

<b>2.4 REFERENCE NO - 18/502735/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of a new supermarket (Use Class A1) and a hotel (Use Class C1) along with associated accesses, car and cycling parking, lighting, drainage, hard and soft landscaping and associated infrastructure.		
<b>ADDRESS</b> Land At Perry Court Ashford Road Faversham Kent ME13 8YA		
<b>RECOMMENDATION</b> - Grant subject to completion of a S106 Agreement and submission of an amended plan to improve the area available for landscaping within the site of the retail unit.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• The site forms part of a strategic mixed use development site as allocated under policy MU7 of the local plan.</li> <li>• The principle of a hotel has already been established through the grant of outline permission</li> <li>• The impact of the retail unit has been assessed and found to be acceptable</li> <li>• The scale and design of the development is considered to be acceptable.</li> <li>• The scheme would not result in unacceptable impacts upon the highway subject to financial contributions to mitigate impacts at the A2 / A251 and at Brenley Corner</li> <li>• Other localised impacts have been assessed and found to be acceptable.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application has been referred to committee by Cllr David Simmonds on the basis that the retail store is much larger than was proposed under the outline permission and would have significantly more impact on local residents, that he has concerns over the capacity of the A2 / A251 junction and air quality issues, and regarding shopper / staff car parking and daily deliveries, including Sunday disturbance.		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> HDD (Faversham) Limited And Premier Inn Hotels Limited <b>AGENT</b> Pegasus Planning Group
<b>DECISION DUE DATE</b> 06/09/18		<b>PUBLICITY EXPIRY DATE</b> 25/02/19

### **Planning History**

15/504264/OUT - Outline application (with all matters reserved other than access into the site) for a mixed use development comprising: up to 310 dwellings; 11,875sqm of B1a floorspace; 3,800sqm of B1b floorspace; 2,850sqm of B1c floorspace; a hotel (use class C1)(up to 3,250sqm) of up to 100 bedrooms including an ancillary restaurant; a care home (use class C2)(up to of 3,800sqm) of up to 60 rooms including all associated ancillary floorspace; a local convenience store (use class A1) of 200sqm; 3 gypsy pitches: internal accesses; associated landscaping and open space; areas of play; a noise attenuation bund north of the M2; vehicular and pedestrian accesses from Ashford Road and Brogdale Road; and all other associated infrastructure – Approved 27.03.17

17/506603/REM - Approval of reserved matters relating to scale, layout, appearance and landscaping for the erection of 310 dwellings, pursuant to conditions 1, 4, 10 and 24 of outline planning permission 15/504264/OUT. Approval sought for residential part of outline scheme only - Approved 01.03.2019

18/500815/ENVSCR - EIA Screening Opinion for a Mixed use Local Centre Development – EIA not required (decision made by the Secretary of State) 20/06/18

18/503057 - Erection of a 3 storey, 66 bed care home for older people with associated access, car park and landscaping - Pending Consideration.

## **1. DESCRIPTION OF SITE**

- 1.01 The application site consists of two parcels of land of just under 2 hectares in area, located on the west side of Ashford Road. The land is raised above the level of Ashford Road, by up to 2 metres, and is partially screened by existing hedging.
- 1.02 The land was formerly part of larger agricultural fields, and forms part of the wider Perry Court development site as allocated under Policy MU7 of the adopted Local Plan. This wider land benefits from outline permission for a large scale development under application 15/504264/OUT, and from reserved matters approval for residential development of 310 units on a large part of the site (ref 17/506603/REM).
- 1.03 As part of this existing permission, a new roundabout and access point into the site has been formed from Ashford Road, which has resulted in some re-grading of land levels and removal of hedging.
- 1.04 The two land parcels subject to this application site are sited on either side of this new access point.
- 1.05 The application site is surrounded to the north, south and west by the land allocated for development under Policy MU7 of the Local Plan. Under the terms of the outline permission and reserved matters approvals, this land would form part of the residential development to the west and north. The land to the south has approval under the outline permission for a business park, although to date there has been no reserved matters application for this.
- 1.06 A line of existing detached dwellings are located on the eastern side of Ashford Road and face towards the application site.

## **2. PROPOSAL**

- 2.01 The application seeks planning permission to erect a supermarket and hotel on the site.
- 2.02 The proposed supermarket would be sited on the southern parcel of land, and would consist of a roughly rectangular shaped building of 1,725 sqm gross floor area, with a 1,254 sqm net sales area. The building would be single storey, under a mono-pitched roof and would range between 5.5m and 8.5m in height. The footprint would measure 63m x 30m. The building would be mainly finished in brickwork and composite cladding, with a Brise Soleil detail around the main entrance.

