as part of the redevelopment, with improved pedestrian links in the area (as opposed to no public access which was previously the case). In these circumstances, bearing in mind the proximity to the new school, it was considered that the new facilities would serve the same catchment area for residents of the Ordnance Street site locality and would also be highly accessible through extensive opening hours secured by a Community Use Agreement, with an enhancement to open space within the site also proposed. On this basis no objection was raised to the impact of the development on open space, and the application was subsequently approved.



In the current case, whilst the new school has replaced the sports facilities for the school itself, in contrast with the Ordnance Street site the current site is some distance from the new school facilities and so may be considered to serve a varying catchment area. Most of the open space at the Maidstone Road site is to be retained (outside of the current application site), but Sport England advise that the loss of part of this existing area would result in the inability to layout the smallest recognised football pitch on the remaining area. They also say that it cannot be assumed there is no community need for the playing fields, with the Council's Playing Pitch Strategy (PPS) being out of date.

The application agent has provided further information with regard to pitches. Taking into account the land level variations and the trees around three sides of the open space it appears that as a maximum, one 5v5 pitch can realistically be provided on the current site but that this could not be provided within the reduced open space area without loss of trees and ground level changes which would be undesirable (the area of open space would reduce from 0.33ha to 0.25ha). It would be possible to provide a pitch suitable for 5v5 football, but this would be under the recommended minimum dimensions. The current site is also said to be too small for other pitch sports (such as rugby and cricket). The functionality of the current site is also considered, it being said that a single pitch is not a sustainable standalone sports facility from a maintenance and management perspective alone, that additional ancillary facilities are desirable and that clubs typically require multi pitch sites, also with most small sided football now taking place on 3G pitches.

In summary the value of the existing playing field for sport is already limited and this would be lowered by the reduction in area. It is private land, which was not previously available for public recreation and, from a football perspective, a single 5v5 pitch has limited attraction for club use. Its size and configuration (levels and trees) mean that the space is more suitable for informal practice sport and recreation rather than competitive sport. However, in view of the loss in functionality of the site (ie the ability to mark out a fully compliant 5v5 pitch), the applicants have offered a financial contribution of £79,702 to help enable the provision of a Play Zone at the Maidstone Road Sports Ground.

Maidstone Road Sports Ground is the closest multi-functional sports site to the current application site. The Play Zone Programme is an investment programme from the Football Foundation, aimed at tackling inequalities in physical activity and access to facilities by funding community-led spaces where there is greatest need to deliver new or refurbished outdoor mini pitches designed for football and other sports and activities that will allow priority groups to be more physically active. Medway Council Sports Development Team have co-ordinated community engagement for this, with Chatham Town FC also to be a key stakeholder. The estimated total cost for creating a Play Zone at Maidstone Road Sports Ground is £318,807 and the Football Foundation has agreed to cover 75% of these costs (£239,105), with the proposed contribution to provide the outstanding 25%. On balance it is considered that the securing of this enhanced sports facility in the vicinity of the application site would adequately compensate for the loss of open space which would result from the development.

*New retail store location* – the site is outside of a main retail centre and Policy R13 of the Local Plan confirms that a sequential approach will be required. Policy T15 of the draft Local Plan also requires a sequential assessment and Policy T17 says that convenience retail proposals of 280sqm or more in out of centre locations should also be supported by an impact assessment. Paragraph 90 of the NPPF says that decisions should support the role of town centres, paragraph 91 says that a sequential test should be applied for town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan and paragraph 92 says that when considering edge or and out of centre proposals, preference should be given to accessible sites well connected to the town centre. Paragraph 94 says that an impact assessment should be required, with a default threshold of 2,500sqm gross floorspace if there is no locally set threshold, to include the impact on investment in centres within the catchment area and on town centre vitality and viability.

Policy R10 of the Local Plan says that development involving the loss of existing local shopping facilities will not be permitted unless an improvement to local amenity or the provision of community facilities occurs that outweighs the loss, the nearest to the site being 1-7 (odds) Scotteswood Avenue, identified as a neighbourhood centre. Policy T18 of the draft Local Plan says that shopping parades, which include 5-7 Scotteswood Avenue, are not part of the retail hierarchy, that their function and role is very localised and will not compete with defined centres, but that they are essential in creating a sustainable network to provide for residents' essential needs.

A sequential test has been submitted as part of the application with an addendum briefing note providing additional information following queries raised. It confirms that the scale and form of retail development is a discount food store or 1,912sqm (GIA) including a retail sales area of 1,154sqm along with warehouse and other ancillary facilities, a car park, access, servicing and landscaping on a 0.74ha site (excluding the access to Scotteswood Avenue and highway land). The requirement in the Planning Policy Guidance (PPG) on town centres and retail to demonstrate flexibility in relation to scale and format is recognised when assessing the suitability of alternative sites and reasonable adjustments made/considered. Sites within Chatham town centre (including in the Pentagon and High Street) and on the edge of the town centre (including in New Road and Richard Street/Best Street) have been assessed and it is concluded that there are no sequentially preferable vacant units or development sites within or on the edge of any of the identified centres which are suitable and available for the proposed development, even when applying flexibility on scale and format in accordance with the PPG.

