

# PLANNING AND RETAIL STATEMENT

## Proposed Lidl Store at Roman Way, Strood

Prepared on Behalf of Lidl Great Britain Ltd



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A – Extract from Lidl Property Brochure (June 2021).

B – Plan detailing location and catchments for Lidl store requirements in the Medway Towns.

C – Location of sequential sites.

# 1 INTRODUCTION

## Scope and Purpose

- 1.1 This Planning and Retail Statement (PRS) has been prepared by RPS Consulting Services Ltd on behalf of Lidl Great Britain Ltd to accompany a planning application in support of a Class E retail foodstore on land adjacent to Roman Road, Strood. The development proposals involve the construction of a new Lidl store with a gross internal area (GIA) of 2,278sq m with site access being provided from Roman Way.
- 1.2 This PRS focuses on the general planning and retail policy issues associated with the proposed development. It is intended to assist Medway Council in the determination of the application and has been prepared in accordance with the requirements set out in the National Planning Policy Framework (NPPF). It seeks to evaluate the proposal against national and local planning policies and considers the justification and implications of the proposed development, particularly in relation to the retail policy considerations including the sequential approach to site selection.
- 1.3 This report is structured as follows:
- Section 2 describes the application site and its context, summarises the relevant planning history and describes the proposed development including Lidl's business model.
  - Section 3 reviews the relevant policy background, including national and local planning policy.
  - Section 4 evaluates the proposed development's compliance with retail policies, i.e. the sequential and impact tests.
  - Section 5 summarises the findings of other technical reports submitted with the application.
  - Section 6 summarises the key considerations and presents our overall conclusions.

## 2 THE APPLICATION SITE & THE PROPOSED DEVELOPMENT

### Site Description

- 2.1 The application site is bounded by the A228 Cuxton Road to the northwest, the railway line to the southeast and Roman Way to the northeast. Cuxton Road joins the M2 motorway a short distance to the west, while Roman Way crosses the railway line and at the waterfront turns northeast to become Knights Templar Way which serves as access for new housing that has been built as part of the Temple Waterfront development area, and southwest where it becomes Chariot Way and serves the Medway Valley Leisure Park, which stretches down along the waterfront and contains 11 food & drink and leisure units, including a multi-screen cinema.
- 2.2 Opposite the site across Cuxton Road is an area of landscape buffer beyond which is housing, while opposite the site across Roman Way is light industrial development accessed off Norman Close. Adjoining the site to the southeast across the railway line is Diggerland, which is an amusement park where people can drive large diggers and excavators.
- 2.3 The site is one of three former chalk pits that were excavated for the production of cement. Cuxton Pit No.1 comprises the Diggerland site; Pit No. 2 is the application site and Pit No. 3 is the area to the north of Cuxton Road. In the 1980s Pit Nos. 1 & 2 were used as landfill sites for the disposal of household waste – that use ceased by the 1990s and the sites were capped and restored to grassland. Pit No. 3 has been developed for housing.

### Planning History

The site's planning history recorded on the Council's on-line planning register site is sparse with most of the detailed documentation being absent. However it shows the following:

- MC/02/0440 – Application submitted by Diggerland Ltd in March 2002 on Pit Nos. 1 & 2 for a change of use from landfill site (then under restoration) to a construction plant theme park. Approved 28<sup>th</sup> August 2002. Condition 12 restricted the use of Pit No. 2 (the application site) to only corporate events and for not more than 3 occasions in each calendar month, unless otherwise agreed in writing by the LPA. Condition 14 prohibited any vehicular access to Pit No. 2 for the public.
- MC/05/0212 - Retrospective application by Diggerland Ltd in January 2005 for change of use from landfill site (under restoration) to construction theme park. From the documentation that is available on the file it appears that following permission being granted under MC/02/0440 the site was built out without the discharge of all the conditions and not wholly in compliance with the approved plans. This retrospective application therefore sought permission for the development as constructed. However it was refused on 15<sup>th</sup> June 2006 on the grounds of its impact on the character and appearance of the area and because it had not been satisfactorily demonstrated that the development took sufficient account of, and included sufficient measures to deal with, the impact on the gas control and drainage arrangements for the former landfill sites.

### The Proposed Development

- 2.4 The development proposals involve the construction of a new Class E(a) retail foodstore on land adjacent to Roman Way, Strood. The store will have a gross internal area (GIA) of 2,278sq m and a sales area of 1,413sq m with site access being provided off Roman Way. A total of 117 car parking spaces will be provided including 6 disabled spaces, 9 parent & child spaces and 2 electric vehicle charging bays, as well as 10 cycle parking spaces.

### Lidl Business Model

- 2.5 The proposed store will be occupied by Lidl, who together with Aldi are classed as a Limited Assortment Discounter (LAD), a category of retailer distinct from the mainstream operators. Lidl's

strategy is the provision of smaller stores at convenient locations within or close to residential areas, which are capable of serving both the day-to-day top up and main food shopping needs of local residents.

- 2.6 The company's operation is based upon a traditional supermarket with very attractive prices. The range of goods sold is limited and around 80% of all products are Lidl's own brand. This retail operation can be achieved by:
- Bulk purchasing across the UK and Europe;
  - Ensuring that distribution costs are kept to a minimum; and
  - Controlling property and operational costs prudently.
- 2.7 The Lidl format is a well-established shopping experience in Europe with almost 10,000 stores across the continent. The company is seeking to build upon its strong presence in the UK with over 800 stores opened to date.

### Product Range and Pricing Structure

- 2.8 Lidl's offer is based on providing a limited range of high-quality products at very attractive prices. The limited number of lines, which are significantly less than other mainstream retailers, is to ensure the lowest possible operating costs. It includes:
- A quality range of fresh and frozen pre-packaged meat;
  - Own-brand dry groceries & frozen foods;
  - A fresh in-store bakery;
  - Tertiary branded wines and spirits;
  - A quality range of loose and pre-packed fruit and vegetable lines; and
  - A basic range of non-food household items and twice-weekly (non-food) specials occupying about 20% of the sales area, such as a limited range of electrical and gardening products.
- 2.9 Of more relevance is the range of goods and services that Lidl do not sell. Lidl's retail offer is distinct from the large retailers and small convenience stores by not offering the following:
- Butchers counter;
  - Fishmonger;
  - Dispensing pharmacy;
  - Dry-cleaning service;
  - Post office service;
  - Financial products;
  - Photography processing;
  - Café / restaurant; and
  - Cigarettes and tobacco products.
- 2.10 The above product ranges and services are not offered in Lidl stores as they do not fit with the core retail concept. This is one way in which Lidl differs from mainstream retailers. The larger food retailers have all been through a considerable process of diversification over the past decade. Many offer all of the above services as a 'one stop' destination for their customers. Lidl have always operated as a complementary retailer, with a significant proportion of customers also choosing to visit other retailers to fulfil their needs.
- 2.11 Large and small retailers alike continue to trade successfully alongside Lidl stores all over the UK. The format and style that Lidl operate differs significantly from that of other supermarket traders (only Aldi have a similar business model). This is achieved primarily through the heavily discounted pricing structure and the strictly limited range of goods. A Lidl store typically stocks around 1,800



items, although the company's planning consents allow the flexibility for up to 3,500 items so as to accommodate future growth. The range of goods they sell is significantly smaller than that offered by other retailers. From our experience we are aware that the major operators, such as Morrisons, Tesco, Asda and Sainsbury's, can retail over 35,000 lines, while a Lidl store will provide less than 10% of that. Even conventional traditional 'discount' stores in the UK such as the former Kwik Save chain sold around 4,500 lines.