- 2.03 The building would be sited towards the southern end of the site and the main elevation would face north, towards the main access road leading from the new roundabout into the Perry Court development. A 124 space car park would be provided, the majority of which would be to the front (north) of the building. The layout also includes areas of landscaping and footpaths to the south and east (adjacent to Ashford Road), which would tie in with footpath routes and connections approved within the wider Perry Court development site.
- 2.04 The proposed hotel would be sited on the north parcel of land. The building would be roughly rectangular in shape and would be over three storeys – with a maximum height of approximately 11.1 metres (excluding lift shaft). The building would measure 65m in length, and up to 22m in depth. The building would contain 84 bedrooms, a main reception area and a bar / restaurant facility. The overall floor area of the hotel would be approximately 3000sqm.
- 2.05 The building has been designed in a contemporary style, broken down into three main sections. Each section is articulated to provide slight variations in height. The main elevational treatment of the building would be in brick and timber-style cladding. The cladding is used to frame each section of the building.
- 2.06 The building would be sited close to the southern boundary of the site, next to the proposed access road into the wider development. The car park to the hotel would be sited to the rear of the building and would accommodate 85 parking spaces.

### **3. PLANNING CONSTRAINTS**

Within built confines of Faversham

Part of site allocation Policy MU7

A High Pressure Gas Pipe is located to the south of the proposed retail unit.

### **4. POLICY AND CONSIDERATIONS**

- 4.01 The National Planning Policy Framework (NPPF) – paragraphs 2 (determination of applications), 7 (sustainable development), 8 (the three objectives of sustainable development), 10 (presumption in favour of sustainable development), 54-57 (use of conditions and planning obligations), 80 (building a strong economy), 85-90 (ensuring the vitality of town centres), 108-111 (sustainable transport), 117-121 (Making effective use of land), 124-131 (good design), 149-154 Planning for climate change, 155-165 (flood risk and drainage), 174-177 (biodiversity)
- 4.02 National Planning Practice Guidance (NPPG). The following guidance documents are of relevance - Air Quality, Climate Change, Design, Determining a Planning Application, Ensuring the vitality of town centres, Planning Obligations, Transport evidence bases in plan making and decision taking, Travel plans, Transport Assessments and Statements, Use of Planning Conditions.
- Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017:
- 4.03 Policy MU7 of the Local Plan is relevant insofar that it is a specific site allocation policy for the wider parcel of land at Perry Court, which this application forms a part of. The policy is copied in full below.

*Planning permission will be granted for a mixed use development at Perry Court Farm, Faversham, as shown on the [Proposals Map](#), to include a minimum of 370 dwellings (inc. care home), together with 18,525 sq. m of B1a, B1b, B1c class employment uses (with a further 2 ha reserved for future employment use), supporting uses and landscaping and open space. Development proposals will:*

- 1. Be in accordance with Policy CP 4 and in particular demonstrate and provide a strong landscape framework (shown by a submitted Landscape Strategy and Landscape and Ecological Management Plan, informed by a landscape and visual impact assessment) to include:*
  - a. substantial width of woodland planting along the site boundary with the M2, which shall additionally safeguard the setting of the Kent Downs AONB;*
  - b. additional substantial areas of woodland planting and green space e.g. community orchards and allotments, within the south western quarter of the site near Brogdale Road;*
  - c. retained, managed and enhanced hedgerows and shelterbelts;*
  - d. footpath and cycle path routes within green corridors linked to the adjacent network; and*
  - e. planting selected to reinforce the local landscape character area.*
- 2. Be of high quality design, with building siting, form, height and materials related to the existing built form and topography of the site and the surrounding context and to include consideration of:*
  - a. the setting of landscape and heritage assets;*
  - b. the rural approaches to the town; and*
  - c. building heights demonstrating they have been influenced by, and show respect for, views from the south.*
- 3. Provide for a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;*
- 4. Through both on and off site measures, ensure that any significant adverse impacts on European sites through recreational pressure is mitigated in accordance with Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*
- 5. Submit a detailed Heritage Assessment to consider the significance of the impact of development at the local level on the heritage setting of the town and other heritage assets in accordance with policies DM 32-DM 33. An archaeological assessment should consider the importance of the site and, if necessary propose mitigation in accordance with DM 34;*
- 6. Provide the majority of B1 class employment floorspace as B1a (offices). Employment uses other than B1 will not be permitted unless it is clearly shown that B1 uses would not be achievable.*

*Proposals for alternative employment uses must demonstrate they would not diminish the quality of the development, whilst proposals for main town centre uses will need to be the subject of an impact assessment;*
- 7. Undertake an Air Quality Assessment to ensure that the Ospringe AQMA is not compromised, with, if necessary, the use of innovative mitigation measures;*
- 8. Submit a Noise Assessment and implement any mitigation arising;*
- 9. Be supported by a Transport Assessment to determine the need and timing for any improvements to the transport network and the phasing of development. Development shall undertake such mitigation as necessary which shall include:*
  - a. interim improvements at Junction 7 of the M2;*
  - b. improvements to the junctions of the A2/A251 and to the A2/Brogdale Road;*
  - c. pedestrian and cycling routes;*
  - d. public transport enhancements to improve links to the town centre; and*
  - e. implementation of an agreed travel Plan; and*

*10. Provide infrastructure needs arising from the development, including those matters identified by the Local Plan Implementation and Delivery Schedule, in particular those relating to libraries, education and health.*