There is no requirement for an impact assessment in the current Local Plan, and the size of the development is under that where one would be required under the NPPF by default. The draft Local Plan does introduce a requirement for one for a development of this size, although this Plan currently holds limited weight due to its early stage (the consultation commenced after the current application was submitted). Whilst preferable to have one, in the circumstances it is not considered that it would be reasonable to refuse permission on the grounds that one has not been provided, also noting that given the nature of retailing in Chatham the proposal is unlikely to result in the significant loss of central Chatham convenience retail stores.

A Briefing Note – Retail Impact has been submitted to address this matter. This says that most visitors to Chatham centre are not there to undertake food shopping and, therefore, that the centre is not reliant on its convenience goods provision to support its vitality and viability. It also refers to the Chatham Concept & Delivery Strategy Report 2019 which is part of the evidence base for a new local plan. This anticipates that major new retail uses will not be a strong feature within the town centre masterplan and that leisure-based activities are becoming more important for viability. The Briefing Note also refers to the Scotteswood Avenue Neighbourhood Centre, saying that Aldi will cater for main weekly food shops rather than top-up shopping, this being the role of neighbourhood centres, and that the Aldi store would not provide a post office to compete with this local provision. It is recognised, however, that local residents may use Aldi for top-up shops and that this would have an impact on other, existing local provision including the nearby post office.

In summary, it has been adequately demonstrated that there are no sequentially preferable sites available. The current site is accessible and well-related to Chatham town centre, and the development is, therefore, considered to be in accordance with Policy R13 of the Local Plan, Policy T15 of the draft Local Plan and paragraphs 91 and 92 of the NPPF. It is recognised that there will be a knock-on effect on local shops and services but in these circumstances, where the sequential test is met and it would not be reasonable to require an impact assessment, it is not considered that refusal of permission on this ground could be substantiated including with regard to Policy R10 of the Local Plan and Policy T18 of the draft Local Plan.

### *Heritage Impact and Design*

A small strip of the western part of the north of the site is located within the Maidstone Road, Chatham Conservation Area. This Conservation Area is an attractive suburban area made up of a group of large late Victorian and Edwardian houses of high quality, many of which are set in large mature gardens. The Conservation Area Appraisal (October 2004) says that the most interesting building in the area is number 79, then part of the St John Fisher school and recently subject of refused planning application MC/25/0345. This property lies directly to the north of the current site and at the time of the Conservation Area designation did not have a separate curtilage, whereas now this former school site has been split into different parcels, one being the current site. It is noted that Historic England have recently considered a third-party request to list 79 Maidstone Road and have decided not to do so, the building remaining as is non-designated heritage asset in addition to being a positive contributor to the Conservation Area.

Policies BNE1, BNE9, BNE12 and BNE14 of the Local Plan give general principles for built development and guidance on the design of retail frontages and development in conservation areas, with Policies T1, DM7, S8, DM9 and DM10 of the draft Local Plan addressing high quality design, shopfront design, the historic environment, heritage assets and conservation areas. Paragraphs 131 and 135 of the NPPF highlight the importance of good design, with Section 16 addressing the conservation and enhancement of the historic environment. Design & Access and Heritage Statements have been submitted with the application.

The proposals are to demolish all the existing former school buildings on the site and to construct a new Aldi store. The existing buildings and spaces on the site are of no merit and detract from the setting of no. 79 and the Conservation Area. They are standard mid-century school buildings of no architectural merit, laid out on site with fenced, tarmacked play areas that do not address their surroundings, particularly Maidstone Road. Part of the frontage brick wall, which formed the boundary of the original curtilage to no. 79, has been replaced by concrete panels which also detract from the significance of the heritage assets. In these circumstances the demolition and redevelopment of the site is welcomed in principle from a heritage and design perspective.

The proposed new retail building would have a simple form at a lower height than the existing haphazard grouping of various building types and incidental open spaces on the site. It would be both single storey (maximum height 7.6m) and have a reduced ground level compared to existing buildings. It is likely to improve the setting of the heritage assets by rationalising the form and materials on site and reducing the visual impact of site development. The positioning of the building further away from no. 79 and the Conservation Area than the existing buildings is a positive improvement.

The external design of the proposed building is somewhat functional but responds to the site context. The northwest corner towards the proposed site entrance would be glazed with red brick panels to either side, the main area of walls being composite clad panels, a mix of silver metallic and anthracite. The roof would have a shallow lean, down towards the rear, and would be composite roofing panels, colour anthracite, with PV panels. The lowering of the ground level for the proposed building would significantly reduce its impact on its surroundings.