- 2.12 For the above reasons, Lidl stores successfully trade immediately adjacent to larger superstores and smaller convenience stores in numerous locations across the UK, providing a complementary offer that sits alongside existing stores.
- 2.13 Lidl stores receive a twice weekly delivery of special non-food offers such as a limited range of electrical, homewares and gardening products. These products are marketed in the press to attract customers into the store and sold on a strictly limited basis. The products sold on this basis constantly change and therefore do not present potential for sustained impact on existing stores, which may be the case with typical superstore comparison elements which are focused on clothing and CD/DVD sales.
- 2.14 Products are often displayed in their original pallets or boxes to minimise unnecessary costs associated with conventional shelf stacking. This no-frills approach is typical of the commitment to ensure that products are sold with the lowest possible margins.
- 2.15 Independent research by the Competition Commission confirmed that the national deep discounters, Lidl, Aldi and Netto provide a distinct retail offer from the mainstream food retailers (although it must be noted that Netto have ceased operations in the UK and sold their store portfolio to Asda). Prices within the sector are acknowledged to be "well below the prices of the market leaders, and have a considerably smaller range of goods": it is notable that the former Netto stores that Asda converted to their new small supermarket format typically retail 10,000 grocery products, substantially more than the previous deep discount format they replaced. This research (Competition Commission - Report on Supermarkets 2000; and Competition Commission – Market Investigation of the Supply of Groceries in the UK 2008) is now quite dated, however it remains relevant inasmuch as the sales models of both Lidl and Aldi have remained largely unchanged – changes that have been incorporated over time have been to make stores more accessible with, inter alia, larger car parks, improved cycle parking and customer toilets.
- 2.16 Previous Verdict reports have stated that Lidl and Aldi retail products at prices of 30% lower than the large retailers. In January 2021 Lidl were identified as being the cheapest supermarket of 2020, with a trolley of 45 branded and own-label products costing £42.67: that was 34p cheaper than Aldi who were in second place, but £10.63 cheaper than Tesco and £10.94 cheaper than Morrisons.
- 2.17 In terms of public awareness and perception, Lidl stores are very popular, not only with those on a limited income but also increasingly with the higher social groupings. Market research undertaken by Verdict Research shows that the most significant increase in penetration over the period 2005-2012 has been among more affluent shoppers, with those in the AB social grade actually having moved from the lowest to the highest visitor share (Verdict's 'How Britain Shops 2012'). This is a reflection of the economic downturn where the number of people visiting Lidl has risen as consumers seek to minimise food spending due to reduced levels of disposable income. More affluent shoppers have realised that the quality of offer available is superior in many cases to the larger grocery retailers and much cheaper: as a result many now combine a trip to Lidl as part of their regular food shop at the larger main stream stores.
- 2.18 Lidl operate on far lower profit margins than the major food store operators and can therefore pass on the savings to their customers, which instils loyalty and a return to store mind set.
- 2.19 The Lidl business model inevitably has consequences for the design and layout of stores. The size and configuration must be compatible with Lidl's efficient delivery and stock handling and ability to stock the standard product lines in sufficient depth to meet customer needs and minimise costs. This inevitably places restrictions on the ability of the business model to be 'flexible' in terms of the store format. This has implications in terms of the application of the sequential approach – a fact that has been widely accepted by Local Planning Authorities, Planning Inspectors and the Secretary of State in application and appeal decisions across England.

## Opening Hours

- 2.20 The typical opening hours for Lidl stores are 08:00-22:00 Monday to Saturday and Bank Holidays, and either 10:00-16:00 or 11:00-17:00 on Sundays.

## Servicing

- 2.21 Mindful of minimising disturbance to any neighbouring landowners each Lidl store typically has only 1-2 deliveries a day for all its products, including ambient, fresh, frozen and chilled goods. Total unloading time is generally only around 45 minutes.
- 2.22 On the issue of waste, Lidl recycle their packaging material, with their merchandising and display formats being designed to facilitate this. All cardboard is compacted and stored on site for daily collection by the returning HGV, along with all plastic, food waste, wood and all non-recyclable refuse. In 2019 Lidl recycled 110,163 tonnes of their cardboard and paper; 4,492 tonnes of plastic and 16,942 tonnes of their general waste. The volume of recycled material has increased year-on-year and the long-standing ambition is to achieve zero waste to landfill. In terms of food 470 tonnes of surplus produce was redistributed to good causes in 2016 and that is the baseline that the company is working from – they have set a goal of reducing food waste by 40% by 2025 and 50% by 2030, and in 2019 they achieved 26%. This reduction has been partially achieved through the donation of surplus food to over 2,200 local charities – in 2019 1,611 tonnes were given away, contributing to over 6.5 million meals.
- 2.23 Principles of sustainability are engrained in Lidl's operation from the efficient construction and standardised fit-out elements enabling rapid store construction, to energy saving measures including energy efficient building materials, low energy consumption lighting, motion detectors and automatic 'power down' lighting, electricity and heating in the evenings.

## Employment

- 2.24 Staffing levels have yet to be finalised, however based on existing Lidl's elsewhere the proposed store is likely to provide up to 40 job opportunities. Lidl always seek to source labour locally and provide management opportunities for staff, the company's philosophy being to provide all their employees with opportunities for developing and progressing their careers with the company, with the longstanding corporate strategy being to promote from within the business.



## 3 PLANNING POLICY CONTEXT

### Introduction

- 3.1 This section of the report briefly considers the national and local planning policies of relevance to the proposed retail development.
- 3.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this instance the development plan consists of the Medway Local Plan (Saved Policies) which was adopted in 2003. Other material considerations include national policy set out in the National Planning Policy Framework (NPPF) and the emerging Medway Local Plan (2019 to 2037) which once adopted will replace the 2003 Medway Local Plan.

### Development Plan

- 3.3 The Medway Local Plan was adopted in May 2003 and sets out the policies and proposals for the control and regulation of development, across the District. The Local Plan policies referred to in this report were saved by Direction from the Secretary of State on 21st September 2007. Paragraph 213 of the NPPF advises that due weight should be given to policies published prior to the NPPF, according to their degree of consistency with the NPPF (i.e. the closer the policies in the plan to the NPPF, the greater the weight that may be given).
- 3.4 According to the Proposals Map, the site is not allocated for any specific land use but is located within an area of Local Landscape Importance where Policy BNE34 says that development will only be permitted if it does not materially harm the landscape character and function of the area (criterion (i) refers); or the economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape (criterion (ii) refers). The policy goes on to state that development within an Area of Local Landscape importance should be sited, designed and landscaped to minimise harm to the area's landscape character and function.
- 3.5 The Proposals Map also identifies that small parts of the site fall within areas that were safeguarded for widening of the M2 (Policy T19) and the Channel Tunnel Rail Link (Policy T8). Neither transport scheme remains extant.
- 3.6 In terms of proposals for retail development Policy R13 requires retail development outside the main retail centres (as defined within the Local Plan) to demonstrate compliance with the sequential test. Policy R13 also requires the consideration of impact but as the policy precedes the NPPF and there is no locally defined threshold, the NPPF default threshold of 2,500 sqm gross applies (NPPF paragraph 89). This is considered in more detail later in this report.
- 3.7 Other policies of relevance to the development proposals include:
- Policy S1 sets out the overarching Development Strategy for the District which seeks to 'prioritise re-investment in the urban fabric', to include 'the redevelopment and recycling of under-used and derelict land within the urban area, with a focus on the Medway riverside areas' and the District's town centres including Strood.
  - Policy S2 supplements Policy S1 and sets out Strategic Principles for development including, *inter alia*: maintaining and improving environmental quality and design standards (criterion i refers); a sustainable approach to the location and mix of new development, to provide local communities with a range of facilities, (including transport measures to serve development and sensitivity in the use of energy and natural resources) (criterion ii refers); and the adoption of a sequential approach to the location of major people and traffic attracting forms of development, including retailing, leisure, educational and health facilities (criterion iii refers).
  - Policy S4 seeks for new development to deliver a high-quality built environment with landscape mitigation where appropriate. Development should also respond appropriately to its context.
  - Policy BNE1 sets out General Principles for Built Development which requires the design of development to be 'satisfactory in terms of use, scale, mass, proportion, details,

materials, layout and siting'; and to respect the 'sale, appearance and location of buildings, spaces and the visual amenity of the surrounding area'.

