

4.1 - SE/12/01279/FUL Date expires 13 September 2012

PROPOSAL: Demolition of existing buildings and erection of a Lidl food store with 70 car parking spaces, 12 covered secure bicycle spaces & 4 short term bicycle spaces and associated landscaping. Closure of existing site access and creation of new site access. Erection of 2m high boundary fencing to rear & North West side of site. Amended landscaping plan received 24.07.12

LOCATION: Caffyns PLC , 80 London Road, Sevenoaks TN13 2JD

WARD(S): Sevenoaks Kippington

ITEM FOR DECISION

This application has been referred to Development Control Committee at the request of the Director of Community and Planning Services.

RECOMMENDATION A: That, subject to the receipt of an acceptable completed S.106 undertaking before 13th September 2012 to limit the type of retail use on the site to a 'deep discounter' type store and to provide an acceptable contribution towards air quality measures, planning permission be GRANTED subject to the following conditions:

1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the surroundings as supported by Policy EN1 of the Sevenoaks District Local Plan.

3) No development shall commence until details of all external lighting, including floodlighting (whether temporary or permanent in nature), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and so maintained thereafter.

In the interests of the visual amenities of the area in accordance with EN1 and EN31 of the Sevenoaks Local Plan.

4) Prior to its installation, full details of the type and position of proposed plant (including air conditioning, refrigeration and similar plant) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include product details and noise specifications where appropriate and scaled drawings to show appearance and position of the plant on the site.

In the interests of visual and residential amenity in accordance with EN1 of the Sevenoaks Local Plan.

5) The premises shall not be open to visiting members of the public outside the hours of 08:00 to 21:00 Monday to Saturday and 10:00 to 17:00 Sundays and Bank Holidays. Deliveries shall not be taken in or dispatched from the site outside the hours of 07:00 to 22:00 Monday to Saturday and 09:00 to 17:00 Sundays and Bank Holidays.

To safeguard the amenities of the occupiers of properties nearby to the site as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) The net sales area within the development hereby approved shall be no more than 1,286sqm and of this no more than 322sqm shall be used for display and sale of comparison goods.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

7) Boundary treatments shall be provided in accordance with approved drawing 11063-LO1.02 prior to the first use or occupation of the building hereby permitted and shall thereafter be maintained as such.

In the interests of visual amenity in accordance with EN1 of the Sevenoaks Local Plan.

8) Irrespective of the provisions the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) no improvement, enlargement or other alteration to the building and the site the subject of this application, including further horizontal subdivision to provide a mezzanine floor, shall be undertaken.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

9) The retail unit shall be occupied as a single retail unit only and shall not be subdivided into separate units.

To define the scope of this permission, to ensure adequate parking and to prevent an adverse impact upon Sevenoaks Town Centre in accordance with policy LO2 of the Core Strategy, EN1 of the Sevenoaks Local Plan and in accordance with guidance contained within the NPPF.

10) No part of the development shall be occupied until vehicle parking and turning space has been provided in accordance with the approved drawing 11063-LO1.02. The space approved shall be retained for parking and turning in association with the development.

To ensure that the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which could be detrimental to the free flow of traffic and to highway safety in accordance with EN1 of the Sevenoaks Local Plan.

11) No part of the development shall be occupied until secure cycle parking facilities

have been provided in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. These facilities shall thereafter be kept available for the parking of cycles in association with the development at all times.

To ensure that the development is provided with adequate parking facilities in order to encourage the use of alternative modes of transport in accordance with SP2 of the Core Strategy

12) Throughout the course of construction of the development, tree protection measures shall be carried out in complete accordance with the recommendations of the 'Arbtech Consulting Ltd' Arboricultural Development Report dated 9th May 2012 and accompanying Tree Protection Plan ATC-TPP 02 Rev A.

To ensure the long term retention of trees in accordance with EN1 of the Sevenoaks Local Plan.

13) No development shall be carried out on the land until full details of soft and hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- details of proposed hard surfaces, including details of the materials to be used on the finished parking, access and pathway surfaces.
- planting plans (identifying existing planting, plants and trees to be retained and new planting).

Notwithstanding the details shown on drawing no.1093, the proposed planting plans shall show native tree planting to the boundary of the site with London Road:

- a schedule of new plants and trees (noting species, size of stock at time of planting and proposed number/densities); and
- a programme of implementation.

Soft and hard landscaping shall be carried out before the first use of the unit hereby approved or otherwise in accordance with the agreed programme of implementation. If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To safeguard the visual appearance of the area in accordance with EN1 of the Local Plan.

14) No groundworks, other than the demolition of the existing buildings, shall be commenced until:

a) a site investigation has been undertaken to determine the full nature and extent of any land contamination, and

b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, has been submitted to and approved in writing by the Local Planning Authority.

The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land. The scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby

permitted, including a requirement to notify the Local Planning Authority of the presence of any such previously unidentified contamination. Prior to the first use of the development hereby permitted:

c) the approved remediation scheme shall be fully implemented, and d) a certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted use. Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

In the interests of amenity and public safety in accordance with the NPPF.

15) Works to trees and / or hedgerows shall only be undertaken outside of the bird breeding season (between September and February inclusive) and at no other time unless supervised by an appropriately qualified ecologist. If any nesting birds are found, work must cease until after the juveniles have fledged.

In the interests of biodiversity and ecological conservation in accordance with the recommendations of the NPPF.

16) The development shall achieve BREEAM 'Very Good' standard including at least a 10% reduction in total carbon emissions through the on-site installation and implementation of decentralised, renewable or low-carbon energy sources. Evidence shall be provided to the Local Authority

i) Prior to the commencement of development, a design stage assessment to demonstrate how it is intended the development will achieve BREEAM 'Very Good' standard (including a 10% reduction in total carbon emissions) or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved BREEAM 'Very Good' standard (including a 10% reduction in total carbon emissions) or alternative as agreed in writing by the Local Planning Authority.

In the interests of sustainable development in accordance with SP2 the Core Strategy and the NPPF.

17) Prior to the commencement of the development full details of surface water drainage including, where practical, the use of Sustainable Urban Drainage Systems (SUDS), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

In the interests of sustainability in accordance with SP2 of the Core Strategy.

18) Prior to the commencement of the development, a scheme for the management of car parking spaces to ensure that the use of the spaces is reserved for customers and staff of the unit hereby permitted only shall be submitted to and approved in writing by the Local Planning Authority. The recommendations of the approved scheme shall be fully carried out and put into place prior to the first use of the building and thereafter maintained in operation.

To ensure adequate parking for the proposed use and to prevent spill-over parking harmful to highways safety and convenience in accordance with EN1 of the Local Plan.

19) No development shall take place within the application area until the applicant

has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

The site is within an area of archaeological potential. A programme of work is required to mitigate the impact of development and ensure preservation "by record" of any surviving remains in accordance with EN25A of the Local Plan.

20) No display or storage of goods, materials, plant or equipment shall take place other than within the building.

In the interests of the visual amenities of the area in accordance with EN1 of the Local Plan.

21) Notwithstanding the details submitted with this application, prior to the commencement of the development, an appropriate 'measures based' travel plan identifying specific measures to encourage sustainable methods of travel to and from the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include a programme of implementation of the recommended measures (including monitoring where appropriate) and the measures shall be put into place in accordance with this programme of implementation.

To encourage the use of sustainable forms of transportation in the interests of sustainable development in accordance with SP2 of the Sevenoaks Core Strategy.

22) No development shall take place on the site until the proposed junction improvement and access works shown on approved drawing 3768.001 Rev.D (or an alternative submitted to and approved in writing by the Local Planning Authority) have been secured through appropriate agreement with the Highways Authority. The agreed highways improvements and access shall be fully carried out in accordance with the agreed details prior to the first use of the building hereby approved.

In the interests of highways safety and convenience in accordance with EN1 and T10 of the Local Plan

23) The development shall be carried out in accordance with the following approved plans: 11063-L01.01 Rev A, 11063-L01.02, 11063 L02.01, 11063 L02.02, 11063-L04.01, 3768.001 Rev D, ATC-AIA 02 Rev A, ATC-TPP 02 Rev A and 1093

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

In determining this application, the Local Planning Authority has had regard to the following Development Plan Policies:

The South East Plan 2009 - Policies CC2, CC4, CC6, RE3, LF1, LF2, LF5
Sevenoaks District Local Plan - Policies EN1, EN4A, EN25, T8, T10, EP8, ST10
Sevenoaks District Core Strategy 2011 - Policies L01, L02, L03, SP1, SP2, SP8.