The proposals include the creation of a new access onto Maidstone Road. This would result in the loss of part of the historic boundary wall, with a new 20m wide gap to be created to provide vehicular access with pedestrian access and landscaping to either side. The works would include the rebuilding of the panel of the wall immediately to the north side of the proposed new access and the rebuilding/replacement of the whole of the wall to the south side. These proposals would result in some visual and heritage harm, however, to some extent they would be mitigated by the replacement of the section of concrete panelled boundary wall to the southern section of the Maidstone Road frontage with a new brick wall with piers to match the current historic boundary treatment to the north. The detailing of this would be crucial, re-using bricks if possible, and an appropriate condition is recommended in this regard.

With regard to the overall site layout, it may be considered preferable to have a building more directly addressing the street scene to Maidstone Road (rather than the car park) through the access, being the most visible part of the site. However, there are some advantages in trying to minimise the impact of the proposed building in this primarily residential location, and the positioning of the building away from no. 79 is of benefit to heritage. The replacement of a grassed/planted area directly to the south of no. 79 with part of the proposed car park would result in some harm within the edge of the Conservation Area, although this area makes a very small

contribution to the Conservation Area as a whole, and the low level harm would be to some extent mitigated by new boundary planting to the proposed car park.

In summary, the demolition of the existing buildings is welcomed. The proposed development would result in less than substantial harm to designated heritage assets (the Conservation Area) and non-designated heritage assets (no. 79) and would result in some public benefit, securing a use for the site in a manner which would sit suitably within the primarily residential surroundings from a character and appearance perspective. The significance of the Conservation Area would be conserved, if not enhanced, with the proposed building and car park being less visually harmful than the existing development. In these circumstances, subject to conditions to secure suitable detailing, no objection is raised from a heritage and design perspective including with regard to the above policies and NPPF advice.

### *Amenity*

Policy BNE2 of the Local Plan and Policy T1 of the draft Local Plan together with paragraph 135 of the NPPF include reference to the consideration of the amenities of neighbours. The neighbours which would be most closely affected by the development are 91 Maidstone Road, a detached house which is on the corner of Maidstone Road and Scotteswood Avenue, 79 Maidstone Road to the north which was formerly part of the school site but is now vacant, and the houses which flank onto the opposite side of Maidstone Road to the west.

The position of the proposed building is such that the only property which would be directly affected by its physical presence is 91 Maidstone Road. At present the area of the site adjacent to the boundary is mainly a hard surfaced play area, but with a large teaching block on the northeast corner facing across this play area. The proposed building would back on to the northern side of no. 91, extending along the whole of its rear garden and further to the east. At the closest point it would be approximately 2.5m from the boundary by the house, increasing to 5.5m further back. However, the proposals include a reduction in ground level in this area, such that the proposed building would appear as a standard single storey height from the south, with a roof height on this side approximately level with the cill height of the first-floor windows of no. 91. There would be a retaining wall within the site with a small area for planting between this and the boundary. There would be no windows on this side of the building, only two doors which would lead to a gated rear path, not for public access. In these circumstances it is not considered that the development would result in an unacceptable loss of light, privacy or overbearing impact on this neighbouring dwelling, or on any other properties further away.

The proposal would result in a change in the pattern of use of the site. The former school use resulted in busy times including noise from pupils using outside areas and travelling between buildings on the site and high levels of activity at the start and end of the school day. The proposed use would result in much more extensive opening hours, these intended to be 0800 to 2200 Monday to Saturday and between 1000 to 1800 on Sundays, although activity levels are more likely to be spread over the day compared to the former school use. The site is located on Maidstone Road, a spine road to central Chatham, rather than in a quiet residential area, and subject to boundary treatment and landscaping, to be secured by conditions, on balance, it is

not considered that general noise and disturbance from the proposed use would result in significant harm. Other noise matters are considered below.

It is recognised that there is a cemetery to the southern side of Scotteswood Avenue and that local development should be sensitive to this. The proposed store would be separated from this by the existing dwelling at 91 Maidstone Road as well as Scotteswood Avenue itself which has a high wall to the cemetery boundary. The site access will be in Maidstone Road, rather than Scotteswood Avenue and in these circumstances, it is not considered that the development would be harmful to the peaceful nature of the cemetery.

In summary the amenity impacts of the proposal are considered acceptable including with regard to the relevant local plan and NPPF guidance.