- Policy BNE6 requires major developments to include a landscaping scheme to enhance the character of the locality.
- Policy BNE7 requires developments to be designed so that access to buildings and circulation areas meets the needs of people with disabilities, the elderly and people with young children.
- Policy BNE22: will support development leading to the protection and improvement of the appearance and environment of existing and proposed areas of development, transport corridors, open spaces and areas adjacent to the River Medway.
- Policy BNE24 requires development likely to result in airborne emissions to provide a full and detailed assessment of the likely impact of these emissions.
- Policy BNE43: seeks to ensure that trees, woodlands, hedgerows and other landscape features are retained within the development where they provide a valuable contribution to landscape character.
- Policy T1: outlines that in assessing the highways impact of a development, proposals will: need to ensure that (i) the highways network has adequate capacity to cater for the traffic that will be generated by the development, (ii) the development will not significantly add to the risk of road traffic accidents; (iii) the development will not generate significant HGV movements of residential roads, and (iv) the development will not result in traffic movements at unsociable hours in residential roads resulting in a loss of residential amenity.
- Policies T4 and T13 further requires development proposals to make provision for adequate secure cycle parking and car parking in accordance with the adopted standards to include on-site provision for people with disabilities (also required under Policy T22).

## Other Material Considerations

### Emerging Medway Local Plan (2019-2037)

- 3.8 Medway Council is currently in the process of preparing a new Local Plan which will replace the adopted Local Plan. The Council consulted upon the Development Strategy during the period March – June 2018. That set out the ambitions for the plan, options for growth and draft policies for managing development. Significant delays have been caused by the Covid 19 pandemic but the timetable set out in the Council's current Local Development Scheme (August 2020) anticipated that the publication of the draft Local Plan, prior to submission to the Secretary of State for examination, would be during the Spring of 2021, with the Plan then being submitted for Examination in December 2021 and adopted circa December 2022. However that timetable appears to have slipped as to date the draft Plan has still not been published.
- 3.9 At this stage of preparation only limited weight may be attributed to the emerging Local Plan in accordance with NPPF paragraph 48.

### Medway Strategic Land Availability Assessment 2019

- 3.10 The Strategic Land Availability Assessment (SLAA) assesses potential development sites in order to ascertain whether they are suitable for development, available and financially viable. This then provides part of the evidence base for identifying land for allocation in the development plan. The latest SLAA was published in 2019 and identifies 228 sites, one of which (Site 705) is the application site (Pit No. 2, Roman Way), which it concludes is suitable, achievable and available with no significant constraints; the site is suggested for B2/B8 employment uses of circa 7,300sq m.
- 3.11 The site scores 'green' against all three criteria, which means that in respect of its suitability it is considered acceptable in respect of, *inter alia*, its accessibility; landscape and environment (being previously developed land with low sensitivity and little ecological value); heritage; flood risk and air quality.

- 3.12 While the SLAA does not form part of the development plan and allocate the site for development, it nevertheless suggests that it is land that could be brought forward without any significant conflict with planning policy. The site is previously developed land and paragraph 118 of the NPPF is clear that planning policies and decisions should “*give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land*”. As brownfield land that has been judged suitable, available and achievable for development there should therefore be a presumption in favour of development of the application site. However the site’s previous use for landfill does mean that a high value end use is required, which can accommodate higher than usual remediation costs. The proposed LAD store is such a use and will bring the site into productive use and also help unlock the rest of Pit No. 2 on the adjoining land.

### National Planning Policy Framework

- 3.13 A revised edition of the National Planning Policy Framework (NPPF) was published in February 2019. The Framework must be taken into account in the preparation of local and neighbourhood plans and is also a material consideration in planning decisions.
- 3.14 Two of the objectives of the NPPF were to simplify national planning policy and support and encourage sustainable economic development. Paragraph 11 makes clear that “Plans and decisions should apply a presumption in favour of sustainable development”. It is also made explicit that in making decisions on planning applications this means:
- “approving development proposals that accord with the development plan without delay; and
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
    - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”.
- 3.15 Paragraph 80 says that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt, and that significant weight should be placed on the need to support economic growth and productivity. Paragraph 81 goes on to say that planning policies should, inter alia, be flexible enough to accommodate needs not anticipated in the plan, to enable a rapid response to changes in economic circumstances. Paragraph 82 says that planning policies and decisions should recognise and address the specific locational requirements of different sectors.
- 3.16 In relation to town centres and retailing, Section 7 of the Framework reiterates previous guidance that LPAs should support the role that town centres play at the heart of communities, by taking a positive approach to their growth, management and adaptation, and promote their long-term vitality and viability. Paragraph 86 requires a sequential approach to selecting sites for main town centre uses (which include retail development, hotels, restaurants and bars) where they are not in an existing centre or in accordance with an up-to-date Local Plan. The first preference is for sites within town centres, followed by edge-of-centre locations and only then out-of-centre sites. Sites must be suitable and available, and both developers and local planning authorities should demonstrate flexibility on issues such as format and scale.
- 3.17 Paragraph 89 states that for retail development outside a town centre and not in accordance with an up-to-date Local Plan, an impact assessment will be required if the development is over a proportionate locally set floorspace threshold: in the absence of a locally set threshold the default is 2500sq m. Any such assessment should consider:
- The impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres within the catchment area of the proposal; and
  - The impact on town centre vitality and viability, including local consumer choice and trade in the centre and wider area.

- 3.18 The NPPF is clear in saying that an assessment of impact may be made up to five years ahead of when the application is submitted. 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 date of the application.
- 3.19 Paragraph 90 of the Framework says that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the vitality and viability of defined centres, or planned investment in any centre, it should be refused.
- 3.20 Section 9 seeks to promote sustainable transport and says, inter alia, that developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 3.21 Paragraph 153 in Section 14 says that new development should be expected to comply with local requirements for decentralised energy supply, unless that can be demonstrated to be not feasible or viable, and take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 3.22 Section 15 of the Framework relates to conserving and enhancing the natural environment outlines that planning decisions should protect and enhance valued landscapes, sites of biodiversity or geological value and soils, in a manner commensurate with their status or identified quality in the development plan (paragraph 170 a refers).

### Extant Planning Permission

- 3.23 The application site is not an undeveloped greenfield site, but rather brownfield land formerly used for landfill, which has been restored to its current condition. Together with the land to the south (the former Cuxton Pit No. 1) it forms part of the Diggerland theme park that was granted planning permission in August 2002 under application MC/02/0440 - Condition 12 on this permission allows Pit No. 2 (the application site) to be used for corporate events up to 3 times per month. It is therefore not an area of undeveloped green space whose openness and tranquillity should be protected. Government policy is to maximise the use of such brownfield land, and the current application clearly fulfil that objective, providing a more intensive use of the site that will generate up to 40 new jobs. It therefore constitutes sustainable economic development for which the NPPF says there should be a presumption in favour of granting permission.