- 4.04 The supporting text to the policy states that *“The impact of locating main town centre uses, such as offices, leisure and retail development may require the submission of an impact assessment in accordance with Policy DM 2, but it is the Council's view that larger scale retail and leisure development is unlikely to be acceptable due to adverse impacts on the town centre.”*
- 4.05 Policy DM2 relates specifically to proposals for main town centre uses. This includes both retail and hotel development as is proposed under this application. The policy states that proposals for main town centre uses will be permitted subject to –
1. Taking into account the scale and type of development proposed in relation to the size, role and function of the centre,
  2. Being located within the town centres as defined on the [Proposals Map](#); or
  3. Where demonstrated that a town centre site is not available, being located on a site on the edge of a town centre, subject to criteria 4a to 4c; or
  4. Where demonstrated that there are no suitable sites available at locations within 2. and 3. above, proposals elsewhere within the built-up areas of Faversham, Sheerness and Sittingbourne, as shown on the Proposals Map will only be permitted if:
    - a. it is demonstrated by an impact assessment (when the proposal is above the defined floorspace threshold in national planning policy) that it would not individually, or cumulatively with those trading or proposed, undermine the vitality and viability of existing town centres, or of other local centres and the facilities and services of other locations;
    - b. it does not materially prejudice the provision of other land uses, particularly the supply of land for 'B' use class uses, housing, community use and open space; and
    - c. it is well located in relation to the main road network and easily accessible by public transport, pedestrians and cyclists.
- 4.06 Other relevant policies are ST1 (Delivering sustainable development), ST7 (The Faversham Area Strategy), CP1 (Building a strong economy), CP2 (Sustainable transport), CP4 (good design), DM6 (Managing Transport Demand), DM7 (vehicle parking), DM14 (general Development criteria), DM19 (sustainable design), DM28 (biodiversity),

## **5. LOCAL REPRESENTATIONS**

- 5.01 This process has included sending notification letters to nearby neighbouring properties, display of a site notice and advertisement of the application in a local paper.
- 5.02 Following this, 21 letters of objection have been received (some multiple letters from the same household), raising the following matters –
- Overlooking / lack of privacy
  - Additional traffic generated (including cumulative impacts)
  - Impact upon the A251 / A2 / Mall Junction
  - Creation of noise, smells and disturbance arising from commercial uses
  - Impact of additional traffic on air quality (including cumulative development impacts)
  - The convenience store permitted under the outline scheme is now a supermarket
  - The supermarket will be open for long hours with associated noise, disturbance and pollution.
  - A supermarket is not needed in Faversham

- No significant mitigation of traffic on the A251 is proposed
- The location would force people to drive to the supermarket
- Impact of deliveries to the supermarket at unsociable times
- No need for a hotel in Faversham
- The hotel will be a four-storey building and will cause significant privacy issues.
- The size and scale of the hotel would be out of keeping with the area
- Small hotels in the area could go out of business
- The additional traffic and impacts on the A251 will affect the operation of the Fire and Ambulance Services stationed on Ashford Road and Canterbury Road
- Ecological / screening impacts through removal of hedgerows and trees
- Cumulative impacts arising from wider development of Perry Court
- The height difference of the hotel is exacerbated by the higher land levels of the site
- There is still no resolution in place to upgrade the A2 / A251 junction
- Light pollution
- Impact on the Ospringe AQMA
- Loss of agricultural land
- Lack of crossing point on the A2
- The development would compromise any future proposals to create a bypass
- The highway network is already over capacity
- The original outline indicated the hotel would be lower than now proposed
- Disturbance from the hotel if a licence is granted
- Lack of screening on Ashford Road frontage
- Impact on drainage
- The walking / cycling experience on Ashford Road is not safe / pleasant
- Objections raised by residents are ignored
- Additional HGV movements arising from the supermarket operation
- This will encourage people to park on the A251 verges
- Impacts of signage and illumination
- Restrictions should be placed to prevent removal of trolleys from the site
- Noise impacts from hotel users
- Noise impacts from use of hotel car park at unsociable hours
- Development on the site will be greater than as approved at outline stage.
- Existing modern buildings in Faversham do not enhance the town, and the modern buildings proposed will not do so either
- Lack of any proposals to utilise solar energy
- The building designs are not in keeping with the area in a key visual location at the entrance to the town
- Lack of EV charging points
- The design is generic, with no local influence
- The amended plans do not improve the quality of the proposed buildings.
- Impact of an out of town supermarket on the town centre
- The applications should be considered against other approved and current applications at Perry Court

5.03 A letter has been received from the Faversham Society which states (summarised)

- The supermarket scheme should be supported as it would provide an alternative type to other supermarkets in Faversham and is located close to approved new developments in the town.
- The standardised hotel design is disappointing and more attention should be paid to local materials and roof forms. The location of the hotel is appropriate.