### *Construction Environmental Management Plan*

A Construction Environmental and Logistics Management Plan (CELMP) has been submitted with the application. The works are anticipated to take place in three phases, demolition (14 weeks), enabling (6 weeks) and main construction works (26 weeks), with hours of work being 07:30 to 18:00 Monday to Friday and 07:30 to 13:00 Saturday, with no works outside these hours (unless approval is first sought). Within the first phase, the new access to Maidstone Road is intended to be built with associated site clearance and removal of services in weeks 1 to 4, to allow demolition to commence in week 5. Although all construction has some knock-on effects on its surroundings, the CELMP would help to mitigate this and is considered satisfactory including with regard to Policies BNE2 and T1 of the Local Plan, Policy DM6 of the draft Local Plan and paragraph 135 of the NPPF. A condition (recommended) would require its implementation and would also set out, in the interests of clarity, that all HGV and other large vehicles and plant including all deliveries and removal of materials from the site shall be from the new access and not from Scotteswood Avenue other than in the initial weeks when this new access is being built.

### *Impact on Trees*

Policy BNE43 of the Local Plan seeks to retain trees on development sites, Policy S5 of the draft Local Plan seeks to secure a strong green and blue infrastructure, with Policy T1 including reference to the protection of trees where possible and the establishment of new trees and other landscape features, and paragraph 136 of the NPPF provides guidance on the important contribution that trees can make. An Arboricultural Impact Assessment, Arboricultural Method Statement and a proposed landscaping plan have been submitted with the application.

There is a line of trees along the site frontage with Maidstone Road which extends further north along the frontage of no. 79, with other trees along the northern site boundary and extending around most of the perimeter of the open space (former school playing field) to the east of the site. From a public perspective, the trees on the Maidstone Road frontage make a significant positive contribution to the character and appearance of the area. However, to provide the new access to the site three of the large trees on this frontage would need to be removed. In addition, an

overgrown area with small self-seeded trees within the northwest of the site would be cleared, three trees within the centre of the northern part of the site removed, and the western end of the line of trees extending to the open space to the east also removed to facilitate the proposed car park.

Following submission of the application further consideration has been given to the other trees along the Maidstone Road frontage, to either side of the proposed new access. These Sycamore trees are in varying condition, generally moderate, and are very close to the site frontage retaining wall, part of which it is proposed to replace as detailed above. The replacement of the wall would be highly likely to damage the trees and due to their condition and nature, it was, therefore, recommended, and is now proposed, that they be removed and replaced.

The removal of large trees on the Maidstone Road frontage is clearly undesirable. However, the existing site access on Scotteswood Avenue is not suitable for high levels of use including regular use by large vehicles, being one-way (east-bound) from Maidstone Road to the existing site access and so filtering traffic into the residential streets to the east (it is also noted that the applicant does not own the existing access). In these circumstances, the request for a new access onto Maidstone Road is considered reasonable and beneficial despite the tree loss. Further to this, although in the short term the removal of the other trees along the Maidstone Road frontage would have a detrimental effect, these trees are of limited quality, with group rather than individual special merit. Some would be damaged by the works to replace the concrete boundary wall with a brick wall (which is highly desirable from a visual and conservation perspective) and there would be other impacts from works within the site itself. On balance, it is, therefore, considered preferable to remove and replace these trees to secure appropriate resilient and robust planting for the longer term, with a new row of trees together with native hedge planting along this frontage secured by condition. In summary, in the circumstances the proposal is considered acceptable with regard to trees and landscaping.

### *Ecology*

Policies BNE37 and BNE39 of the Local Plan refer to wildlife habitats and protected species, Policy S2 of the draft Local Plan to the conservation and enhancement of the natural environment and paragraphs 187 and 193 of the NPPF provide guidance on avoiding harm to and enhancing the natural environment. An ecological appraisal has been submitted with the application. This includes the results of an ecological walkover survey, daytime bat walkover survey, desk study and the recommended phase 2 ecological surveys, including bat emergence surveys and reptile presence/likely absence surveys.

The bat emergence survey investigated potential roost features to the buildings and found that bats were likely absent from the buildings surveyed, with precautionary mitigation recommended which can be secured as part of the recommended construction environmental management plan (CEMP). The trees proposed for removal have been checked for potential roost features and there is potential for them to house individual bats, with precautionary measures and a pre-felling survey required, also to be secured by the CEMP. A further bat survey has since been

completed, and although this does not include an aerial tree inspection, further detailed information has been provided to confirm that bat roosting features are not identifiable from ground-level within any of the trees surveyed. Bat boxes are proposed for retained trees, and these would be secured by condition as part of biodiversity enhancement measures. Lighting would also need to be sensitive to foraging and commuting bats and a condition is recommended to secure this.

The reptile survey found a low population of slow worms, with a peak count of three to the east of the site. Precautionary mitigation is proposed during clearance and construction, to be secured within the CEMP. Fencing would also be permeable to allow access to be maintained.