## 4 EVALUATION OF COMPLIANCE WITH RETAIL POLICIES

### Introduction

- 4.1 Section 7 of the National Planning Policy Framework (NPPF) relates to retail development and the vitality of town centres, and requires the following assessments for developments proposed outside defined retail centres and not in accordance with an up to date development plan:
- Sequential test.
  - Retail impact, comprising:
    - Impact on existing, committed and planned public and private investment in centres within the catchment area.
    - Impact on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area.
- 4.2 Paragraph 90 of the NPPF is clear that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact [our emphasis], it should be refused.

### The Sequential Approach to Site Selection

- 4.3 Both national and local planning policies on retail development mandate a sequential approach to site selection, whereby the first preference should be locations within town centres, followed by sites on the edge of a centre and only then out-of-centre sites at accessible locations. The application site is out-of-centre.
- 4.4 In assessing potential sites there is a requirement for them to be both suitable and available, and for both developers and planning authorities to demonstrate flexibility on issues such as scale and format. The purpose of searching for alternative sites is to ensure that the identified need (which can be both quantitative or qualitative) is met in the most appropriate location, and a number of High Court judgements over the years have established that suitability of potential sites needs to be judged having regard to the nature of the need (see R v Cambridge City Council ex parte Warner Village Cinemas Ltd (2000) and JJ Gallagher Ltd v SSL, DTR and Gateshead MBC (2002).
- 4.5 Similarly, in considering whether a site is 'suitable' under the sequential approach, it has been established in case law that the requirement is for sites capable of accommodating the broad type of development that is being proposed by the applicant. This was made clear in the High Court judgment of Aldergate Properties Ltd v Mansfield District Council (2016) and the judgement of the Supreme Court in Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland) [2012] UKSC where at paragraph 37 of the judgment Lord Hope stated:
- "It is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre".*
- 4.6 While policy requires developers/retailers to be flexible when assessing alternative sites under the sequential approach, there is no longer a requirement to consider the disaggregation of floorspace where the development would be split onto separate sites: this has been confirmed in a number of appeal/call-in decisions, including Rushden Lakes in Northamptonshire (PINS ref. APP/G2815/V/12/2190175 and Cribbs Causeway in South Gloucestershire (APP/P0119/V/17/3170627), as well as the judgement of the Court of Appeal in Warners Retail (Moreton) Ltd v Cotswold District Council (2016). Neither the National Planning Policy Framework or National Planning Practice Guidance give any detailed guidance as to what degree of flexibility is required, or what forms it might take, although it is generally held to include multi-level stores, shared or multi-level parking and innovative servicing arrangements.
- 4.7 In terms of the site parameters that are essential to enable the Lidl business model to trade viably, these include:
- A minimum site size of at least 0.7-0.8 ha.
  - A minimum size of store for trading operations to be viable, with the sales floor open and unencumbered by support columns. Each store requires sufficient space to sell a standard



range of goods and number of lines, but there is some limited scope for flexibility in the net sales area (principally the width of the aisles), in the rear warehouse and the amount of customer parking. However, any significant deviation from the standard store requirement has the potential to undermine the viability of the business model. The increasing popularity of Lidl stores over the last 10 years has led to the company increasing its optimum store size, in order to cope with a larger throughput of customers. The current format is now circa 2,200sq m gross with circa 120 parking spaces- the range of goods sold in the larger stores is largely the same as in the earlier/smaller formats, but the additional floorspace allows wider aisles and lower level display shelves, to improve the shopping experience and enable more efficient restocking.

- Provision of dedicated parking and adequate service access.
- The store must be visible from the main road network.

- 4.8 Like all successful retailers Lidl's trading format has evolved over time, with stores now providing more spacious circulation space and the provision of an improved offer, including an area for the sale of a limited range of fresh bakery goods which were not sold in Lidl's smaller first generation stores.
- 4.9 Limited Assortment Discount stores such as those operated by Lidl are intended to function as neighbourhood foodstores serving relatively small local catchment areas – these typically extend to around 5 minutes drivetime. Lidl have identified requirements for a number of new stores to serve the Medway towns, including in Rochester and, west of the Medway, two stores in Strood – Strood East and Strood West, with the application site serving the latter. Strood District Centre lies roughly between the two catchments of Strood East and Strood West but we have included it within our sequential search area. An extract of Lidl's new Property Brochure (June 2021) detailing their identified requirements in, *inter alia*, the Medway Towns is attached at **Appendix A**, and the approximate catchments of the stores are shown on the plan at **Appendix B**.
- 4.10 A plan showing the location of the various sites assessed under the sequential test (and detailed below) is included as **Appendix C**.

### Sequential Search

#### Strood District Centre Core Retail Area

- 4.11 The boundary of Strood's core shopping area (CSA) is centred along the High Street (A228). It is a large busy shopping centre and contains a number of national grocery retailers including Asda, Aldi and Iceland as well as a number of other national retailers (Boots, Wilko, Sports Direct, McDonalds, Specsavers), banks, takeaways (Dominos, Greggs) as well as a number of independent retailers. A post office and library are also located in the centre. The centre is served by a number of surface level public car parks.
- 4.12 We have not been able to identify any suitable and available sites that could accommodate a LAD store within the CSA.

#### Edge of Core Shopping Centre

##### Site 1 - Strood Retail Park

- 4.13 Policy R4 of the Local Plan allocated land to the south of the CSA for retail uses, specifically: i) the replacement of the retail warehouses at Strood Retail Park with a new foodstore of up to 6,000sq m gross floorspace; and ii) replacement retail warehousing south of the existing retail park. In fact the development that has come forward in this area has comprised a refurbishment of the existing retail park (home to a number of commercial chain retailers including Poundland, Matalan, KFC, M&S, Next, B&M, Starbucks, Argos, Poundworld and The Gym) and the development of the new foodstore (occupied by Morrison) on the land to the south. The only vacant unit of any appreciable size is a former Carpetright unit, but we understand that has been relet to Hobbycraft – advertisement consent for their new signage on the unit was granted on 20<sup>th</sup> May.

### Site 2 - Former Civic Centre

- 4.14 In 2018 a development brief was adopted for Strood Waterfront, which covers eight development sites on or close to the waterfront both north and south of the A2 Rochester Bridge. Site No. 1 comprises the former Civic Centre and is a cleared brownfield site of circa 3ha that is located to the southeast of the Core Shopping Area and immediately east (across the railway line) from the Strood Retail Park. It is currently given over to car parking but is identified in the development brief for a residential led mixed-use development. Other than residential and public open space, other potential complementary uses identified in the Brief are commercial, commercial leisure and retail uses as a continuation of the existing ground floor retail parade along the west side of the High Street. Any such uses should drive community access to the waterfront and support or increase vitality and make the best use of the waterfront, including the views. It is therefore apparent that developing the site for a large foodstore would not accord with the Council's masterplan for this area and the wider waterfront, with the illustrative masterplan proposing 52 houses and 512 apartments, as well as 1.4ha of open space. We therefore do not believe that this site can be considered suitable for a LAD foodstore.

### Site 3 - Tesco Site, Charles Street

- 4.15 A Strood Town Centre Masterplan was adopted as supplementary planning guidance in December 2009 and included, *inter alia*, strengthening the role of the centre by improving the retail circuit, through better connections between the key anchor stores and the High Street, and utilising the redevelopment of the Tesco store to secure an improved retail frontage to the High Street/Commercial Road area. The intention is to see a reconfiguration and expansion of the existing store, with parking beneath the store level, with potential for residential development to the rear as part of a comprehensive approach. There is no indication that such a scheme has or will be worked up, but if the aspirations set out in the masterplan were to come forward it would have to involve Tesco as the operator which means the site cannot be considered to be available to Lidl. This site would only have potential if it were Tesco's intention to close their store and dispose of the site and there is no indication that they have any intention of doing that. The site therefore cannot be considered to be available for a LAD store under the sequential test.