The following is a summary of the main reasons for the decision:

It has demonstrated that there is no suitable and available sequentially preferable site for this proposal in or adjoining the town centre and that a deep discount retail store in the proposed location will not significantly adversely affect the vitality, viability or attractiveness of Sevenoaks town centre.

It has been demonstrated that a 'deep discounter' retail store in this location would not have an adverse impact upon highways safety or convenience and that adequate parking provision has been made for this use.

The proposal would not otherwise have any other adverse impacts that cannot be adequately mitigated by conditions.

Informatives

- 1) You are advised to contact the County Highways Officer for advice on the content of an appropriate 'measures based' travel plan (Condition 21).
- 2) You are advised to contact the Council's Environmental Health Officer for advice on the appropriate position and type of external plant to be installed. Consideration should be given to the installation of necessary plant on the north-west facing elevation (Condition 4)

RECOMMENDATION B: That, in the event that an acceptably worded and completed S.106 undertaking is not provided before 13th September 2012, planning permission be REFUSED for the following reason:

In the absence of information to the contrary, the unrestricted A1 (retail) use of the site would likely result in unacceptable traffic generation to and from the site, resulting in insufficient parking provision on the site detrimental to traffic conditions on the surrounding road network and an adverse and unmitigated impact upon air quality. To permit the development would therefore be contrary to policy EN1 of the Sevenoaks Local Plan, SP2 of the Sevenoaks Core Strategy and the National Planning Policy Framework

Description of Proposal

- 1 Planning permission is sought for the demolition of the existing buildings on the site and the erection of a 1,918sqm (gross external floor area) 'Lidl' food store building. The proposal also includes the provision of 70 car parking spaces, cycle parking, landscaping and the repositioning of the site access.
- 2 The proposed building would be arranged in a roughly rectangular form with its longest edge abutting the south-eastern boundary of the site. The warehouse and loading area is located to the eastern portion of the building. The width of the frontage of the building would be approximately 21m. The building would have a single pitch roof to a maximum height of approximately 7.3m at the entrance and a height of approximately 4.6m to the rear (south-eastern side). The building would be finished with large glazed areas, render panels and aluminium cladding.
- 3 Parking would be provided to the north-western side of the site (to the front of the building) and adjacent to the road to the southern side of the building. The existing cross-over would be removed and repositioned approximately 25m to the west.

Description of Site

- 4 The application site consists of a 0.5ha (approx.) rectangular portion of land having a frontage of approximately 43m onto London Road and an overall depth of approximately 120m. The land currently contains two building used until

recently as a car sales premises and car servicing workshop (totalling 1,175 sqm). The site has since been used as a car sales garage to the front and car wash and commuter car park to the rear. There does not appear to be any planning permission for this new mix of uses. The building to the front of the site is a pitched roof building with predominantly glazed elevations. The larger building comprises the workshop building to the rear of the site with corrugated metal valley roof.

- 5 On the London Road frontage, to the north-west of the site, stands the Sevenoaks Medical Centre, a modern three storey flat roof building appearing to date from the mid-20th Century. To the south of the site on the road frontage is located the Halfway House pub, a two storey rendered building and the adjacent Quarry Cottages. The site is otherwise bounded to the north by the buildings comprising the small industrial / trading estate and to the south and east by the car park serving Sevenoaks Railway Station. A residential area is located on the opposite side of the road, predominantly screened from view by the wall fencing and planting here.
- 6 The application site is located in proximity to the Sevenoaks Railway Station and adjacent to London Road (A224), an arterial route linking Sevenoaks to outlying areas to the north and the nearby trunk roads.

Constraints

- 7 The application site is located within the urban area of Sevenoaks and is not located within or adjacent to any Conservation Areas. None of the surrounding buildings are listed and there are no Tree Preservation Orders in force on the site. The site located within an Area of Archaeological Potential.

Policies

South East Plan

- 8 Policies – CC2, CC4, CC6, RE3, LF1, LF2, LF5

Sevenoaks Local Plan

- 9 Policies – EN1, EN4A, EN25, T8, T10, EP8, ST10

Sevenoaks Core Strategy (CS)

- 10 Policies – L01, L02, L03, SP1, SP2, SP8

Other

- 11 National Planning Policy Framework (NPPF)

Planning History

- 12 I refer only to the most recent / relevant planning history -

10/02469/TELNOT - Replacement of a 15m pole with a 15m sharable mono pole, two equipment cabinets and ancillary equipment. – Granted

08/02699/ADV - 1no internally illuminated fascia 1no internally illuminated double sided flex face pole sign – Granted

02/00621/FUL - Retention of existing wall mounted and pole mounted external lighting. – Granted

99/02104/FUL - Demolition of existing showroom and office block/toilets. Replacement showroom building. – Granted

78/01270/HIST - Demolition of existing cottages garages and toilet block and erection of new workshop messroom office and reception area buildings and construction of parking area – Granted

Consultations

County Archaeologist –

13 Awaiting response / response to follow.

County Ecologist –

14 'The Extended Phase 1 Habitat Survey report has been submitted in support of this application. We are satisfied that the potential for ecological impacts as a result of the proposed development have been appropriately considered.

15 There is limited potential for ecological impacts, with the exception of nesting birds. As recommended in the report, we advise that work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (bird breeding season is March to August) to avoid destroying or damaging birds nests in use or being built. If works during the bird nesting period cannot be avoided, an inspection by a suitably experienced ecologist must immediately precede the works (no more than 48 hours before scheduled works). If any nesting birds are found, work must cease until after the juveniles have fledged.

16 One of the principles of the National Planning Policy Framework is that 'opportunities to incorporate biodiversity in and around developments should be encouraged'. No ecological enhancement recommendations have been included in the report but we note that BREEAM credits are to be sought for the enhancement of the site's ecology.

17 We advise that the submitted landscape proposal should be improved, with the inclusion of native species planting, in order to provide ecological enhancements on the site. Additional enhancements could include the provision of bird and / or bat boxes on the site and/or proposed building.

County Highways Officer –

18 'From a highway perspective, it is initially important to understand the impact of the proposed A1 food retail use from both a general perspective and from the restricted perspective being promoted for this site.

19 A general unrestricted A1 food retail use would potentially allow any food retailer to use the site and hence, in such a case it would be necessary to test the worse case highway impact of such an unrestricted use. In this particular case however

the applicant is proposing to enter into a legal agreement with the District Council to restrict the use of the site by way of restricting the number of available product lines sold on site. This will prevent other major non-discount food retailers operating from the site under the restrictions of any potential permission and associated agreement as those retailers operate in such a way that the restriction of product line numbers to any single store would not be operationally viable. Hence, it is appropriate in this case to test the worse case highway impact of a discounted foodstore only (i.e. one that operates to a restricted number of product lines).

- 20 Furthermore, it should be noted that should permission be considered for an unrestricted A1 food retail use at this site, then the current level of proposed off-street parking would be of concern and the associated Transport Assessment does not test the associated traffic impact that would result.
- 21 The applicant has provided an accompanying Transport Assessment (TA) to show the impact of proposed Lidl store on the local highway network and to justify the proposed level of off-street parking on offer. The traffic impact has been discounted to reflect existing potential movements to and from the site under its current permitted use(s) and also to reflect an element of pass-by, diverted and transferred trips. Some concern was raised by KCC Highways during pre-planning discussions about the relatively high level of discounted movements associated with pass-by, diverted and transferred trips suggested by the applicant's consultant and as such, the consultant agreed to sensitivity test the proposal against a much reduced discounted rate suggested by KCC Highways and in line with other sensitivity tests carried out for other proposals in a similar context. This sensitivity test accounts for pass-by trips but not diverted/transferred trips as there is no guarantee that all of these trips would have passed this actual locality previously. In reality, the likely level of discounted movements will fall between the 2 scenarios within the TA as some diverted and transferred trips will have previously taken the driver past the store site and so as a result, the sensitivity test movement projections provide a very robust worse case scenario of the projected traffic impact of the proposed store.
- 22 The projected traffic flows from the store are based on trips rates derived from similar discounted food stores taken from the TRICS database. They show a worse case increase in peak hour movements as follows (these represent combined total of in and out movements):
- weekday a.m. peak (08:00 – 09:00) +3
- weekday p.m. peak (17:00 – 18:00) +96
- weekend peak (Sat) (14:00 – 15:00) +167
- 23 Against the surveyed respective peak hour flows this represents a percentage increase in single way flows as follows (using the same east/west percentage split as recorded by traffic survey at the site):
- weekday a.m. peak +0.13% westbound & +0.17% eastbound
- weekday p.m. peak +3.85% westbound & +3.25% eastbound
- weekend peak +7.0% westbound & +6.4% eastbound