Vegetation within the site has been identified as suitable breeding bird habitat and it is, therefore, recommended that any works to vegetation are conducted outside the breeding bird season or, if within the breeding bird season, a survey by a suitably qualified person needs to be conducted to confirm absence, prior to commencing works. This would be secured within the CEMP.

Pre-works checks are proposed for badgers and precautionary habitat clearance measures for the very limited habitat suitable for dormice. These would also be secured within the CEMP.

In summary, subject to precautionary mitigation, no objection is raised to the impact of the development on ecology and protected species including with regard to the above local plan and NPPF guidance. However, biodiversity should be maintained and enhanced through the planning system over and above requirements for biodiversity net gain, avoidance, mitigation and compensation measures. A condition to secure enhancements is, therefore, recommended.

### *Lighting*

Policy BNE5 of the Local Plan, Policy DM4 of the draft Local Plan and paragraph 198 of the NPPF give advice on lighting. An External Lighting Report and Specification has been submitted with the application. A mix of 6m high columns, recessed canopy lights and wall lights is proposed, all stated to be with zero upward light. It is also stated that the car park lighting would be disabled between 23:00 and 07:00, with only building perimeter security and task lighting at other times. Lighting at the loading bay would be presence detection operated during hours of darkness and when persons or vehicles populate the area and the southern boundary would only be illuminated when access to the plant area is required.

The proposed lighting is generally considered to be at a potentially suitable level, with limited and low-level off-site spill. However, the submitted scheme does not refer to the need for sensitivity to wildlife, particularly bats. A revised scheme to address this would, therefore, be required by condition, in accordance with the relevant local plan policies and NPPF guidance.



### *Biodiversity Net Gain*

All planning applications received in England (with a few exemptions) must now deliver at least a 10% biodiversity net gain (BNG). BNG metric and feasibility assessments with a baseline habitat plan have been provided to address this requirement. The (revised) submissions show baseline area habitats of 2.07 units with linear habitats of 0.3 units. As much of the existing habitat is to be lost, the anticipated net change is -32.86% habitat units and +362.68% of hedgerow units (as new boundary hedgerows are proposed). This would mean a unit deficit of 0.89 habitat units and off-site habitat units would be required to address this.

If permission was granted a biodiversity gain plan would need to be submitted to demonstrate in detail how the proposed BNG would be delivered. It is not considered that the habitats to be created/enhanced on site are significant (with regard to the advice in the National Planning Policy Guidance) and they could, therefore, be secured through this biodiversity gain plan submission. Off-site gains/the purchase of biodiversity units may need to be subject to a deed of conservation covenants or Section 106 (as appropriate) and this would be secured post-decision, the method depending on exactly what is proposed at that time. In summary, there are no objections from a BNG perspective including with regard to draft Local Plan Policy S2 and paragraphs 187 and 193 of the NPPF.

### *Flood Risk*

Policy DM1 of the draft Local Plan refers to flood and water management and paragraphs 170, 181 and 182 of the NPPF are also relevant. The site is in Flood Zone 1, an area of low risk, and a Flood Risk and Drainage Strategy has been submitted with the application. This confirms that as the development is considered at low risk from all potential flooding sources, no specific flood risk management measures are proposed, although it is noted that the proposed sustainable drainage system design will make allowances for climate change. The Lead Local Flood Authority (LLFA) has no objections subject to conditions to secure the implementation of a Construction Surface Water Management Plan, details of the operational scheme (based on sustainable drainage principles) and a verification report to ensure construction as approved, and these conditions are recommended.

### *Noise*

Policy DM4 of the draft Local Plan refers to noise pollution and mitigation, with paragraph 198 of the NPPF requiring mitigation of potential adverse effects from noise. The proposals include a plant compound to the rear, northeast corner of the building, behind the proposed loading bay. A Noise Assessment has been submitted with the application, updated following comments from specialist colleagues.

The assessment considers the likely impact of the development at the nearest noise sensitive receptors, from deliveries, car park uses and fixed plant items, as well as the impact of any increase in road traffic levels. The assessment of deliveries assumes there would be up to 6 deliveries per 24-hour period, up to 2 being between 6am and 7am, that a single HGV would visit the site in a worst-case 15-minute period between 2300 – 0700 hours and that four HGV's would visit the site in a

worst-case 1-hour period between 0700 – 2300 hours. It concludes that there would be a low impact from this, as well as from general use of the car park in store opening hours. Maximum noise limits are set out for fixed plant and the impact of additional traffic on the highway is stated to be negligible from a noise perspective.

Subject to conditions regarding opening hours, delivery times/frequencies (with none between 23:00 and 06:00) and details of mechanical plant, it is considered that the noise impact of the development would be adequately mitigated with regard to the potential impact on local residents and the above policy guidance.