### Site 4 - Strood Service Station and Adjoining Uses, Corner of Cuxton Road and London Road

- 4.16 Also identified as a development opportunity in the 2009 masterplan is a corner site at the junction of Cuxton Road and London Road. This extends to circa 0.7ha and is occupied by a petrol filling station, used car dealership and several other automotive businesses including a Halfords Autocentre. The masterplan proposed its redevelopment for residential use above commercial ground floor space, to provide 60 dwellings and up to 1,000sq m of retail/leisure uses. That quantum of retail floorspace is insufficient to accommodate the proposed Lidl, but in any event the site is occupied by a number of businesses and there is nothing to suggest that it is available for development. We therefore conclude that it is neither suitable nor available to accommodate the proposed LAD store.

### Out of Centre Sites

#### Site 5 - Temple Waterfront

- 4.17 Also included in the 2009 masterplan for the town centre is the Temple Waterfront site which lies roughly between Roman Way and Knight Road. This area stretches south from the town centre, along the waterfront and up to Roman Way, which forms the main access into the development area: the site is bounded to the southwest by Roman Way; the northwestern boundary is the Medway railway line and the eastern and southern boundaries comprise the River Medway. The masterplan identifies the area as being 27.2ha in area and having capacity for 620 dwellings, 10,300sq m of employment space, 1,800sq m of retail/leisure and 200sq m of 'other' uses.
- 4.18 A site-specific development brief for Temple Waterfront was adopted as a supplementary planning document in October 2006. The area is split into three distinct parts: i) the former Martin Earle's cement works at the southern end; ii) the Temple Marsh area of open space on the eastern side



fronting the river; and iii) the Morgan Timber site and areas of other industrial/storage uses at the north-western end. Housing development is already well advanced in the southern end of the site, accessed via Roman Way past the application site.

- 4.19 The development brief is seeking to deliver around 600 dwellings and a net increase of 15,000sq m of employment space, together with community uses which should include a local centre as a focus for the development. It says that this centre should include a small convenience store of around 500sq m and be capable of accommodating other local retail outlets and other supporting facilities, which could include health or education related facilities; a nursery; specialist residential accommodation; a pub/restaurant and a hotel.
- 4.20 In respect of this proposed local centre, the size of convenience store is much smaller than the proposed Lidl, with the former being intended to be a top-up shopping facility while the latter will serve a larger main-food shopping function. Since the two facilities will serve separate functions we do not anticipate that the development of the Lidl will prejudice the provision of a convenience store within Temple Waterfront.
- 4.21 Outline planning permission was granted under MC/09/0417 for mixed uses including up to 1,800sq m of retail floorspace (use classes A1-A5). Reserve matters for Phase 1A including 210 dwellings and 120sq m of retail/commercial space was approved in June 2017 under MC/16/0600 and is under construction. The main local centre is intended to be provided within Phase 2 but as yet no reserve matters submission has been made for that phase.
- 4.22 The masterplan and outline consent propose 1,800sq m of retail space of which 500sq m was proposed for convenience retail, leaving 1,300sq m for other non-food retail and/or food & drink or leisure uses. In contrast the proposed Lidl is 2,278sq m gross. The planned 1,800sq m of retail is therefore not large enough to accommodate the proposed LAD store, and the quantum that is planned for convenience retail (500sq m) is also far below what is required for a LAD store, who typically have 80% of their sales space given over to convenience goods (which with the current application means 1,130sq m). Increasing the quantum of retail floorspace cannot be accomplished through a reserve matters submission or a s73 application to amend the outline permission, as the description of development on the outline permission limits it to no more than 1,800sq m of retail space. The current approved scheme that is being brought forward at Temple Waterfront therefore cannot accommodate a LAD foodstore, with the intention being a mix of smaller retail/service units with only a small convenience store. The allocation/site is therefore neither suitable nor available as an alternative to the application site.

### Local/Neighbourhood Centres

- 4.23 Within the hierarchy of centres defined in the local plan are 74 third tier local, village and neighbourhood centres, which are small groups of shops of a purely local nature, catering for mainly day to day convenience needs and lower order durable goods. Within the catchment area of the proposed store (west Strood) these comprise:
- Bush Road, Cuxton Village Centre.
  - Wells Road Local Centre.
  - Laburnum Road Neighbourhood Centre.
  - Bligh Way Local Centre.
  - Carnation Road Neighbourhood Centre.
  - Darnley Road/Cedar Road Local Centre.
- 4.24 Many of these centres comprise only small numbers of outlets, often converted residential terraced housing, insufficient in area to accommodate a LAD store and the required customer parking. The only two of any significant size are: i) Wells Road (Site 6), which comprises two purpose built blocks of retail units with two floors of flats above, providing nine outlets in total; the centre is somewhat run-down and in need of refurbishment and there are several vacant units, but for the most part it is still in active use; and ii) Bligh Way (Site 7), which is a block of nine retail units with residential above that includes McColls and Premier convenience stores; again it is run down but still trading well and the site is too small to accommodate a LAD store.

- 4.25 The proposed Lidl is capable of functioning as a local centre serving day to day shopping needs, but its size means it will also serve as a wider main food shopping destination for a wider catchment and accordingly would be out of scale in any of the above centres. Notwithstanding that, only Wells Road would appear large enough to accommodate a LAD store and that centre is in multiple occupation and there is no indication that it is available for redevelopment. Moreover, while the site is surrounded by residential properties it is not located on a main road and so would not be well located to serve the wider catchment and therefore fails one of the key parameters in the LAD business model.

### Conclusions on the Sequential Test

- 4.26 Our search has not identified any suitable and available alternative development sites that could meet the criteria to accommodate a LAD foodstore. In the absence of any alternative site within or adjoining a defined centre, the proposed development site must be considered to be acceptable under the sequential approach to site selection.

### Retail Impact

- 4.27 Paragraph 89 of the NPPF states that for retail development outside town centres that is not in accordance with an up-to-date local plan, LPA's should require impact assessments if the development is over a proportionate locally set threshold; if there is no local threshold the default is 2,500sq m gross floorspace. There is no specific local threshold contained in Medway's development plan which means the NPPF default figure applies, and as the gross floor area of the proposed store is only 2,278sq m that means that there is no requirement to undertake an assessment of the store's impact on existing centres. This was accepted and agreed by the LPA in respect of Lidl's planning application at Medway Road in Gillingham.
- 4.28 Policy R13 of the Medway Local Plan 2003 does say that out-of-centre development will be assessed on, inter alia, "*whether the scale and type of retailing by itself, or cumulatively with other proposals, would have a detrimental impact on the vitality and viability of the Core Areas, Local Centres, Villages or Neighbourhood Centres*". However that policy was adopted in May 2003 and so does not conform to the current guidance in the NPPF – it sets no local threshold but instead requires a blanket assessment of all out-of-centre retail development, which is at odds with paragraph 89 of the Framework. National Planning Practice Guidance (which supports the NPPF) is clear that "*The impact test only applies to proposals exceeding 2500sq m gross floorspace unless a different locally appropriate threshold is set by the LPA*". The officer's report to committee on the Lidl's Gillingham application (ref. MC/19/1875 and duplicates MC/20/1431 and MC/20/3077) noted that "*Whilst the site is not within a core retail area, nor within any other area allocated for retail use, having regard to the provisions of Policy R13 of the Local Plan, and Paragraphs 80 and 86 of the NPPF, it is concluded that there is no suitable site within core retail areas of Gillingham or Chatham that would be suitable for the development proposed, and accordingly no objection is raised to the principle of the proposed development*" and that "*In terms of the retail impact, the proposal falls below the 2,500 sq. m. threshold for a retail impact assessment, specified in Paragraph 89 of the NPPF*".
- 4.29 Setting the default threshold at 2,500sq m gross suggests that the Secretary of State does not believe that stores smaller than 2,500sq m are likely to have a significant adverse impact, otherwise it would have been illogical for him to have said that scale of development should not require an impact assessment.
- 4.30 The interpretation of NPPF paragraph 90 is also important as it appears to suggest that where a decision maker believes there may be a significant adverse impact there is then a presumption in favour of refusing planning permission. However, that is not correct. The interpretation of paragraph 90 was an issue considered by the High Court in the recent judgement of Asda v Leeds City Council (20th December 2019), which involved a proposed retail development adjoining an Asda and on the edge of a town centre, where an impact assessment had indicated a significant impact but the planning committee had granted permission contrary to officer advice. Asda challenged the decision and argued that NPPF paragraph 90 provides a presumption against granting permission, and essentially mandates refusal. The Court disagreed saying that the NPPF has to be read as a whole and that while the term 'presumption' is used in paragraphs 11-14 in relation to sustainable development, and a structure set out by which it is to be applied, the word is not used in paragraph