- 24 These figures represent a very robust worse case scenario but it can be seen that the movement percentage increases are still small compared to existing background flows. Nevertheless, a minor junction improvement scheme at the site access has been identified which seeks to improve accessibility to and from the site and to mitigate the impact of the proposal at the location of the access and I am satisfied that this represents an appropriate highway solution for this proposal.
- 25 With regard to parking provision, whilst it is noted that both rail and in particular bus facilities are located near to the store, the nature of the use in question is likely to attract a high percentage of visitors by car. As a result, it is welcomed that the applicant has taken worse case parking accumulation profiles for appropriate discounted A1 food retail stores on the TRICS database and provided a level of parking to mirror that worse case total. I am therefore satisfied that proposed parking provision is appropriate for this site in light of the restricted nature of the permission being sought. It is however noted that the nearby location of Sevenoaks Railway Station could potentially impact on availability of parking spaces for customers should no form of time/access control be placed on the use of the car park. Furthermore, there is a lack of clarity with regard to on-site cycle parking provision both within the TA and on the layout plan. However, scope exists within the proposed layout to secure an appropriate facility and this could be secured via a condition requiring the parking and access arrangements to be approved in detail prior to the store opening.
- 26 Finally, it is noted that the applicant is promoting a monitoring-based travel plan in support of the proposal. Whilst it is welcomed that a travel plan is being offered, with a proposal of this nature it is often more appropriate to secure a measures-based plan which ensures that measures are put in place prior to the store opening which can then be maintained and/or activated without the need for additional monitoring. Such measures would include the securing of appropriate cycle parking facilities and car park controls as discussed above as well as outlining potential methods by which staff would be encouraged to use sustainable methods of travel to and from the site.
- 27 In conclusion, there are no KCC Highways objections to the proposals subject to appropriate conditions being secured relating to the following:
- 1, An appropriate Agreement being entered into between the LPA and applicant to restrict the number of product lines sold from the store to a level which would prevent a non-discount food retailer from operating from this site in its proposed form.
 - 2, Proposed junction improvement works as outlined in the application submission should be secured through appropriate agreement with the Highway Authority, KCC and implemented prior to the store opening (specific details of the highway layout will be determined through the technical and safety audit process associated with the highway agreement).
 - 3, An appropriate form of parking control to restrict or prevent the use of the car park by others should be identified and agreed prior to the store coming into use.
 - 4, A condition requiring the detailed internal access and parking layout to be agreed prior to the store opening (in order to secure appropriate cycle parking facilities)

5, A condition requiring an appropriate measures-based travel plan to be agreed prior to the store opening.'

Kent Wildlife Trust –

28 No response

Natural England (summary) –

29 ...The application is in close proximity to Sevenoaks Gravel Pits Site of Special Scientific Interest (SSSI). However given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites..

30 Further comment is given on the assessment of for biodiversity interests and biodiversity enhancements.

SDC Environmental Health Officer –

Contaminated Land

31 I accept the submitted geo investigation report and accept the recommendations for further site investigations as set out in section 10.0 of the report. Should planning permission be granted then I am satisfied that this can be achieved by means of a suitable condition.

Air Quality

32 I am satisfied with the submitted air quality assessment. The assessment predicts a small impact on air quality as a result of the proposed development. Whilst the impact of the development is shown to be low it does not assist the traffic reduction sought by the Council's Air Quality Action Plan and adds to creeping traffic growth in the area. I therefore request the developer be asked to make a Section 106 contribution to assist with measures in the air quality action plan to improve air pollution in the general area. I suggest £10,000.

Noise

33 Having regard to proposed residential development in Morewood Close ,I would request that a condition be added restricting opening times for the store to those specified in the application ,namely from 0800 to 2100 Monday to Saturday and to within the 1000 to 1700 range specified for Sundays. In addition I would request that collections from and deliveries to the store are restricted to between 0700 to 2200 Monday to Saturday and 0900 to 1700 on Sundays. Outside of these times there shall be no goods loaded or unloaded and no commercial vehicles shall arrive, depart or wait for access to the application site.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties.

34 I am concerned that the proposed positioning of the refrigeration and air conditioning condenser plant (total six units) on the rear eastern corner of the store at a maximum height of 2.4 will lead to audibility of the units in the gardens of the nearest noise sensitive properties. I would therefore request that consideration be given by the applicant to repositioning the six units on the rear north –eastern elevation of the building.

Reason: In the interests of protecting the amenity of adjoining/nearby residential properties.

SDC Planning Policy Officer –

35 The key strategic planning policy issues are considered to be:

- Principle of retail on allocated employment site
- Retail impact on town centre
- Highways
- Sustainability

Overview

36 The proposal is for a deep-discount Lidl food-store (1918m² GEA and 1286m² sales area) on London Road in Sevenoaks. The site falls within the Sevenoaks Urban Area but outside the designated town centre.

37 Core Strategy Policy L02 (Development in Sevenoaks Urban Area) states that ‘existing suitable employment sites will be retained with the opportunity for regeneration and redevelopment to better meet the needs of business’. In bringing forward sites for development, the policy states that the emphasis will be on ‘the town centre’ and ‘employment development in existing employment areas’.

38 The supporting text to this policy states (para. 4.2.11) that ‘modernisation and redevelopment of existing employment sites will be encouraged in accordance with Policy SP8 to ensure that employment land continues to adapt to meet the need’s of the town’s economy’. It goes on to state (para. 4.2.12) that retail development will be ‘focused primarily on the town centre. In view of government guidance and the Sevenoaks Retail Study (2009) which concluded there is only a limited need for growth that can be accommodated in the town centre, it is not proposed to add out of centre provision’.

39 Core Strategy Policy L03 (Development in Sevenoaks Town Centre) states that ‘approximately 4000sqm net of new shopping floorspace (1700sqm convenience and 2300sqm comparison) will be provided in the town centre up to 2026. The policy goes on to highlight suitable areas in the town centre to accommodate this retail development, including the land west of Blighs Meadow.

Principle of retail on allocated employment site

40 The Caffyns site on London Road falls within an allocated business site (described as ‘Morewood Close’), that was identified in the Sevenoaks District Local Plan (2000), the Employment Land Review (2007) and has been carried forward into

the draft Allocations and Development Management Plan (2012). The site is described in the ELR as currently in mixed use (office, warehouse and industry) and that the site provided the opportunity for refurbishment or redevelopment for older/vacant properties for employment purposes.

- 41 The related Core Strategy (Feb 2011) policy SP8 (economic development and land for business) states that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business areas. It goes on to state that sites used for business purposes will be retained in business use unless it can be demonstrated that there is no reasonable prospect of their use for business purposes in the Core Strategy period.
- 42 The aim of this policy is to retain and intensify employment land to support the economic development of the District. Employment sites are seen as a flexible resource that can be adapted for a range of different types of business use, as the regional economy changes. The policy also allows for some mixed-use development on urban sites where employment capacity is maintained. The focus of the policy is protecting employment sites and maintaining employment capacity.
- 43 The existing car showroom falls under sui generis use class and the applicant suggests that the servicing/car repairs element is ancillary to the main use (this should be confirmed), although individually it would fall under B2 (general industrial). The proposed use is A1 (retail). The proposed new use does not therefore protect the site for business use (B use classes), which is the intention of saved Local Plan policies EP8 and ST10. However, at least a substantial portion of the site falls currently within sui generis use, and therefore, there is not an existing B use to be retained, and the site allocation notes that the employment area is currently a mixed-use site. In addition, when employment generation is considered, it is suggested that a retail store is likely to provide an increased level of employment compared to a car showroom/repairs centre (28 at Caffyns dealership). Lidl have suggested a store could provide up to 40 jobs (5 full-time and 35 part-time) and have noted that the National Planning Policy Framework (NPPF) recognises retail as an employment generating use. The NPPF confirms that economic development includes town centres centre uses, such as retail, in addition to business (B) class uses.
- 44 In summary, since a large proportion of the site is in sui generis use (quasi retail as a car show-room), and the proposed use is likely to generate additional employment when compared to the current use, it is considered that this is an acceptable employment-generating use on the site (despite retail not falling under a B class use). The site is also previously developed land, so this would also represent an efficient use of land.