5.04 Two letters have been received from Peacock Smith Solicitors, acting for Morrisons supermarket, and a letter received from MRPP Planning Consultants acting for Tesco. They object to the application on the following grounds –

- Foodstores are already over-provided in Faversham.
- The trade diversion to the proposed Aldi store would primarily come from the town centre, as this is where most food stores are located.
- The scheme does not address how the proposal will affect the wider development and relationship with other land uses within Perry Court.
- The Council's retail consultant has underestimated the impact of the proposed Aldi supermarket on the town centre
- The Council's retail consultant has used benchmark averages which do not reflect the actual turnover of Morrisons, which operates at a lower turnover and therefore the forecast impact is greater.
- The benchmark criteria is of little utility as all stores are shown to operate below benchmark value as a result of the Aldi proposal (i.e because they start at benchmark without it), and this fails to identify the performance of existing stores and vulnerability to change.
- That both the Tesco and Morrisons stores are well connected to the town centre and supports linked trips, which would be reduced if trade was diverted to the proposed Aldi store.
- There are errors in the Carter Jonas analysis which substantially underestimates the floorspace of Tesco.
- Tesco now trades substantially below benchmark.
- It is highly likely that other town centre convenience stores are trading below benchmark levels
- There is no suggestion that Tesco would close, but diverted trade will have other harmful effects, particularly a reduction in linked trips to the town centre.
- The Local Plan "does not suggest a need to support new floorspace outside (Faversham's) existing centre"
- Policy MU7 is clear that any proposals for town centre uses on the Perry Court site will need to be subject to an impact assessment. The applicant has supplied this, nor has the Council undertaken an assessment that legitimately meets this.
- The impact on the town centre will be significantly adverse.
- A full and detailed retail study (to include household surveys)

## 6. CONSULTATIONS

### Faversham Town Council

- 6.01 Original Plans – state that they are not happy with the design and this should be referred to the Swale Design Panel for review. Raise concern regarding traffic at the A2 / A251 junction upgrade, and that traffic modelling should be undertaken once the upgrade decision has been taken.
- 6.02 Amended Plans – state that they support the changes to the proposal, and that previous issues have been addressed, although they remain seriously concerned about the A2 / A251 junction and seek clarification from KCC Highways on this, and are concerned with the new roundabout on the A251 which needs further review.

### KCC Highways and Transportation

- 6.03 Following the submission of amended / additional material KCC Highways do not raise objection to the scheme subject to the imposition of conditions and a S106 Agreement

to secure a financial contribution towards improvements to the A2 / Ashford Road junction. The following comments are also made -

- TRICS data demonstrates two- way AM peak movements of an additional 77 vehicles and 150 PM peak movements.
- Tracking demonstrates that a 16.5 metre long vehicle can safely service both the proposed hotel and supermarket.
- The A2 Canterbury Road / A251 Ashford Road junction is predicted to be subject to an additional 32 AM and 66 PM movements. The junction analysis demonstrates that the junction is exceeding capacity and without mitigation the application could not be permitted.
- The A2 London Road / B2041 The Mall junction is predicted to be subject to an additional 15 AM and 29 PM movements.
- The proposed new roundabout junction into Perry Court development would be subject to an additional 77 AM and 150PM peak movements. The additional movements result the junction reaching its capacity in the 2028 AM peak assessment.
- Car parking for the supermarket element is two spaces over provision and the hotel is within standards. Appropriate disability bays and cycle parking is provided. Parking provision is therefore acceptable.
- A staff travel plan has been submitted and is acceptable
- As outlined in the above the A2/A251 junction exceeds its capacity in the future year assessments. It is therefore clear that the additional 98 movements through the junction could not be could be accepted without further works being completed. The Highway Authority are therefore looking at a second phase of improvements that incorporate the A2/A251 and the A2/The Mall junctions. Contributions are now being collected for the junction at a rate of £1020 per peak hour movement through the junctions and include both The Mall and A251 connections with the A2. A financial contribution is therefore requested at a level of £99,660 towards Phase 2 of the A2/A251 Faversham capacity improvement scheme.
- Planning conditions are recommended relating to provision of a construction management plan, provision / retention of parking spaces, cycle spaces and loading / unloading facilities , completion and maintenance of the access, completion / maintenance of visibility splays, and provision of a staff travel plan.

#### Highways England

- 6.04 Raise no objection following the submission of amendments / additional information, on the basis that the applicant has agreed to enter into a Section 278 Agreement of the Highways Act 1980 with Highways England for a contribution of £27,105 towards highway works at M2 Junction 7 Brenley Corner.
- 6.05 Advise that the development will not materially affect the safety, reliability and/or operation of the strategic road network (the tests set out in DfT Circular 02/2013, particularly paragraphs 9 & 10, and DCLG NPPF particularly paragraph 109) in this location and its vicinity.
- 6.06 Advise that the supermarket proposal (which was not part of the outline permission) is likely to be over and above the trips calculated for the outline permission. Cumulatively, there is likely to be a requirement for an additional contribution to offset the impacts at Brenley Corner.
- 6.07 Advise that confirmation from KCC Highways should be obtained to ensure that the scheme of improvements at the A2/A251 will be sufficient to manage the additional demand placed upon it such that any extent of queuing south along the A251 does adversely impact on the safe and efficient operation of M2 Junction 6.