90, which contains no suggestion that a 'tilted balance' should be applied. The judge questioned whether the Secretary of State can lawfully mandate a decision maker to accord a particular factor particular weight, but in any event said it was clear that he had not tried to do so in NPPF paragraph 90.

- 4.31 It is therefore clear that there is no mandatory requirement set in the NPPF for the Lidl application to be refused on impact grounds. The likelihood of a significant adverse impact on existing centres is a material consideration but must be weighed in the planning balance against: i) the benefits of bringing a brownfield site in to economic use; ii) improving choice and competition for local food shoppers; iii) creating up to 40 new jobs for local people; iv) the Secretary of State's guidance suggesting that developments of less than 2,500sq m gross are unlikely to result in significant impact; and v) the proposed Lidl being 222sq m below the impact threshold.

## 5 OTHER PLANNING CONSIDERATIONS

### Introduction

- 5.1 This planning application is supported by a number of technical reports, the findings of which are summarised below:

### Transport

- 5.2 A Transport Assessment has been prepared in support of the development proposal and outlines that access to the new store will be provided via the existing access off Roman Way, which will be upgraded to current highway design standards. A separate new egress will be constructed 25m to the west of the access point, with vehicles leaving the site restricted to a left turn only. A new carriageway will extend from the access and off this will be a direct access into the store car park. Pedestrian footways into the site will be provided from Roman Way, along both the egress and access carriageways.
- 5.3 The access and site layout has been designed to allow a 16.5m articulated HGV to be able to enter and exit the site, to make deliveries, in a forward gear.
- 5.4 A review of highway collision data has identified that there has been only nine accidents in the vicinity, which were all classed as slight in severity. It has therefore been concluded that it is unlikely that there are any substantial deficiencies in the current highway arrangements, and that no further review of highway collisions is required.
- 5.5 A trip generation exercise has been undertaken to confirm the scale of traffic forecast to be generated by the store. A junction capacity assessment has been completed for a forecast year of 2025 with the site access and the Roman Way/Cuxton Road roundabout having been assessed. The results of the capacity assessments undertaken demonstrate that the site access will operate with large amounts of spare capacity in 2025. The Roman Way/Cuxton Road junction operates within capacity at both the 2020 base year and 2025 future baseline, although with a slight increase in queues compared to 2020. The junction will remain within capacity with the additional Lidl traffic, with only a slight increase in delay of circa 7 seconds and 3 additional vehicles queuing. Overall the impact of the proposed development will be negligible.
- 5.6 It is concluded that the development is acceptable from a traffic and transport perspective.

### Ecology

- 5.7 A Phase 1 Habitat Survey and ecological scoping study, including a preliminary protected species assessment, has been undertaken to assess the potential of the site to support species of conservation concern, or other species which could present a constraint to the development of the site.
- 5.8 There are five statutory sites within 2km of the application site (the closest being the Medway Estuary) and six non-statutory sites (the closest being Cuxton Pit No. 3 which is a Local Wildlife Site).
- 5.9 The surveys confirm that the site comprises scattered scrub, tall ruderal vegetation, bare ground and ephemeral/short perennial vegetation, and that it is generally considered to be of low to moderate ecological value. The plant species and habitats that are present are common and widespread. A species poor hedgerow with trees borders the north west boundary of the site. In the past the site was classified as open mosaic habitat, but its use as a landfill will have significantly impacted on its ecology. However further botanical surveys are being undertaken in order to better map the site's botanic value.
- 5.10 The site has been identified as having suitable habitat to support breeding birds, hedgehogs and limited suitable habitat for reptiles. As such, recommendations have been provided to protect nesting birds, reptiles and hedgehogs during construction and after development. Further reptile surveys have been recommended.

- 5.11 None of the trees on site show any presence of roosting bats, but the hedgerow bordering the north west side of the site provides suitable habitat for commuting/foraging bats and some connectivity to the wider landscape, so it is recommended that the external lighting design seek to minimise light spill in that area.
- 5.12 Scattered scrub provides suitable foraging areas for badgers but no evidence of any has been found on the site.
- 5.13 Subject to good practice guidelines being adhered to during construction no impacts on designated sites would occur from the building works.
- 5.14 The proposed landscape scheme has the potential to enhance the biodiversity of the site. This may include:
- provision of native species within the soft landscaping, to enhance the habitat for birds, bats and invertebrates;
  - provision of bee bricks to enhance habitat for solitary bee species;
  - provision of hibernaculas for herpetofauna and/or hedgehogs; and
  - night scented flowering plants to encourage foraging bats.

### Flooding and Drainage

- 5.15 A site-specific flood risk assessment has been undertaken, together with a surface water drainage assessment to consider options for the incorporation of sustainable drainage systems.
- 5.16 The site is located within Flood Zone 1 for river and tidal flooding, which means it has a very low probability of flooding, and mapping also shows it is at very low risk of surface water flooding. There are no records of past flooding on the site.
- 5.17 No surface water or combined sewers currently serve the site but surface water is currently drained via a number of soakaways and it is proposed that this infiltration drainage will continue to be utilised for the development.
- 5.18 The underlying geology includes capped landfill and a conservative approach has been adopted in calculating the required attenuation storage – the site has been considered to be 100% impermeable with a site area of 0.997ha. The proposed attenuation is designed to attenuate runoff generated by a rainfall event of up to the 1 in 100 year plus 40% climate change allowance.
- 5.19 In considering the hierarchy of sustainable drainage systems, infiltration is the preferred option, and modular underground attenuation tanks totalling 700sq m will provide 532m<sup>3</sup> of attenuation sufficient to attenuate up to a 1 in 100 year rainfall event plus 40% climate change.
- 5.20 In respect of foul drainage it is proposed that this will be discharged to the public foul sewer located beneath Cuxton Road some 270m north east of the application site.

### Noise

- 5.21 An assessment has been carried out of the operational noise levels that will be associated with the proposed Lidl store. The nearest noise sensitive receptors are considered to be residential properties along Oswald Drive, approximately 70m to the northwest of the site. Existing baseline noise levels were established through monitoring surveys carried out between 26<sup>th</sup> March and 30<sup>th</sup> March 2021. The assessment methodology was agreed with the Council's Environmental Protection Officer.
- 5.22 Site activities/noise sources will include customer traffic within the car park; noise from deliveries and the store plant.
- 5.23 The noise assessment has shown that the predicted specific sound levels generated by the development will not exceed the existing residual sound levels – operational noise during the day at the nearest sensitive receptors will be 5-8dB below the background level, which is indicative of a negligible adverse impact; during the night time period the levels are 31dB below background levels, again indicating a negligible impact.