Retail impact on town centre

- 45 The RPS retail impact assessment considers the Lidl proposal in light of the policy tests set out in the NPPF (chapter 2):
- sequential test (paragraphs 24-25)
 - retail impact test (paragraphs 26-27)

Sequential test

- 46 In relation to the sequential test, the proposed Caffyns site is defined as ‘out of centre’ as it is more than 300m from the town centre boundary (it is about 750m from the town centre boundary). Therefore, there is a need to consider sequentially preferable sites, either within the town centre or on the edge of centre. The sites need to have been considered for their availability, suitability and viability. Lidl have assessed five sites of 0.4 ha and above:
- land west of Bligh’s meadow – this site is subject to a detailed planning application for a mixed use (retail and residential) development and therefore is not considered available
 - land east of high street – this is a longer-term development opportunity within the town
 - PO/BT – this site is not currently available due to relocation timescales of the existing occupiers
 - Farmers, London Road – this site is out of centre and has permission for residential with retail and the adjacent site is allocated for residential and therefore this site is not considered suitable
 - Railway and bicycle, London Road – this site is out of centre and has been built out so is not available
- 47 The five sites that have been assessed are therefore either not available, suitable or viable for a Lidl retail development.
- 48 In terms of potential alternative sites within or on the edge of the town centre, the site known as ‘Edwards Electricals’ on Dartford Road. However, this site is approximately 0.1 ha and therefore is considered too small.
- 49 Therefore, there are not considered to be any sequentially preferable sites within Sevenoaks. The Caffyns site, although not within or on the edge of the town centre (as defined in the NPPF), it is well located to public transport routes, including the train station and bus routes and is on a main radial route into the town.

Retail impact test

- 50 The NPPF requires an impact assessment on retail applications that are outside the town centre, not in accordance with the Local Plan and where the development is over 2500sqm. It is noted that the proposed development is under this threshold, but an assessment of retail impact on the town centre is an important consideration, which is acknowledged by the applicant in their submission, since this is an out-of-centre proposal. The NPPF requires this assessment to consider:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

51 The RPS submission makes a case in relation to the retail impact test:

- In relation to impact on planned investment in the town centre, the RPS report now takes account of the recent extensions at Tescos (Riverhead), Sainsburys (Oxford Road) and the town centre Waitrose redevelopment. It does not provide an assessment of the retail element of the planning application currently under consideration on the Land West of Blighs meadow.
- In relation to trade draw from existing food retailers (Tables 11 and 11A of the Retail Impact Assessment), trade draw from the out-of-town supermarkets (Tescos and Sainsburys) is not considered to be an issue, as these are also out-of-town sites. In relation to impact on existing town centre food retail, the report identifies the following impacts
 - *Waitrose (- 1.2% of turnover)*
 - *Tesco Metro (- 2.4% of turnover)*
 - *M&S (- 3.5% of turnover)*
 - *Other town centre shops (- 3.3% of turnover)*
- This level of impact on in-centre trade (1 to 4 % of turnover) is not considered to be at a level that would cause concern for the continued operation to the existing town centre food retailers, and therefore this impact is considered acceptable. The Council requested further sensitivity testing at pre-application stage, and the applicant has doubled the trade draw from all town centre shops in Table 11A. The overall impact would still be a reduction in less than 4% of turnover, which is considered to be within acceptable limits in terms of impact.
- The retail report suggests (Table 9) a deficit of convenience expenditure to support new shops in 2011 (-£0.9m), which would then increase to a surplus in 2016 (£2.6m) and in 2021 (£8.9m). Therefore, there is no quantitative need case to support this application. The additional 1700sqm convenience retail floorspace referred to the Sevenoaks Retail Study (2009) and in Core Strategy Policy L03 has been built out in recent extensions to Waitrose, Sainsburys and Tesco. However, the NPPF no longer requires a demonstration of quantitative need for new floorspace and retail planning assesses five years ahead (to allow for construction and trading patterns to establish), by which time the applicant suggests that there would be surplus expenditure. In addition, it is noted by the applicant that the deficit is showing largely due to the recent extension at Waitrose in the town centre, which is assumed to be trading at the full company average level, which is likely to be an over-estimate of turnover.

- In relation to impact on the vitality and viability of the town centre and consumer choice – the Goad report (May 2010) suggests convenience retailing in Sevenoaks is below the average representation (5% Sevenoaks cf 9% uk). The applicant notes that Lidl falls into the ‘deep discount’ category of food retailer, which it argues is distinct from Tesco/Sainsburys offer or the high-end Waitrose/M&S food offer. There is currently no deep discount retailer in Sevenoaks and the nearest stores are in Tonbridge and Swanley. It is argued that the proposed store would provide a niche offer, increasing choice and competition for the town, particularly in relation to those on lower incomes, and this is considered reasonable.
- Since the retail assessment and case is predicated on the basis that this is a deep discount store, as discussed at the pre-application meeting, it is recommended that conditions/S106 obligations are investigated to tie this permission to this specific ‘deep discount’ form of operation.
- The split between convenience/comparison retailing is proposed to be 80/20% of turnover. The resultant floorspace split may also need to be subject to condition, in order to control the level of non-food retail from the premises.

52 In summary, the retail assessment provides evidence that the sequential test has been conducted and a preferable site has not been identified. The proposed location is considered accessible and well connected to the town centre, albeit not within the town centre as sought in Core Strategy Policy LO3. A retail impact test has also been conducted, and the level of trade draw, particularly from existing town centre food retail, appears to be low and it is suggested that there will be little impact on the vitality and viability of the high street due to the format of the Lidl operation. The store will provide a complementary retail offer, and will provide an alternative to the predominantly high-end convenience retail in the town centre, providing greater consumer choice, particularly in relation to lower-income groups. There does not appear to be a current need for further convenience expenditure/floorspace, due to recent extensions and rebuilds of existing supermarkets, but there will be a surplus by 2016, when the proposal would be fully operational. Therefore, since the application satisfies the sequential test, and does not have a significant adverse impact on the town centre, in accordance with the NPPF, the proposal is considered to have an acceptable retail impact.

Highways

53 Any highways issues (parking, traffic generation, access) will need to be fully considered by Kent Highways Services.

Sustainability

54 The submission indicates that the store will achieve a BREEAM ‘Very Good’ rating and that carbon emissions will be reduced by 44% below the baseline. This is welcomed and at least 10% of the reduction in total carbon emissions must be through on-site decentralised/renewable/low-carbon energy sources, in line with Core Strategy Policy SP2. Consideration should be given to sustainable building design and energy efficiency, which could include elements such as PV cells / green roof / ground source heat pumps.

Other

- 55 The Planning Policy team does not wish to comment on detailed matters of the submission, such as the design, detailing, materials and sustainability of the building. However, the comments raised at the pre-application meeting regarding locally responsive design, that reflects the character of the surrounding area, do not appear to have been incorporated in the submission.
- 56 I trust that the above is clear, however please do not hesitate to contact me should you wish to discuss the matter further.

SDC Trees and Landscape Officer –

- 57 With reference to the Arbtech report and the details provided for works to trees upon the site. I refer to drawing number ATC-TPP 02 entitled Tree Protection Plan. Tree numbers 1, 4, 8 and G1 are not shown on this drawing and I cannot find any other location drawing to show where these trees are. These trees are shown to be removed, it is therefore important that I am able to assess them prior to consent. The tree protection for the remaining trees appears acceptable. I strongly suggest that a landscaping scheme be attached to any consent provided with great importance attached to the London Road frontage.

Sevenoaks Town Council

- 58 Sevenoaks Town Council recommends approval.

Representations

- 59 To date 133 separate letters have been sent directly to the Council in response to the application. These consist of:

96 letters in support of the application raising the following comments (summary):

- The store supplies good food at affordable prices and provides choice. The store would benefit those on lower incomes.
- The store will provide alternatives to the main supermarkets. There are no other similar shops in Sevenoaks.
- The use of the land is in keeping with its surroundings. The site is 'ripe for redevelopment' and an 'ideal location'. The development would improve the appearance of the area.
- The proposal would provide employment.
- Traffic can be dealt with by 'comprehensive overhaul of traffic arrangements', not just a one off consideration. Traffic would not be a significant issue.
- The proposed parking is sufficient. There is a high level of parking restrictions on surrounding roads.
- A store in Sevenoaks would mean that the need to travel to the Tonbridge / Swanley store is removed.