## Environment Agency

- 6.08 No objection subject to conditions relating to contamination, surface water drainage or foundation design.

## Health and Safety Executive

- 6.09 Do not advise against the grant of planning permission. Recommends that SBC should consider contacting the pipeline operator before deciding the case.

## Scotia Gas Networks

- 6.10 No comments received

## SBC Economy and Community Services Manager

- 6.11 Supports the hotel development in Faversham as it will provide additional bed spaces and will support development of the day visitor economy in accordance with the Council's Visitor Economy Framework (adopted Feb 2018).

## Kent Police

- 6.12 Advise that the application has considered crime prevention and attempted to apply some of the attributes of CPTED in the plans. Advise that further matters relating to the supermarket (parking, landscaping, EV points, permeability, CCTV and lighting, use of shutters / bollards, potential for ATM installation) should be discussed or applied via a planning condition.

## Natural England

- 6.13 Advise they have no comments to make on the application

## KCC Ecology

- 6.14 Raise no objection based on the ecological appraisal submitted. Advise that notable species (including reptiles, breeding birds and badgers) have been recorded within the wider site, and that development will need to follow a precautionary mitigation strategy. The mitigation proposed is appropriate. Require conditions relating to bat sensitive lighting, ecological mitigation, and ecological enhancements to the site.

## KCC Drainage

- 6.15 Raise no objection to surface water drainage principles, but these need to be fully modelled at detailed design stage, and a condition is recommended to deal with this.

## SBC Environmental Protection Team Manager (EPTM)

- 6.16 Raises no objection to the development, subject to the imposition of conditions.
- 6.17 In respect of air quality, the EPTM advises that the updated Air Quality Assessment is a competent report, uses acceptable methodology (although the dispersion modelling method is not named), and up to date guidance. It describes the Swale AQ data with particular reference to the Ospringe AQMA and models how this development would impact the AQMA for both NO<sub>2</sub> and PM<sub>10</sub>, comparing it with actual monitored data and predicting the difference. Appendix I shows that in 2019 there are predicted to be some moderate impacts at various locations within the AQMA; the predicted impact is compared with the methodology used in the 2017 EPUK Guidance. These would reduce the next year 2020 but there were still predicted to be some moderate impacts, especially near the vicinity of the Ship Inn.
- 6.18 The report concludes that there will not be any significant adverse impacts on the AQMA or elsewhere as a result of this latest development. This is qualified in the conclusion by the addition of some mitigation measures.
- 6.19 The EPTM advises they are pleased that mitigation measures have been included, as there is still a prediction of some 'moderate' impacts in 2020 from the development and in his opinion the measures are necessary. No objection is raised to the report, provided that the measures outlined in paragraphs 5.34 & 5.35 are employed *exactly as written*. This will mean employing a person to act as a travel plan co-ordinator and there will need to be a sufficient number of electric charging points at the locations described in the final paragraph of 5.34.
- 6.20 The EPTM is satisfied that impacts relating to noise and operation of the service yard can be suitably controlled by condition, and recommends a condition requiring details of any plant or ventilation equipment.

## UK Power Networks

- 6.21 Advise that the proposed development is in close proximity to a substation and could be notifiable under the Part Wall Act. Advise that substations should be a minimum of 7 metres (if enclosed) from living / bedroom accommodation to avoid noise / vibration, that 24 hr access to a substation has to be maintained.

## Southern Water

- 6.22 Advise that foul sewage disposal can be provided to service the proposed development.

**7 BACKGROUND PAPERS AND PLANS**

- 7.01 The application includes the following documents: Planning statement, Design and Access statement, Landscape and Visual Appraisal, Arboricultural Assessment, Ecological Appraisal, Flood Risk Assessment, Retail Statement, Staff Travel Plan, Transport Statement. The applicant has also provided written responses to the Carter Jonas retail statement, the Council's new Retail and Leisure Needs Assessment, and the objections received on behalf of Tesco and Morrisons.