5.24 The change in ambient noise levels that will result from the development are effectively zero.

### **Arboricultural Impact**

5.25 A survey of trees on the application site has been carried out, and an arboricultural impact assessment prepared.

5.26 Trees on site appear to generally be in good structural and physiological condition: the survey details 43 individual trees, 3 tree groups and 1 hedgerow. The majority are located across the east and western boundaries and while there is some variation in species field maple, oak and cherry are abundant. None of the trees are protected by Tree Preservation Orders.

5.27 The proposed development will require the removal of 9 trees and the partial removal of one of the tree groups, as well as some crown reduction along the line of the access road. The majority of development will take place outside of the root protection areas of retained trees, and where necessary protective tree fencing will be erected and in several areas excavations will be completed by hand.

5.28 Overall, the proposed development seeks to maintain the majority of trees and where there is limited impact it is not considered likely to have a significant adverse effect on tree health or suitability for tree retention.

### **Contaminated Land**

5.29 A preliminary ground investigation and risk assessment has been undertaken. As noted earlier the site was excavated as a chalk pit, which was later used as a landfill site between 1977 and 1982 taking mainly inert waste, with some slow degradable matter, putrescible and difficult waste and non-specialist liquid waste. Approximately 600,000 tonnes were deposited and the landfill was not lined or engineered in any way.

5.30 With the exception of potentially elevated concentrations of petroleum hydrocarbons the intrusive site investigation has not identified any significant soil contamination with regard to the proposed end use of the site. Further investigation is required to assess the potential risk from petroleum hydrocarbons, as well as further sampling and analysis for both the reuse of soils on site (re the capping/inert landfill material) and any off-site disposal of material. This can be included as a condition on the planning permission.

5.31 Land gas, leachate and groundwater monitoring is already undertaken on a quarterly basis which is reported to the LPA's environmental health department. Discussions with them indicate that neither they nor the Environment Agency have any specific concerns regarding groundwater beneath the site. A land gas extraction system is already in place across the site. A high level of land gas protection will be required as part of the development.

5.32 Subject to a suitable remediation strategy the former landfill use does not present a barrier to the proposed development.



## 6 SUMMARY AND CONCLUSIONS

6.1 This Planning and Retail Statement has been prepared by RPS Consulting Services Ltd on behalf of Lidl Great Britain Ltd, to accompany a planning application seeking permission for a Class E discount foodstore of 2,278sq m gross area with 117 car parking spaces, on land fronting Cuxton Road and Roman Way in Strood.

6.2 With regard to the prevailing planning policy context the pertinent facts are as follows:

- The application site is brownfield land that was formerly used for landfill, and for many years it has not been put to economic use. The proposed development will bring it into use, generating up to 40 new jobs.
- The development will improve the appearance of the site on the gateway down into the Temple Waterfront development area, and on one of the main routes (the A228) in to Strood.
- The proposed store will provide a quantitative and qualitative improvement in grocery shopping in west Strood and will be well placed to serve both existing residential areas and the new housing being developed at Temple Waterfront.
- There are no sequentially preferable sites suitable and available to accommodate a LAD store within or adjoining any existing centres.
- The soft landscaping and ecological mitigation measures that will be incorporated will provide a net gain in biodiversity
- The NPPF seeks to encourage sustainable development and provide new employment opportunities. The application proposal will meet these policy objectives, providing up to 40 new jobs within the store as well as further opportunities during the construction phase.

6.3 Having regard to the above conclusions, it can be seen that the proposed development would conform to both national and local planning policies. Paragraph 90 of the NPPF states that where an application fails to satisfy the sequential test or is likely to have a significant adverse impact, it should be refused. That suggests that where it has been demonstrated that there are no sequentially preferable sites available and that there will be no significant adverse impact, then planning permission should be granted. That would conform to the NPPF's fundamental presumption in favour of sustainable development (at paragraph 10). Since the development satisfies the sequential test; it will provide increased choice and competition in food shopping in Strood; it will create up to 40 new jobs; and as it is not expected to result in any significant adverse impact on any defined centre, it is clear that the benefits of the scheme clearly outweigh any adverse impact. Consequently, in accordance with the NPPF planning permission should be granted.