- Residents can walk or cycle to the store. The store will be used for 'top up' shopping when walking to / from the railway station.
- The business is energy efficient.
- The store would have no impact upon air quality.

36 letters of objection have been received (including one letter on behalf of the occupants of eight properties on Stapleford Court and letters sent separately by residents of these properties also). These letters raise the following issues:

- The building is too large, a smaller store would be more appropriate.
- There is insufficient parking. The proposal will result in overflow parking on surrounding streets.
- The proposal will add to congestion. The road is already congested. The West Kent Cold Store, Railway and Bicycle and Morewood Close (Police Station) developments will make this worse.
- The access would be inadequate and would cause safety issues.
- The proposal will cause a noise disturbance. Concern is raised over opening times. Concern is raised over the impact of HGV deliveries.
- The building will be a source of light pollution, including from signage.
- The design is out of keeping with its surroundings.
- The proposal would encourage shoppers away from the town centre and affect the vitality of the town centre. The development is in the wrong location.
- There is already an adequate provision of supermarkets.
- The proposal would result in anti-social behaviour. Hours for the sale of alcohol should be limited to prevent anti-social behaviour.
- Restrictions should be placed on delivery times.
- There is a shortage of people to fill part time jobs at pay rates offered by LIDL.
- The use of the car park by commuters using the station has not been addressed.
- The proposal will result in litter.
- Proposed landscaping is inadequate.
- The proposal would result in a loss of employment to retail.
- The A224 suffers from air pollution.

One letter received is largely neutral in character, but does raise specific concerns in terms of the quality of the vehicle access.

- 60 A large number of letters and signatories to a petition have been included within the application (predominantly in support of the application, though some letters of objection are included). These were not received directly in response to the planning application consultation but appear to be as a result of the applicant's previous local engagement.

Group Manager - Planning Appraisal

- 61 With regards to the relevant policies of the Development Plan and all other relevant considerations, the main matters for consideration in this case are:

- The principle of retail development of this kind in terms of:
 - The existing and proposed allocation of the land for 'employment' / within a business area.
 - The principle of retail development of this kind outside of the town centre.
- The impact of the development upon highways safety and convenience.
- The design and appearance of the development.
- The impact of the development upon the amenities enjoyed by local residents.
- All other issues.

I deal with each of these matters in turn below.

The principle of retail development.

- 62 The proposal is for a retail unit with a gross external floor area of 1,918sq m of which 1,286sq m is proposed as sales area. The site is not within the Sevenoaks Town Centre area as defined by policy LO3 of the CS. The site is previously developed land.

- 63 The application indicates that the proposed retail unit would be defined as a 'deep discounter' type store. The applicant suggests that the characteristics of such a store include low sales densities and turnovers in comparison with other food retailers, a limited product range and the absence of other ancillary services often found at a conventional supermarket (such as a tobacconist, deli, pharmacy etc.)

- 64 The consideration below should be read in conjunction with the detailed comments of the Planning Policy Officer included above.

- The existing and proposed allocation of the land

- 65 The site is located within the Sevenoaks Local Plan 2000 as a designated 'business area'. Policies EP8 (development in business areas) and ST10 (Land at Morewood Close) are saved policies. Policy EP8 indicates that within the

designated business areas, 'Class B uses will be permitted'. Policy EP8 does not otherwise state a restriction on other forms of development within the areas nor does it deal with changes of use within these areas. Policy ST10 of the Local Plan identifies the opportunity for further development at Morewood Close and indicates that development or changes of use to use class B1 (office / light industrial) will be permitted.

- 66 The use of this land (including a wider area covering parts of Morewood Close) for employment purposes has been carried forward as an allocation in the Council's Draft A&DM DPD (2012). Policy SP8 of the Sevenoaks CS states that the sustainable development of the District's economy will be supported by the retention, intensification and regeneration of existing business areas and that sites used for business purposes will be retained in business use. As noted by the Policy Officer, the aim of this policy is to retain and intensify employment land to support the economic development of the District. The policy also allows for some mixed use development on urban sites where employment capacity is maintained. Policy LO2 of the CS similarly indicates that 'existing suitable employment sites will be retained with the opportunity for regenerations and redevelopment to better meet the needs of business'.
- 67 The proposed use of the site is A1 (retail) and as such the proposal does not protect the site for specific business use (if defined specifically as a use falling within a 'B' use category) as is the intention of Local Plan policies EP8 and ST10. However, the pre-existing car showroom use does not fall within a 'B use' rather a *sui generis* use. The workshop is considered to have been ancillary to the primary use of the site for car sales and may not be considered a separate B2 (general industrial) premises in its own right. The current use of the site as a mix of car sales / car parking and car wash does not appear to fall within any 'B' class, though there is some question as to the lawfulness of the current use(s).
- 68 In considering whether an exception is justified, the site falls within a *sui generis* use and the draft Allocations DPD notes that the employment area is currently a mixed-use site. In addition, when employment generation is considered, it is indicated that a retail store is likely to provide a significant level of employment compared to a car showroom/repairs centre. The NPPF recognises retail as an employment generating use and indicates that economic development includes 'town centre uses', such as retail, in addition to business (B) class uses.
- 69 Taking this into account, since part of the site is in *sui generis* use (quasi retail as a car show-room), and the proposed use is likely to generate additional employment when compared to the current use, it is considered that the proposal is an acceptable employment generating use on the site, despite it not falling within class B use.
- The principle of retail development in this location.
- 70 As noted above, the site does not fall within the Sevenoaks Town Centre area as defined by CS Policy LO3. Policy LO2 of the CS relates to development falling within the wider Sevenoaks Urban Area. This policy indicates that, in bringing forward sites for development, the emphasis will be on 'the town centre' and 'employment development in existing employment areas'. Supporting text to this policy (CS para. 4.2.12) indicates that 'retail development will remain focused primarily on the town centre' and that the need for limited growth can be

accommodated in the town centre, concluding that 'it is not proposed to add out of centre provision'.

- 71 Policy LO3 (relating to development in the town centre) quantifies this need for growth identified in the Sevenoaks Retail Study 2009 and indicates that 'approximately 4,000sq m of new shopping floorspace will be provided in the town centre up to 2026'.
- 72 These policies when read together demonstrate that the main thrust of policy is an emphasis on town centre locations for future retail development; however they do not have the effect of specifically excluding retail development elsewhere.
- 73 The NPPF (para. 24) indicates that 'Local planning authorities should apply a sequential test to planning applications for main town centre uses [such as retail] that are not in an existing centre and are not in accordance with an up-to-date plan'. It is indicated that such uses should first be located in town centres, then in edge-of-centre locations and, only if suitable sites are not available, should out of centre sites be considered.
- 74 The proposed site is considered an out of centre site being in excess of 300m (it is approximately 750m) from the town centre boundary.
- 75 The information submitted within the application includes an assessment of alternative sites of 0.4ha or greater (the minimum size considered by the applicant to be suitable for this type of retail development). Five alternative sites are assessed including land west of Blighs Meadow (town centre), land east of the High Street (town centre), the Post Office / British Telecom building (town centre), the former Farmers PH. site (out of centre) and the Railway and Bicycle Site (out of centre). As set out in the Planning Policy Officer's comments, none of these sites are available, suitable or viable for this type of retail development (even when flexibility is demonstrated on issues such as format and scale in accordance with NPPF para.24).
- 76 Similarly, it is not considered that there are any other potential alternative sites that would be sequentially preferable for this development and could accommodate the development (even when demonstrating flexibility). Other sites within the town centre, or closer to it, are currently occupied or are of insufficient size.
- 77 Furthermore, in terms of para. 24 of the NPPF, the site is considered to reasonably well connected to the town centre (it is within walking / bus journey distance) and in a sustainable location in proximity to the railway station.
- 78 Paragraph 26 of the NPPF goes on to indicate that, in the case of an application for retail development outside of the town centre which is not in accordance with an up-to-date local plan, a retail impact assessment should be required if the development is over a 'proportionate, locally set floorspace threshold'. If there exists no locally set threshold, as is the case in Sevenoaks, the default threshold in the NPPF is 2,500sq m. It is important to note that the development is below the default threshold in terms of both the gross external (1,918sq m) and net sales (1,286sq m) areas and an impact assessment is not therefore required.
- 79 A retail impact assessment (RPS) has nonetheless been submitted by the applicant and it is worthwhile to consider its findings as the impact of the

development upon the town centre is an important consideration. The NPPF suggests that the consideration should cover:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

80 A detailed assessment of the findings of the retail assessment has been provided within the Planning Policy Officer's comments above, however the following conclusions are particularly relevant to this consideration:

- The report identifies that the negative impact upon town centre turnover is between 1 and 4% (the extensions to Waitrose are taken into account in this assessment). This is not considered to be an impact significant enough to cause concern for existing town centre. Even when greater sensitivity is applied to these figures, the assessment concludes that the impact upon the town centre food retailers would be no greater than 3.5% of turnover.
- There are currently no similar 'deep discount' stores within the Sevenoaks urban area and the nearest similar shops are within Tonbridge and Swanley. It is argued that the store would provide a niche offer not currently available in the town. Particularly, the store would provide a choice not currently available for those on lower incomes. It is suggested therefore that the impact of the development upon the town centre food retailers than the quantitative case might otherwise suggest. The applicant has indicated that a S.106 undertaking will be provided to limit the type of retail provision to a 'deep discounter' store (characterised by a significantly reduced range of products in comparison to a conventional supermarket operation). The S.106 will include a limit on the number of product lines and services available at the store.