## 8. APPRAISAL

### Principle of Development

- 8.01 The site is located within the built confines of Faversham under Policy ST3 of the Local Plan, and as designated through the allocation of the wider site for development under Policy MU7 of the Local Plan.
- 8.02 The wider site also benefits from permission for a mixed use development on the site under 15/504264/OUT, incorporating 310 dwellings, a care home, a hotel development of up to 100 bedrooms and 3250 sqm (with ancillary restaurant), B1 employment land, and a local convenience store. Reserved matters for the housing development has been granted under 17/506603/REM.
- 8.03 The land parcels subject to this application were indicatively shown to be allocated for use as a care home and hotel development on the parameter plans submitted with the outline application in 2015. The parameter plans set out indicative building heights of 11 metres and Gross Floor space of 3,800 sqm for the care home and 3,200 sqm for the hotel. It remains an option for the developer to bring forward development of these parcels in accordance with the outline permission as an alternative to this application now sought.
- 8.04 The care home is now proposed on land elsewhere within the wider Perry Court site. This is subject to a separate application which is currently under consideration (18/503057/FULL). The potential use of this land for the care home, and layout of the residential development as approved under the reserved matters means that a further parcel has been identified by the developer to accommodate a supermarket over and above the quantum of development originally approved at outline stage.
- 8.05 Whilst the land is currently undeveloped former agricultural land (albeit that site access works and preparatory works for wider development of the site have been undertaken), it is clear from the allocation of the site for development in the Local Plan, and from the planning permissions granted on the site and wider surroundings, that development is accepted in principle.
- 8.06 In my opinion, the key issues relate to the following matters –
- The proposal for a supermarket (rather than a local convenience store) on the site and the implications of this, including the effect on the town and other centres, traffic impacts, local impacts, and the ability for the wider Perry Court site to be developed under the framework of Policy MU7. Members will note that Policy MU7 does allow for a mixed use development to come forward, and criteria 6 of the policy explains that proposals for main town centre uses will need to be subject to an impact assessment. As such this policy does not prohibit a retail use as a matter of principle, but sets tests against which such use should be considered.
  - I consider the principle of a hotel to be acceptable at Perry Court as this was permitted under the outline scheme. The hotel as now proposed would fall well within the parameters for a hotel as set under the outline permission. The provision of a hotel would help promote the Borough's visitor economy and

deliver economic benefits. In my opinion, the main issues for consideration in relation to the hotel are those of scale, design, and relationship with surrounding buildings, rather than matters of principle.

- 8.07 As the site is both allocated for development and benefits from permission, matters such as loss of countryside and loss of best and most versatile agricultural land do not carry weight in the determination of this application.

#### Retail Impact

- 8.08 Both the NPPF and the Local Plan policy DM2 seek to protect the vitality and viability of town centres. As part of this process, proposals for main town centre uses should follow a sequential test and (where necessary) include a retail impact assessment to establish the effect of a retail development on the vitality and viability of a centre. Policy DM2 uses the NPPF threshold that a retail impact assessment should be provided if the development exceeds 2,500sqm of gross floorspace.
- 8.09 In respect of the hotel element of this scheme (which is also a main town centre use and normally subject to the sequential test), I am satisfied that this was explored and found to be acceptable under the outline permission granted. As this could still be implemented on the site under a reserved matters application for a hotel of up to 100 bedrooms, I do not consider that the hotel now proposed (at 84 bedrooms) needs to be tested again under an impact assessment.
- 8.10 As the retail unit would be under 2,500 sqm, there is no requirement for the applicant to submit a retail impact assessment under policy DM2 or the NPPF. Whilst policy MU7 of the Local Plan specifies that proposals for town centre uses will need to be subject to an impact assessment, the supporting text to this policy states that such a requirement should be in accordance with Policy DM2. As such I am satisfied that the requirement under MU7 is not more onerous than that under DM2, as has been suggested by the consultant acting for Tesco.
- 8.11 However, although the threshold is not met to require an applicant to provide a retail impact assessment, the Council should still consider the impact of a retail development on the town centre (or other centres) further.
- 8.12 The application includes a retail statement which firstly sets out that the sequential and impact tests are not required as the provision of a local centre is supported under Policy MU7 of the Local Plan. However I would disagree with this approach in respect of the sequential test. The supporting text to Policy MU7 (para 6.6.108) makes clear that any large scale retail facility on the site is unlikely to be acceptable (although subject to a RIA, and I consider the proposal to go well beyond the local convenience offer (200 sqm) as approved under the outline permission.
- 8.13 Notwithstanding this, the retail statement then proceeds to provide a sequential test and compares the scheme to a range of selected town centre, edge of centre and out of centre sites. These are (in part) assessed against the locational criteria of the application site, being 900m south of the defined town centre boundary and 1.1km from the primary shopping area. The report then discounts a list of potential alternative sites in Faversham, which include the following –