### *Air Quality*

Policy BNE24 of the Local Plan addresses air quality, Policy T1 of the draft Local Plan includes the need to ensure that neighbours are not exposed to excessive fumes, Policy DM3 refers to air quality and paragraph 199 of the NPPF also provides guidance on air quality. An Air Quality Assessment has been submitted with the application. During the construction phase of the development site specific control measures are proposed to provide suitable mitigation to reduce any impact from dust emissions to an acceptable level and these would be secured by condition. Once the development is in operation, the impact of road traffic emissions is predicted to be negligible at all sensitive locations in the vicinity of the site. It is also noted that a number of mitigation measures have been incorporated into the design of the scheme in order to reduce potential emissions, including electric vehicle (EV) charging spaces, the implementation of a travel plan to encourage sustainable transport modes, cycle spaces and air source heat pumps and solar photovoltaics (PV). The transport related mitigation measures would be secured by condition, as would measures to be incorporated into the building design to address climate change and energy efficiency. In these circumstances there are no objections in respect of air quality impacts.

### *Contamination*

Policy BNE23 of the Local Plan addresses contamination, Policy T1 of the draft Local Plan refers to the need to create a safe environment with appropriate remediation (where needed), Policy DM2 refers to contaminated land and paragraph 196 of the NPPF also refers to contamination considerations. In the current case the Environment Agency has requested conditions to address this matter, including a requirement for an assessment, investigation and appraisal/remediation strategy together with verification of works undertaken. These have been included in the recommendation to ensure that any contamination is adequately addressed.

### *Highways and Parking*

Policies T1, T3, T4, T5, T6, T13, T14 and T22 of the Local Plan, Policies DM15, DM18, DM19 and DM20 of the draft Local Plan and paragraphs 115-118 of the NPPF address transport matters. A Transport Assessment and a Travel Plan have been submitted with the application, with additional Technical Notes to address various queries raised in the assessment period.

At present the site is accessed from Scotteswood Avenue which is a one-way eastbound street. It is proposed to form a new access onto Maidstone Road, which would be the sole access to the site (the applicants do not own the access onto Scotteswood Avenue, but it is included in the site area as it is currently the only vehicular access to the site and would be needed to construct the new access). The new access would be to the west of the pedestrian crossing on Maidstone Road and would include pedestrian paths into the site on both sides. The proposed car park would provide a total of 104 car parking spaces, including disabled persons, EV charging and parent and child spaces. Cycle parking for both public and staff use is proposed, as well as onsite trolley storage.

*Access* - The proposed access arrangement is considered acceptable including with regard to visibility and vehicle manoeuvring. An independent Stage 1 Road Safety Audit has been submitted which has not identified any areas of concern in terms of highway road safety. Vision splays to either side of the proposed access are considered acceptable.

*Accessibility* – Although it is recognised that many people drive to the supermarket, especially for larger shops, the site is well-located for access to bus stops on Maidstone Road, with services to and from Chatham town centre. A contribution to secure the replacement of the two nearest bus stop shelters (to include real time information) has been requested and agreed, as has a contribution towards local pedestrian and cycle improvements, such as dropped kerbs and tactile paving to improve accessibility, a possible contraflow cycle lane in Scotteswood Avenue and measures to address likely desire lines over Maidstone Road from Hillcrest Road and north of the site. These measures would increase the accessibility of the site for those not driving, which is highly desirable.

*Parking* – The adopted parking standards require a maximum of 106 spaces and 104 are proposed which is considered acceptable. The proportion of disabled and EV charging spaces is also considered reasonable, with built-in capacity for additional EV charging spaces also shown. A car park management plan has been submitted which says that the car park will be managed for a 90-minute maximum stay, with on-going monitoring to ensure requirements are met. Implementation of this would be required by condition.

The proposed cycle parking is in excess of minimum requirements and is considered acceptable. A covered shelter would be provided for public use near the site and store entrance, with 'hidden' facilities for staff in a non-public area to the rear of the building. Full details would be secured by condition.

*Traffic impact* - The submitted TRICS analysis used to establish the gross trip generation of the proposed store is based on an appropriate site selection and floor area range, and the resulting trip rates are considered reasonable. The submissions initially assumed that 40% of trips would be secondary in nature (i.e. pass-by or diverted), but while the site location on a busy A-road supports some degree of pass-by activity, this is considered optimistic, and a reduced secondary trip allowance of up to 30% has now been accepted as reasonable. Traffic surveys were undertaken in November 2024 at identified junctions along Maidstone Road (A230) for weekday peak periods and a Saturday peak and were shown to be representative of prevailing

conditions. Growth factors determined using the TEMPRO database are applied to the surveyed traffic data to be representative of the application year +5 years, 2030. Approximately 7% growth is forecast, which is accepted.

Site access junction capacity modelling has been provided, indicating that the junction is likely to operate within capacity. From the model results provided, there would be a maximum delay when leaving the site of more than 25 seconds in some scenarios, however, whilst this delay is not insignificant, the junction is modelled to operate below capacity and is, therefore, considered satisfactory.