81 The assessment suggests a deficit of convenience expenditure within Sevenoaks to support new shops in 2011 which would then increase to a surplus in 2016 (£2.6m). The additional provision of convenience 1,700sq m of convenience retail floorspace identified in the Sevenoaks Retail Study 2009 and referenced in Policy L03 of the CS (and above) has effectively been built out with the extensions at Waitrose and elsewhere at Sainsburys and Tesco. The assessment of quantitative need for the development does not therefore appear show a surplus of expenditure to support this development at this time, though it does show a surplus to support the development within 5 years (a reasonable period to allow for construction and trading patterns to establish). Most importantly, however, the NPPF does not require the applicant to demonstrate a quantitative need for the development as a matter of policy and there is no requirement in local policy for such a need to be demonstrated before planning permission is given.

82 In terms of the retail impact of the development and with reference particularly to the requirements of the NPPF, it is evident that the sequential test for more preferable town centre and edge of centre sites has been applied and that there

are no more appropriate sites for this development. Whilst not strictly required in policy terms, a retail assessment has been conducted which adequately demonstrates that the proposal would not result in a significant trade draw from the town centre that would materially affect its vitality and viability. This is particularly the case given that the type of retail provision is to be limited by a S.106 undertaking to a 'deep discounter' type store (subject to the receipt of an acceptable undertaking).

- 83 The proposal will provide for greater choice in the retail provision of the town, providing a particular retail offer that is not currently found. Some weight is to be given to this qualitative need for the development which is evidenced by a reasonable level of support for this application from residents of the town and surrounding areas.
- 84 For these reasons, therefore, it is considered that the proposal would not be contrary to the general thrust of policy which ensures that the town centre is the primary focus for retail development. For the reasons above, the principle of retail development of this type on this site is considered to be acceptable.

The impact of the development upon highways safety and convenience.

- 85 The application site is located in proximity to the Sevenoaks Railway Station (within 500m) and on bus routes into and out of the town centre. The site is therefore considered to be reasonably sustainable in terms of possibilities for alternative non-motorised transport. Nonetheless, given the nature of the retail offering, it is likely that there will be a continued reliance on car transport to and from the site. The impact of vehicle traffic accessing and using the site is considered below in terms of the proposed access, the impact upon highways in terms of traffic and the adequacy of parking on the site.

Access -

- 86 Access to the site is to be provided directly from London Road, the A224. This is a primary distributor connecting the town centre with outlying areas to the north and nearby trunk roads. The access point is to be repositioned to the west of the position of the existing access to the site. The detail of the proposed access arrangements are shown on drawing 3768.001 Rev D. This drawing shows that an extended right-turn bay could be provided along with an amended kerb line to allow for adequate carriageway width. Vehicular visibility splays are shown on this drawing demonstrating that visibility is possible over the footway to 74.8m in an easterly direction and 50m to the west.
- 87 The application has been submitted with a 'Stage 1 Road Safety Audit' which has informed the access arrangements submitted.
- 88 No objection has been raised by the Highways Officer in terms of the quality or safety of access to the site and it is suggested that the revised access will accommodate the increase in traffic movements to and from the site. A condition is suggested to ensure that the highways works shown on the drawings are carried out prior to the first use of the store. These works are to the public highway and as such the details of the improvements will need to be agreed with Kent Highways and the condition should be worded to reflect this.

- 89 It has been suggested that access could alternatively be taken via Morewood Close. Whether or not this is practical in reality, the application should however be considered on its own merits as submitted.

Impact on local Highway Network (traffic and congestion) –

- 90 Concern has been raised by interested parties that the proposal would exacerbate existing congestion issues on London Road, particularly at busy periods.
- 91 The applicant has provided a transport assessment with the application which takes into account the existing traffic movements to and reflects the fact that some trips to the store would be ‘pass-by trips’ that would already be undertaken. The Highways Officer has indicated that the projected traffic impact of the development outlined in the Transport Assessment represents a worse case scenario for the proposed store.
- 92 The projected traffic flows to and from the site are based on data acquired from the ‘TRICS’ database, which provides a comparison with trip rates derived from similar discounted food stores. The projections show that the proposal would result in a total increase of 3 vehicle movements (+0.17%) during the weekday AM peak (8 – 9 am), an increase of 96 movements (+3.25%) during the weekday PM peak (5 – 6pm) and an increase of 167 movements (+6.4%) during the Saturday peak (2pm – 3pm).
- 93 The Highways Officer considers these increases to be small in comparison to existing background flows and raises no objection in this regard. As mentioned above, the proposed access improvements are considered to be acceptable to accommodate this increase in traffic.

Parking –

- 94 The proposal includes 70 dedicated parking spaces to serve the development. This level of parking reflects the worse case parking accumulation for this type of discounter retail store based on the available TRICS data. The parking provision includes four disabled parking bays and two ‘parent and child’ bays.
- 95 The Highways Officer has indicated that the parking provision is satisfactory for this type of development on the basis of the restricted retail offering. Given the proximity of the site to the Sevenoaks Railway Station and the demand for commuter parking within the vicinity, a condition is recommended to ensure a scheme to secure the parking for customers and staff of the store only to ensure availability of spaces. It is likely that this scheme could include signage and a private ticketing operation on-site.
- 96 With the above in mind, it is not expected that the proposal would result in overspill parking onto surrounding roads nor would it result in the potential for dangerous vehicle manoeuvres onto or off of the public highway as a result of parking congestion on the site. Notwithstanding this, I note the prevalence of on-street parking controls within the surrounding area which would limit the potential for parking of cars to be detrimental to the amenities of neighbours. All public roads within 300m of the site are controlled with double yellow or single yellow line parking restrictions (Stapleford Court is restricted with single yellow lines preventing parking Mon-Sat 7-10am and 4-5pm, similar restrictions apply on

Braeside Avenue and Braeside Close. Morewood Close has some pay and display parking).

- 97 The traffic movements to and from the site and the expected parking accumulation are based on specific 'TRICS' data for a discounter store of this type as opposed to a general A1 use which might include a conventional supermarket. The Highways Officer has considered the proposal on this basis and has raised concerns that, if the store was to be put to use as a conventional supermarket, the proposal might not be acceptable in highways terms. A more conventional supermarket (generally offering around 10,000 types of product for a store of this size) would be expected to generate a greater amount of visitors and traffic than a 'deep discounter' type store (offering around 2,000 types of product). For this reason, permission should only be given on receipt of a completed S.106 undertaking to limit the use to this specific type of retail offering.
- 98 A travel plan has been submitted with the application which makes recommendations on ways to encourage sustainable transportation modes, particularly for staff. This includes the recommended provision of cycle racks, encouraging car sharing and investigating the provision of discounted public transport. The plan relies on monitoring of travel patterns to form recommended actions. The Highways Officer has indicated that it would be more appropriate to secure a travel plan that recommended specific actions which can be maintained without the need for future monitoring. It seems reasonable, given the scale of the development, that such a measures-based travel plan is required and that its recommendations are implemented. This could be secured by condition.

The design and appearance of the development.