- *Town Centre* – Faversham Post Office and depot, 9 existing vacant units in the town centre. These were discounted on the basis that the post office site was still in use and unavailable, and too small in size to accommodate the Aldi store, and the existing vacant units were far too small (between 40 – 250 sqm) to accommodate the development.
  - *Edge of centre* (within 300m of Primary Shopping Area) – Buildings at West Street (unavailable and too small in size), Car Park, Institute Rd (still operational and limited in size), Tesco car park (unavailable, too small, commercially unviable), Faversham Leisure centre / Theatre car park (unavailable, too small), Queens Hall Car Park (well used / unavailable, too small).
  - *Out of Centre* – Oare Gravelworks (formally allocated but with no retail element included. Not as accessible or well connected with poorer road connections and greater distance to the Primary Shopping Area). Land East of Love Lane (formally allocated, permission granted for other uses, not as accessible / well connected to the town centre)
- 8.14 This has been further reviewed by my colleagues and the conclusion reached that we are satisfied that there are no other sequentially preferable sites available. I am therefore satisfied that the scheme meets the sequential test parameters.
- 8.15 Notwithstanding that the retail unit falls under the threshold for an applicant to provide a retail impact assessment, such smaller developments may still result in impacts existing centres. A retail consultant was initially employed by the Council to establish whether this was likely, and gave advice that the development could result in trade diversion both from Faversham and, to a lesser degree, from Sittingbourne. Following this initial advice, the consultant then undertook a retail impact assessment on behalf of the Council to establish the likely effects of such trade diversion.
- 8.16 The consultant forecast that there would be trade draw from Faversham town centre, and particularly the existing Tesco and Morrisons supermarket. This forecasting was primarily based on “benchmark” trading data, as the Council’s own data contained within its Town Centre Study dated back to 2010 and was out of date. The consultant forecast trade diversion to be in the region of 11% from the wider convenience offer in the town centre, and 12% from the Tesco and Morrisons stores, advised that this was a cause for concern but concluded that the proposal would be unlikely to seriously undermine the viability of these stores resulting in their potential closure and a consequent significant adverse impact on the vitality and viability of Faversham Town Centre as a whole.
- 8.17 The Council subsequently received objections from consultants acting for existing supermarkets in Faversham, as summarised in paragraph 5.04 above. The main concern relating to the development and the retail report was that these stores are trading well under benchmark levels – and that as such the retail impact would be greater than forecast. Alternatively, the applicant’s agent raised concern that predicted trading for the proposed Aldi store was overestimated, and that the turnover for the Tesco store was underestimated as it did not factor in an extension to the premises.
- 8.18 In the meantime, the Council has been undertaking a review of its Town Centre Study (2010) as part of the Local Plan process, and commissioned WYG Planning

consultants to undertake such work. An updated Retail and Leisure Needs Assessment (RLNA) was produced and reported to the Local Plan Panel in March. The report provides up to date information and data on the health of existing centres, and the trading performance of existing convenience stores. For Faversham, the report concludes that the town centre displays good levels of vitality and viability, is well represented by convenience goods provision, vacancy levels are below national average, and the town centre is attractive with a good standard of environmental quality. The report does not identify a need for additional convenience floorspace in the town during the plan period.

- 8.19 Given the production and publishing of this report, it has been considered necessary to carry out a further review of the retail impact, based on consideration of the updated assessment. As WYG Planning consultants undertook the Borough-wide assessment, they have been employed to re-review the impact of this development. This report (the WYG report) recognises that existing stores are trading below benchmark level (as set out in the RLNA), but states that this does not necessarily mean that such stores are not viable or vulnerable to the opening of new stores. The WYG report also sets out that the lower turnover of the proposed Aldi store, as set out by the applicant's consultant, is consistent with the Aldi Sales density set out in the RLNA.
- 8.20 The WYG report agrees that trade for the new Aldi store will be drawn substantially from other "discounter stores" such as Aldi in Sittingbourne and Whitstable (both 15% of the predicted turnover for the proposed store), but also from Tesco in Faversham town centre (15%), and Morrisons (edge of centre) 10%.
- 8.21 The WYG report then compares the effect of such trade diversion from existing stores, and the likely reduction in the annual turnover of these stores. It focuses on Faversham Town centre stores, but recognizes the role of Morrisons as an edge of centre store in facilitating linked trips to the centre. The report estimates the impact on Faversham town centre as a whole to be 5-6%, and on Morrisons to be 8%. It concludes that such impacts would not be "significantly adverse" and that it is unlikely any existing stores would close as a result of the Aldi proposal. This is on the basis that Aldi trades as a "discounter retailer" and as such competitive overlap with smaller stores (such as butchers, bakers, convenience stores, and Iceland) is low.
- 8.22 Subject to conditions to limit occupation to a "discounter store" and to control the extent of floorspace and comparison goods offer (see proposed conditions 31-35), the WYG report considers the scheme to be acceptable when tested against the NPPF (and I consider the same applies when tested against policy DM2) in relation to the retail impact tests, with no significant impacts arising, provided the above conditions are attached.
- 8.23 Overall, I am satisfied that there are no sequentially preferable sites for the retail development, and that the principle of a hotel development has been accepted through the grant of outline permission which includes a hotel of up to 100 rooms on the wider site – and which can still be implemented. Whilst the retail impact assessment concludes that there would be some loss of trade arising from the proposed supermarket on Faversham town centre, the advice received from the Council's consultant is that this would be unlikely to result in significant adverse impacts, and in turn I do not consider that it would undermine the vitality or viability of the Faversham town centre or other centres. On this basis, I consider the retail impact to be acceptable

under the terms of policy DM2 of the Local Plan and the NPPF.

- 8.24 Members should also note that the proposal would create employment opportunities, and the application forecasts that 75 equivalent full time jobs would be created. The hotel development would also be likely to increase local spending by overnight visitors. Policy CP1 of the Local Plan seeks for development proposals to contribute towards building a strong competitive economy, and to widen the Council's tourism offer, and this would contribute towards this.