The applicant concludes that the extant school use of the site and the proposed use are comparable in trip generation terms, particularly in the morning peak and Thursday evening peak. The operation of the site access junction is tested for all identified peak periods and future year development scenarios and the applicant concludes that the development is not likely to result in any significant impact on the local road network. However, concern has been raised that this may not be the case and that the proposed use of the site could lead to capacity issues on the local network, particularly at busier times during the Friday evening peak and Saturday peak. A more detailed capacity assessment of the local network was, therefore, requested.

Further details of traffic associated with the proposed development at junctions along Maidstone Road (the A230) have subsequently been submitted, concluding that the greatest proportion of additional demand would be through traffic at priority junctions near to the site. The submissions say that the junction impacts for all peaks at the Alexandra Hotel gyratory to the north of the site and Walderslade Road/Pattens Lane junction to the south are negligible.

The process for the traffic impact assessment, trip generation, secondary trips and background growth is accepted. The submissions include the extent of observed queues and their propensity to dissipate within 1-2 signal cycles. Quantitative analysis of observed queues at these junctions is also provided and shows average queue lengths of up to 8 vehicles on Walderslade Road and up to 7 vehicles at the Alexandra gyratory. Future year and development growth at these junctions is outlined. No junction modelling at the Alexandra Hotel gyratory and Walderslade Road/Pattens Lane junction is provided but the applicant concludes that based on the evidence of current year junction operation and the forecast development increase in demand being relatively low - 35 vehicles on Gibraltar Hill at the Alexandra gyratory (1 additional vehicle every 2 minutes) and 11 vehicles on Maidstone Road (southbound) (1 additional vehicle every 5 minutes), the development impact cannot be considered as severe. Whilst junction modelling at the Alexandra gyratory and Walderslade Road/Pattens Lane would still be desirable to confirm development impacts on junction capacity, this conclusion is accepted. It is noted that paragraph 116 of the NPPF says that development *'should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'*.

**Travel planning** – A travel plan is required for a development of this nature. The submitted plan outlines a range of measures aimed at promoting sustainable travel

for staff, including walking, cycling, public transport, and car sharing. It includes objectives and sets initial targets to reduce single-occupancy car use by 5% over five years, with the intention to refine these targets based on staff surveys once the store is operational. These targets would be more effective if they accounted for variations in staff roles or shift patterns which could influence travel choices and does not address how customers might travel to the store, with measures to encourage sustainable options for them. A more defined and supported role for the Travel Plan Coordinator would also be beneficial. In summary, the submitted Travel Plan is an appropriate starting point, but a more detailed/updated version would be required by condition, together with a requirement to promote sustainable means of travel for customers, not just staff.

*Delivery and Servicing Strategy* – It is stated that an Aldi store typically receives an average of three to four HGV deliveries per day. Three come from the Regional Distribution Centre (RDC) with one delivery per day of milk by a local supplier, usually using a medium sized goods vehicle. Daily deliveries of milk, bread and morning fresh produce are received prior to, or as early as possible after, the store opening in the morning, and are delivered by one Aldi HGV and one milk delivery vehicle. In addition to goods deliveries, each store has 1-2 collections of General Waste and Animal By-products per week. A cardboard bailer is used within the warehouse; all cardboard packaging is bailed and together with any plastic recycling is taken back to the RDC with each Aldi HGV.

A Delivery and Servicing Management Plan has been provided and is considered acceptable. Its implementation would be required by condition, with provision for subsequent adaptation if required. It is recognised that the swept path analysis shows that the Maidstone Road site access is tight for HGV's and that there may be some instances of them over-sweeping the opposing carriageway. In addition, there may be minor conflict with the layout within the site due to the limited manoeuvring space for HGVs. However, on balance, it is accepted that delivery frequencies would be low, some would be outside store opening times and they would be managed as part of the Delivery and Servicing Management Plan. In respect of the access to Maidstone Road, it is also highlighted that from a visual and amenity perspective, it would be preferable not to make it wider than essential for safety requirements. On balance it is considered that the proposed layout would reasonably facilitate the proposed use in an acceptable manner.

It is noted that as part of the assessment, and bearing in mind high traffic volumes along Maidstone Road, consideration has been given to the introduction of a ghost island arrangement on the road for right turns. However, as this would require additional land from the site frontage which would have landscape and design implications, resulting in a greater impact on the street scene, it has not been pursued. A condition to add double yellow lines to Maidstone Road opposite the site access is recommended though, to help aid the flow of traffic and provide greater room for vehicle manoeuvring in this location.