- 99 Policy EN1 of the Local Plan deals with the general principles of development control and indicates that 'the form of the proposed development ...should be compatible in terms of scale, height, density and site coverage with other buildings in the locality' and that the 'the design should be in harmony with existing buildings and incorporate materials and landscaping of a high standard'. Policy SP1 of the CS similarly indicates that 'all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated'.
- 100 As described above, the site is located within an area of mixed development to the north of London Road. This includes the larger single blocks of the Sevenoaks Medical Centre, commercial buildings and the fire station and the police station and magistrates' court which take up a good proportion of their sites as well as the finer grain of the Quarry Cottages and the Halfway House Pubic House.
- 101 The existing buildings on this site have an ad hoc character and are not of any merit in their own right. The buildings do not present a coherent frontage to London Road. Whilst set back by approximately 24m from the footway, the single building provides the opportunity for a more unified appearance to the site.
- 102 The surrounding commercial and functional buildings, particularly to the north and east of the site are of a rather bland and utilitarian design and there is little in the way of distinctive character in this location. It is acknowledged that this will change somewhat with the likely redevelopment of the police station site, though there appears to be no immediate prospect of the buildings surrounding the site to be redeveloped in the near future.

- 103 Whilst the design of the store appears to be a generic modern design for this type of store, the bold roof form and use of modern proportions and materials would not result in an unattractive building given the otherwise bland context of the site. The building would sit back from the edge of the footway in a similar way to the adjacent medical centre and fire station buildings and would not therefore overwhelm the street scene. The relatively modest height of the building would also ensure that the impact of the development is not unnecessary intrusive. Details of the proposed external materials should be secured by condition to ensure an appropriate appearance.
- 104 Concern has been raised over the appearance of the signage at the store. The company signage has been shown on the proposed plans, though this would need to be subject to consideration under an application for advertisement consent.
- 105 The site is currently laid almost entirely with hard surfacing and the limited amount of trees and planting that exist are located on the extreme boundaries of the site. Larger trees are located in proximity to the boundary, but on the adjacent sites. An Arboricultural Report has been supplied which shows the removal of 4 no. trees and tree groups of poor quality (category C) and low amenity value. Notwithstanding the Trees Officer's comments, these trees are marked on the drawing entitled 'Arboricultural Impact Assessment' – ATC-AIA 02 Rev. A. It is not considered necessary to retain these poor quality trees.
- 106 The report indicates the measures for the protection of the retained (predominantly category B trees) on the borders of the site and just within the adjacent sites. The Trees Officer has indicated that these measures are acceptable and a condition should be imposed to ensure tree protection takes place.
- 107 A proposed landscaping plan no.1093 (received 27/7/12) has been submitted with the application and this shows an area of shrub planting alongside the boundary of the site with London Road. Planting here is welcomed as it has the potential to soften the appearance of the hard surfacing on the site and contribute positively to the street scene. The plan provided shows shrub planting in this area, however it is apparent that some (native) tree planting would be of benefit to the street scene. For this reason a condition should be imposed to require the submission of alternative details.

Residential Amenity

- 108 Concern has been raised by local residents over the potential impact of the development upon their amenities, particularly in terms of noise disturbance and light pollution.
- 109 The nearest dwellings to the site are:
- No.1 Quarry Cottages – approximately 19m to the south-east of the site boundary. This property is the nearest of the row of terraces fronting London Road and is separated from the site by the Halfway House Public House. The dwelling would be approximately 22-25m from the nearest part of the proposed building.
 - Nos. 1 & 2 Stapleford Court and 2a Kippington Road – approximately 32 – 45m from the site. These properties are detached dwellings located to the

south side of London Road. The dwellings are set back from London Road with their garden areas between the high boundary wall and fence adjacent to the southern edge of London Road and the buildings. Much of this boundary is marked by a good amount of evergreen and other trees and planting.

- Nos. 1 – 8 Morewood Close – between approximately 63 and 85m from the site to the north-west beyond the existing industrial and commercial buildings forming part of the Morewood Close business area.

- 110 It is proposed that the store would be open between the hours of 08:00 and 21:00 every day (para. 1.4 of the Retail Impact Assessment indicates however that LIDL stores are generally open between 1000-1600 or 1100-1700 on Sundays) . Given the distances to the nearest dwellings it is unlikely that the proposed use would have a significantly greater impact in terms of general noise and disturbance as a result of customers and deliveries than the car dealership use, which included a workshop to the rear of the site. It is additionally important to note that the building itself and the public house would be positioned between the main parking and delivery areas of the site and the nearest dwellings, Quarry Cottages. Dwellings to the south of the site on Stapleford Court and Kippington Road would not be significantly affected as a result of the position of the existing busy road and the reasonably substantial nature of the boundary treatment to the south of London Road. Dwellings on Morewood Close would likely be unaffected as a result of the substantial industrial buildings separating them from the site.
- 111 The opening hours proposed by the applicant (Mon-Sat) would limit any impact of the development in terms of general noise and disturbance throughout the most sensitive hours when the store could have the most impact. More restrictive opening hours are proposed by the Environmental Health Officer for Sundays. A condition should require these hours to be adhered to and should prevent any deliveries to the site outside of specified hours. The condition suggested by the Environmental Health Officer is reasonable in this regard.
- 112 The floor plans and elevations submitted with this application do not appear to show the position of any plant or equipment that is likely to be required as a part of the operation of the store. The accompanying acoustic report submitted with the application carried out by Acoustic Consultants Ltd does however indicate that the condenser (refrigeration) plant would be located to the rear / east of the building in a position approximately 55 – 60m from Quarry Cottages to the South East and would run on a 24 hour basis according to demand. Detail of the refrigeration and condenser plant is set out in sections 8.1 and 8.2 of the report. The report models the impact of the plant upon the nearest sensitive properties, Quarry Cottages, during the most sensitive period (night time) and concludes that there would be no significant impact in terms of amenity and that the noise of the plant would not exceed the background noise levels. The Environmental Health Officer has however indicated that plant installed 2.4m above ground level might cause an impact upon the residents of Quarry Cottage and that an alternative position should be explored (preferably to the northern part of the building). A condition should be applied to ensure that full details (including noise specification) of the plant to be installed and its position is provided. No additional plant should be installed on the building thereafter.
- 113 Concern has been raised over light pollution as a result of the scheme. The proposal includes a reasonably large area of glazing to its elevations, though

given the positioning of the building and the existing screening of buildings and boundary treatments, it is unlikely that the proposal would be significantly harmful in this regard. A condition is proposed requiring the submission of details of external lighting before its installation (and a requirement for it to be maintained as such thereafter). Concern has been raised over the possible illumination of advertising on the site, through this would be considered under the advertisement regulations under a separate application, if required.

- 114 Concern has also been raised over the potential for anti-social behaviour as a result of the development and a limit on the sale of alcohol has been requested. Firstly, it is considered that restrictions on the sale of alcohol would be dealt with under the licensing legislation separately and it would be unreasonable to control this by way of a planning condition. The proposal is otherwise fairly well laid out to provide natural surveillance of the car parking and other areas so that crime and anti-social behaviour is not encouraged as a result of the scheme. It is not considered that the proposal would allow for any greater opportunity for crime and anti-social behaviour than the existing use of the site.

Other matters

Sustainable Construction

- 115 Policy SP2 of the CS requires all new commercial buildings to achieve BREEAM Very Good standard incorporating Sustainable Urban Drainage Systems (SUDS) where practical as well as at least a 10% reduction in the total carbon emissions through on-site installation and implementation of decentralised, renewable or low-carbon energy sources.
- 116 A BREEAM design stage assessment has been submitted with the application which demonstrates how it is expected that the building would score against the BREEAM assessment criteria. The report submitted shows an expectation to achieve Very Good level as required by the policy with an overall building score of 55.94%. An 'Energy Strategy Report' has also been submitted which shows carbon emissions can be reduced by 44% through the use of energy efficiency measures (including low-energy plant etc.). This is welcomed and a condition should be applied to ensure Very Good level is achieved and that at least 10% of the carbon emission reductions are as a result of renewable or low-carbon energy sources. A condition requiring the submission of drainage details, requiring SUDS where practical should also be included.

Ecology

- 117 An extended phase 1 habitat survey has been included with this application which seeks to identify the ecological value of the site in terms of protected species, habitats and features. The site is not within a statutory site of ecological value (SSSI or SNCI). The County Ecologist has indicated that the all potential ecological impacts of the development have been appropriately considered. The report concludes that the habitats on the site are of low value and that there was limited potential for the existence of protected species on the site.
- 118 The only exception is the likelihood of nesting birds and the County Ecologist recommends that any works to vegetation should take place outside of the bird breeding season unless supervised by a qualified ecologist. This could be controlled by a condition.