**APPENDICES**

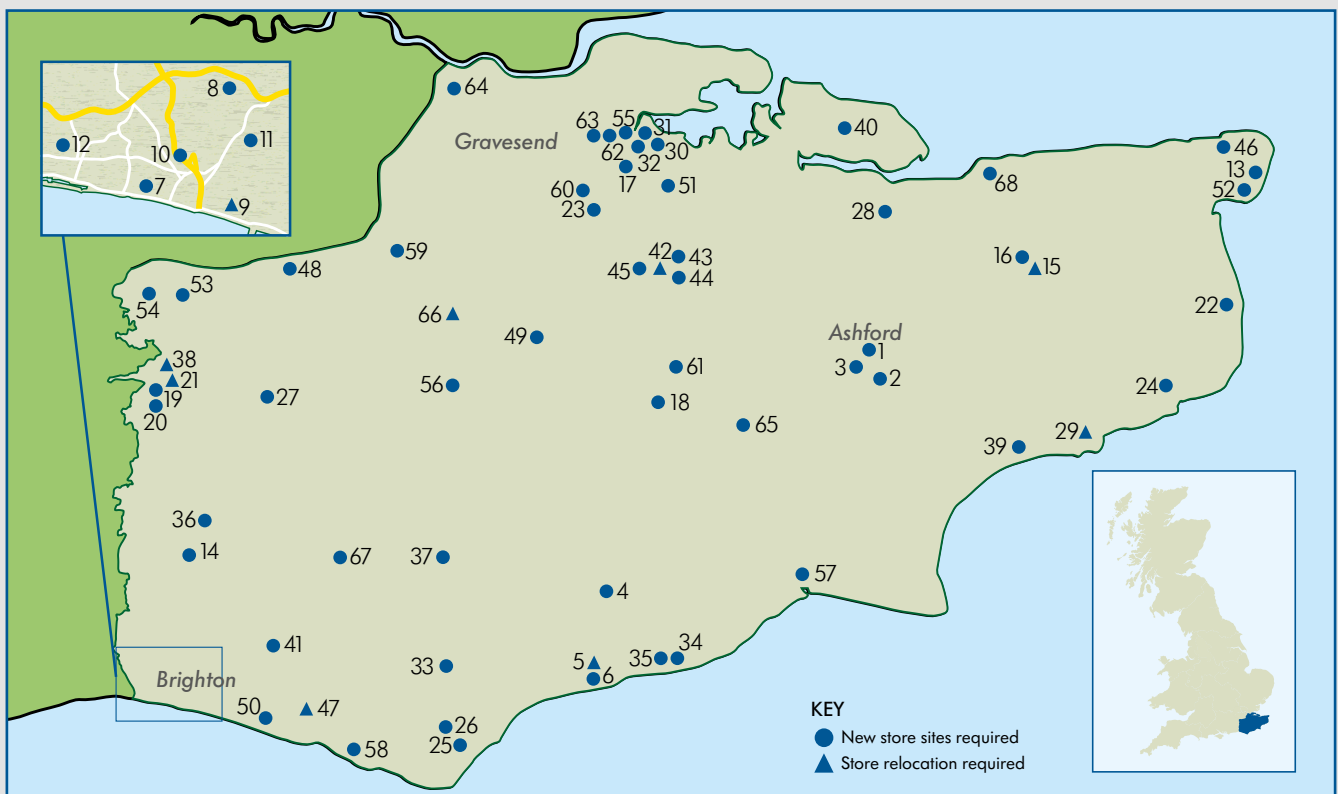
**Appendix A**

**Extract from Lidl Property Brochure**

# Our site requirements in Kent | East Sussex | East Surrey

- |                                   |                               |                                   |
|-----------------------------------|-------------------------------|-----------------------------------|
| 1. Ashford - North                | 24. Dover - Central           | 47. Newhaven (rel)                |
| 2. Ashford - South East           | 25. Eastbourne - Old Town     | 48. Oxted                         |
| 3. Ashford - West                 | 26. Eastbourne - Willingdon   | 49. Paddock Wood                  |
| 4. Battle                         | 27. East Grinstead            | 50. Peacehaven                    |
| 5. Bexhill - North (rel)          | 28. Faversham                 | 51. Rainham                       |
| 6. Bexhill - South                | 29. Folkestone (rel)          | 52. Ramsgate                      |
| 7. Brighton - City Centre         | 30. Gillingham - East         | 53. Redhill                       |
| 8. Brighton - Hollingbury         | 31. Gillingham - North        | 54. Reigate                       |
| 9. Brighton - Kemptown (rel)      | 32. Gillingham - South        | 55. Rochester                     |
| 10. Brighton - London Road        | 33. Hailsham                  | 56. Royal Tunbridge Wells - North |
| 11. Brighton - Moulsecomb         | 34. Hastings - East           | 57. Rye                           |
| 12. Brighton - Portslade          | 35. Hastings - West           | 58. Seaford                       |
| 13. Broadstairs                   | 36. Haywards Heath            | 59. Sevenoaks - North             |
| 14. Burgess Hill - South          | 37. Heathfield                | 60. Snodland                      |
| 15. Canterbury (rel)              | 38. Horley (rel)              | 61. Staplehurst                   |
| 16. Canterbury - West             | 39. Hythe                     | 62. Strood - East                 |
| 17. Chatham                       | 40. Isle of Sheppey           | 63. Strood - West                 |
| 18. Cranbrook                     | 41. Lewes                     | 64. Swanscombe / Northfleet       |
| 19. Crawley - North               | 42. Maidstone - Central (rel) | 65. Tenterden                     |
| 20. Crawley - South               | 43. Maidstone - East          | 66. Tonbridge (rel)               |
| 21. Crawley - Three Bridges (rel) | 44. Maidstone - South East    | 67. Uckfield                      |
| 22. Deal                          | 45. Maidstone - West          | 68. Whitstable                    |
| 23. Ditton / Aylesford            | 46. Margate                   |                                   |

(rel) = relocation



## Get in touch.

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**Appendix B**

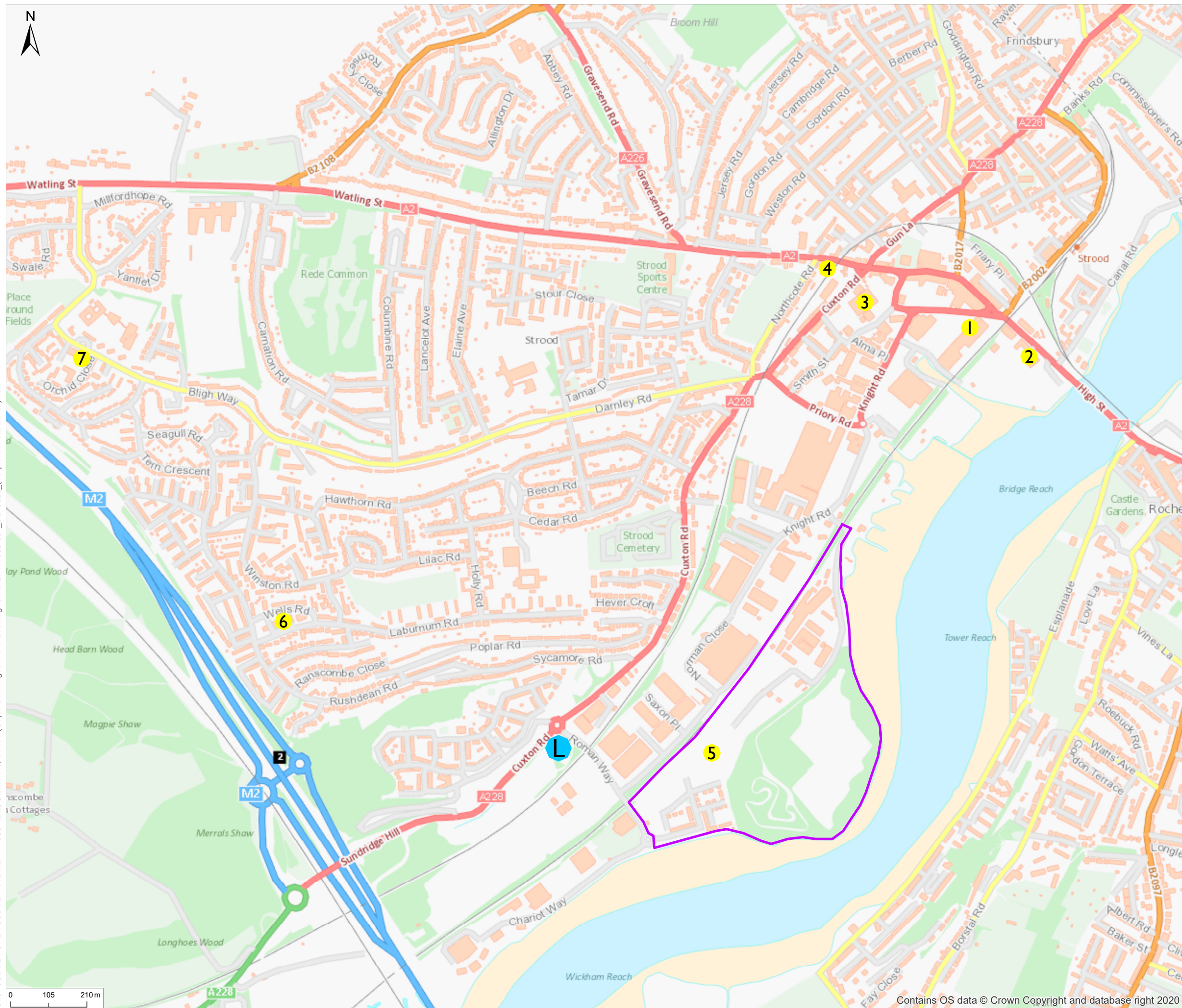
**Plan of Lidl Store Requirements in the Medway Towns**



**Appendix C**

**Plan of Sequential Sites**





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**Legend**

 Proposed Lidl

**Sequential Sites**

**Name**

-  Strood Retail Park
-  Former Civic Centre
-  Tesco Site, Charles Street
-  Strood Service Station & adjoining land, corner of Cuxton Road and London Road
-  Temple Waterfront
-  Wells Road Local Centre
-  Bligh Way Local Centre
-  Temple Waterfront

| Rev | Description | By | CB | Date |
|-----|-------------|----|----|------|
|     |             |    |    |      |



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Client **LIDL GREAT BRITIAN**  
 Project **ROMAN WAY, STROOD**  
 Title **SEQUENTIAL SITES PLAN**

|                    |                 |                 |
|--------------------|-----------------|-----------------|
| Status             | Drawn By        | PM/Checked By   |
| <b>FINAL</b>       | <b>GG</b>       | <b>CT</b>       |
| Project Number     | Scale @ A3      | Date Created    |
| <b>JPW1656</b>     | <b>1:10,000</b> | <b>JUN 2021</b> |
| Drawing Number     |                 | Rev             |
| <b>JPW1656-001</b> |                 | <b>-</b>        |

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