In summary, the highway implications of the proposed development have been subject of extensive discussions with the applicant. Subject to conditions and contributions to improving pedestrian, cycling and public transport links to the site,

the site layout, parking provision and likely highway impacts are now considered acceptable including with regard to the above policy guidance.

### *Climate Change and Energy Efficiency*

Policy BNE4 of the Local Plan refers to energy efficiency, Policy S1 of the draft Local Plan refers to planning for climate change and Policy DM6 to Sustainable Design and Construction and paragraph 161 of the NPPF gives support to the transition to net zero. The application submissions include a Renewable and Low Carbon Energy Statement and a Sustainability and Climate Change Statement. These confirm a focus on sustainable building design, energy efficiency measures and installation of low and zero carbon technologies to achieve a significant reduction in energy consumption and associated CO2 emissions compared to a Building Regulations compliant development. It is proposed include an air source heat pump supplemented by a refrigeration heat recovery scheme to provide energy savings through using energy recovered from the stores refrigerated cases for heating, with a well-insulated and air-tight building fabric and a roof-mounted solar photovoltaic array for on-site renewable energy generation. Measures for water conservation, the use of sustainable building materials and waste management are also given. Subject to the implementation of these measures, which would be secured by condition, no objection is raised on this ground.

### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a S106 agreement) may only be taken into account if the obligation 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.

The obligations proposed comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

Open space: £79,702 towards a Play Zone at Maidstone Road Sports Ground

Transport: £30,000 towards the renewal of two bus stops/shelters on Maidstone Road, to include real time information; and  
£20,000 towards walking and cycling improvements along Maidstone Road, which could include drop kerbs and tactile paving to improve accessibility.

The applicant has agreed to these contributions, and they would be secured by a S106 Agreement if permission is granted.

## *Other Matters*

Advertisements are controlled under separate legislation. However, it is noted that particular care would be needed in signage design for this site, to avoid visual clutter and harm to the Conservation Area. This will be drawn to attention by an informative on the decision notice.

## **Conclusions and Reasons for Approval**

It is recognised that other forms of development or site uses may be preferred, however, a decision must be reached on the acceptability of the currently proposed development with regard to relevant local plans and national guidance.

The former school on the site has been relocated to a new purpose-built facility which provides enhanced education and sports facilities for both students and the local community. The current development would cause the loss of a small section of open space, part of the former schools playing field. This, however, is already of limited value and the development would secure funding to help enable the provision of a Play Zone at the closest multi-functional sports site to the current site, Maidstone Road Sports Ground, which is considered suitable compensation for this loss.

The site is outside a main retail centre, close to a neighbourhood centre/local shopping parade at Scotteswood Avenue. A sequential test has been submitted, and it has been adequately demonstrated that there are no sequentially preferable sites available. The site is well linked to the town centre and is accessible by a range of transport means. Although the Regulation 19 draft Local Plan also seeks to introduce a requirement for a retail impact assessment, due to the early stage of this plan it holds limited weight such that it would be unreasonable to require one now. It is recognised that there would be some knock-on effect on local shops and services, but in the circumstances, it is not considered that refusal on this ground could be substantiated.

The demolition of the former school buildings is welcomed, and the proposed design and layout of the site would result in some benefits from a visual and conservation perspective. There would be a new access to Maidstone Road but the accompanying replacement of the concrete section of the current boundary wall to match the remainder of the historic brick wall would be a positive change. The impact of the proposed building and site use on amenity is considered acceptable subject to conditions, including for both the construction period and the future operation, and to control noise from fixed plant.

The development would result in the loss of a number of trees, including along the Maidstone Road frontage, however, as they are of limited quality, in the circumstances it is considered preferable to secure longer term more appropriate replacements. Ecology, lighting and BNG have been adequately addressed subject to conditions to secure suitable detailing. The site is in a low flood risk area and drainage details would be secured by conditions. The air quality and contamination impacts are considered acceptable subject to relevant conditions, and climate change and energy efficiency measures would also to be secured.

The development reasonably requires a new access onto Maidstone Road and the details of this are considered acceptable. Associated improvements to bus, pedestrian and cycle links, to improve the accessibility of the site, would be secured by S106 contributions, with a travel plan and the promotion of sustainable means of travel for customers to be secured by condition. Adequate onsite parking is proposed, including disabled and EV charging spaces and cycle parking. There would be some impact on the local highway network, however, following extensive discussions and the submission of additional information, the impact is considered acceptable with regard to safety and amenity.

In summary, following consideration of the submissions, representations, adopted and draft Local Plans and the NPPF, as referenced above, approval is, therefore, recommended subject to a S106 agreement and conditions.

Should the Local Planning Authority be minded to approve this application contrary to Sport England's statutory objection, then the Town and Country Planning (Consultation) (England) Direction 2024 requires the application to be referred to the Secretary of State, via the National Planning Casework Unit.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation and as the application is of wide public interest.

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## **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/>