- 119 A further plan has been provided by the applicant showing the use of native species planting and the installation of bat boxes to the building to provide potential enhancement of the site's ecology and these enhancements are to be encouraged. It is indicated by the applicant that these enhancements will count towards the BREEAM assessment and as such, if taken forward, these items will be covered by the condition requiring the achievement of BREEAM 'Very Good' standard.

Land Contamination

- 120 A 'geo-environmental investigation report' has been submitted with the application which details the findings of an on-site investigation. The investigation found evidence of made ground to a depth of 1.7m. Chemical analysis of soil and made ground samples did not detect elevated levels of contaminants, though it is indicated that some areas of the site could not be tested and that there exists old underground fuel tanks.
- 121 A remedial strategy is set out in 8.2 which recommends the removal of the underground fuel tanks along with any contaminated soil around the tanks. A remediation method statement will be required for the development to include further investigation in the area of the demolished building to the rear of the site. A condition should be applied to require that the investigation is carried out, that a remediation strategy is put into place and carried out and that any contaminants identified during the course of the development area adequately dealt with to prevent harm to groundwater and / or other receptors.
- 122 The Environmental Health Officer has confirmed that the geo-technical report is acceptable and that a condition should be imposed to ensure further survey investigation and remediation as necessary.

Air Quality

- 123 The application has been submitted with an Air Quality Assessment dated June 2012. The application site is not located within an Air Quality Management Area, but is located between the Sevenoaks Town Centre AQMA and the Riverhead AQMA.
- 124 The Air Quality Assessment considers the existing air pollutant emissions from road traffic adjacent to the development site and the projected increase in pollutants as a result of the development (taking into account assumed changes in baseline conditions). The report concludes that any increase in concentrations of air pollutants as a result of the development is predicted to be 'imperceptible' or 'small' indicating that the development would have negligible significance upon air quality.
- 125 The Environmental Health Officer has confirmed that the predicted impact on air quality as a result of the proposed development is small, however, the proposal would have some limited cumulative effect upon the nearby Riverhead and Sevenoaks Town Centre Air Quality Management Areas, particularly if an unrestricted A1 use is allowed which might generate more traffic than the 'deep discounter' type of store hereby proposed. To mitigate against the impact and in order to achieve the objectives of the Air Quality Action Plan, a contribution towards air quality measures and monitoring is requested by the Environmental Health Officer.

- 126 An acceptable contribution would need to be secured through the s.106 undertaking and no such signed and completed undertaking has yet been provided. The principle of such a contribution towards measures to achieve air quality action plan targets has, however, been agreed with the applicant.

Flood Risk

- 127 The application site is not in any part within an area of flood risk. As the site is below 1ha, a flood risk assessment is not required. Given the extent of hard surfacing on the site, the proposal allows for the opportunity, through appropriate drainage, to ensure that surface run-off is lesser or no greater than the current situation so as to avoid impacts elsewhere.

Archaeology

- 128 The site is within an Area of Archaeological Potential. To date no comments have been received from the County Archaeologist and the Committee will be updated if any are received. However, given the likely prospect of fairly significant groundworks as a result of this development, a condition is suggested requiring a programme of archaeological works.

Conclusion

- 129 For the reasons given above, subject to the receipt of an acceptably worded and completed S.106 undertaking to limit the retail offer on the site to a 'deep discounter' type store (including a restriction on product lines and services provided) and to provide an air quality contribution, the proposal is considered to be acceptable. A split recommendation is therefore made to either approve planning permission should an acceptable S.106 undertaking be received and completed on or before 13th September 2012 or to otherwise refuse planning permission on the basis of harm arising from increased traffic and parking requirement.

Background Papers

Site and Block plans

Contact Officer(s): Patrick Reedman Extension: 7451

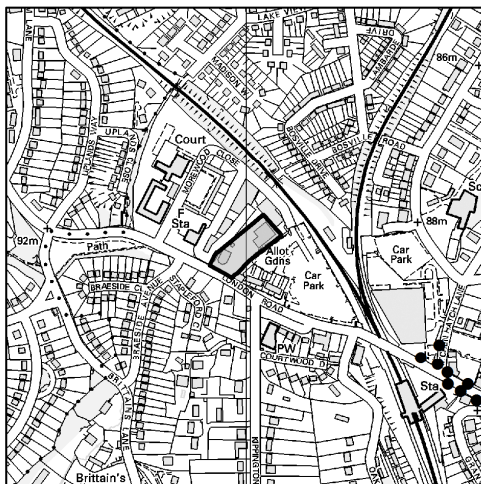
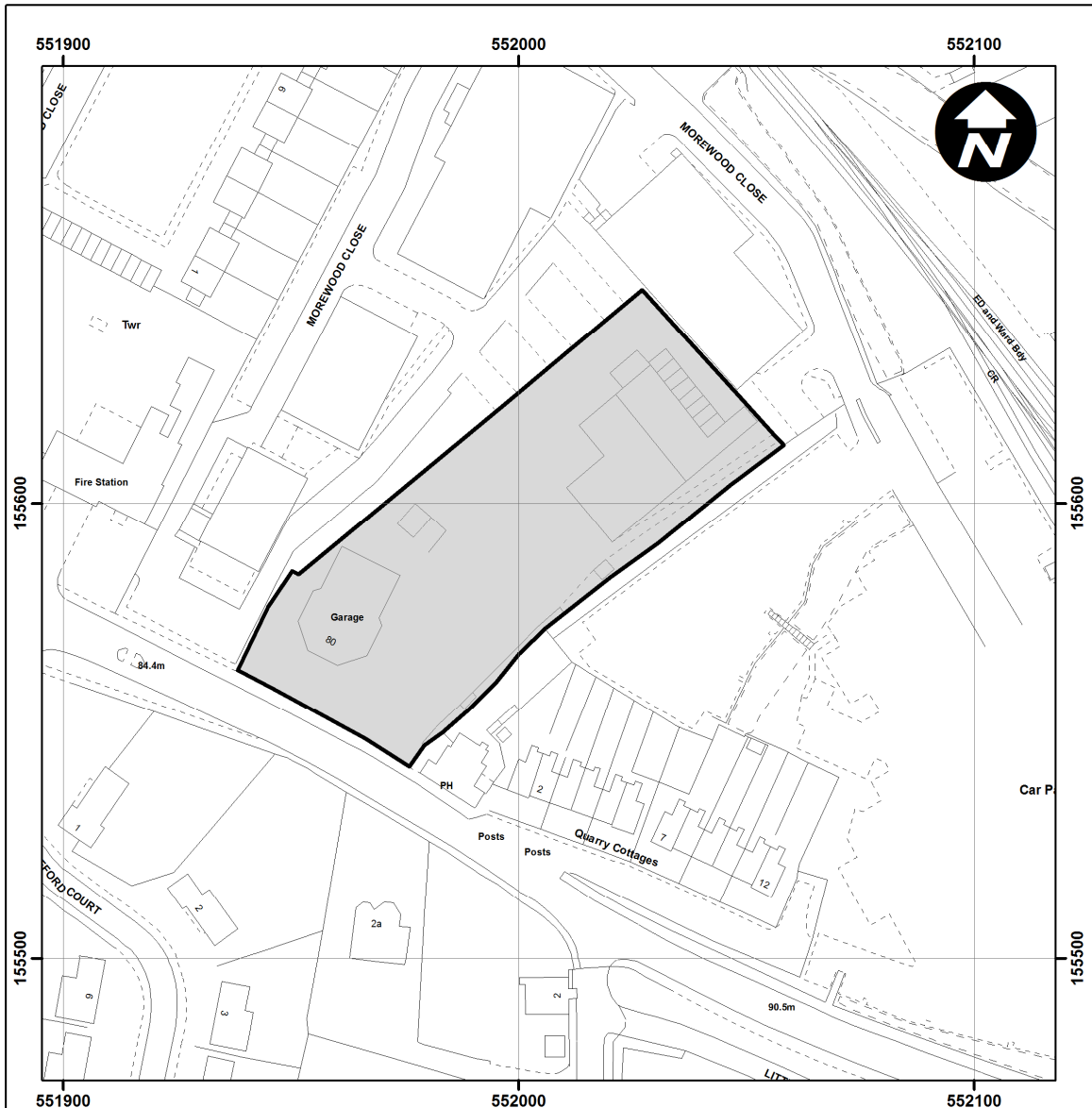
Kristen Paterson
Community and Planning Services Director

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=M45NK2BK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=M45NK2BK8V000>



Site Plan

Scale 1:1,250

Date 03.08.2012



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BLOCK PLAN