#### Visual Impact

- 8.25 Policy CP4 of the Local Plan requires that development proposals should be of high quality design, appropriate to their surroundings, deliver safe attractive places, promote / reinforce local distinctiveness, make safe connections and provide green corridors. Policy MU7 states that development of Perry Court should demonstrate a strong landscape framework, hedge and tree planting, and provide footpath and cycle routes within green corridors. Built form should be high quality design and relate to existing built form and topography, rural approaches to the town and views from the south.
- 8.26 The proposal would form the primary building frontage into the "gateway" to the Perry Court wide development, and as such the need for a high quality design is paramount. Although the developer was encouraged to use the Design Panel for advice, they did not take up this option. However I am satisfied that my officers have been able to analyse the design impacts and negotiate design improvements to the scheme.
- 8.27 The principal elevations to both schemes face the primary road leading from the roundabout on Ashford Road into the site. The buildings would be set between 17 and 30 metres from the Ashford Road frontage, and this space would be used to provide landscaping and pedestrian footpaths that would connect through the wider Perry Court site and onto Ashford Road. I consider this "soft" edge to the Ashford Road frontage to be appropriate, and the footpath / cycle connections provide links through green corridors in accordance with the policy.
- 8.28 The hotel building would be taller and more prominent than the retail unit, being some 11 metres in height and sited (following advice from my officers) close to the primary road frontage into the site. This gives greater enclosure and strength to the street scene, and gives emphasis to the built form rather than car parking, which has been sited to the rear. The hotel follows a contemporary design, and the scale of the building has been broken into three sections through use of different materials and slight variations in height. The darker colour of the cladding and brickwork has been negotiated between officers and the applicant to provide a more recessive and organic tone to the building, on this edge-of-settlement location.
- 8.29 The retail unit takes a different approach, with car parking provided to the front and the unit set back in excess of 50 metres from the primary road. The building would be lower in height (at 8.5m) and less prominent than the hotel due to its set back into the site. Whilst my officers would have preferred the building to be close to the primary road to provide greater strength to the streetscene, this is not a format usually used by convenience traders, and was not an option that the applicant was willing to follow. As an alternative, officers are negotiating with the applicant to provide additional landscaping to the site boundaries, and within the car park, and to agree a form of

public art installation, to enhance the public realm. This is considered to be an acceptable compromise.

- 8.30 The retail building is proposed to be occupied by Aldi, and the design does follow a “corporate” approach in part. My officers have negotiated with the applicant to lift this design substantially from the original submission, through the use of different materials and provision of a corner detail at the main entrance to the building, which includes a Brise Soleil system with beige / brown coloured louvres. The intention is that the materials to be used for both the retail unit and hotel building are similar in appearance, to provide some visual coherency.
- 8.31 The landscape approach is to provide a tree-lined “Avenue” effect on both sides of the primary road, and to utilise similar hard and soft landscaping schemes (for the footpaths / cyclepaths and Ashford Road frontage). This has the potential to provide an attractive landscaped entrance to the site.
- 8.32 In my opinion, the larger scale of the buildings would be appropriate at the entrance to this wider development site, and the scale and height (particularly relating to the hotel) would not be disproportionate to other surrounding existing and proposed residential dwellings, which are/ would be sited some 50-60 metres from these proposed buildings. Soft landscaping, particularly on the boundary with Ashford Road, would also soften the visual impact of the buildings. The contemporary style of the hotel with a flat roof helps to limit the height of this building, and Members should note that at 11 metres in height, this would be no greater than the form of development on this plot as shown on the parameter plans submitted with the outline permission (albeit that the parameter plans refer to two storey development). The proposed retail unit would be lower in height than the outline parameter plans, and both buildings would be smaller in floor area than the parameter plans. Members should also note that the outline permission includes the provision of employment land allocated to the south of the retail unit of up to three storeys and 12.5 metres in height.
- 8.33 The application includes a Landscape and Visual Impact assessment which identifies the landscape character of the surrounding area and viewpoints of the development. The main “rural view” of the development is from the south, and such views are limited by landscaping, the effect of the M2 motorway, and the existing built confines of Faversham. When taking into account the outline permission and the scale of the development when compared to the outline parameters as described above, the scheme is not considered to result in any significant adverse effects or any greater effects than envisaged from the outline scheme.
- 8.34 Taking the above factors into account, I would conclude that the development is well designed, that the layout provides a substantial degree of landscaping and green corridors providing pedestrian and cycle connections, in accordance with the above policies.

The ability to integrate a larger retail development within the Wider Perry Court scheme

- 8.35 The outline permission included a parameters plan that demonstrated how the quantum of development approved under 15/504264 could be distributed through the site. This include use of a 0.5 Ha parcel of land as a mixed use retail / residential area, as well as parcels for employment land, a care home and hotel development.



- 8.36 The residential development as approved under reserved matters application 17/506603 accommodated the 310 residential units without the need to utilise the 0.5 Ha parcel of land. The developer is seeking (under a separate application) to move the care home onto this 0.5 Ha parcel, which in turn would enable the two parcels of land subject to this application to be considered for retail / hotel use.
- 8.37 In wider layout terms, I am satisfied that the integration of a larger retail unit as now proposed would not compromise the wider Perry Court development.

#### Residential Amenity

- 8.38 Policy DM14 of the Local Plan states that all developments should cause no significant harm to the amenities of surrounding uses or areas.
- 8.39 In this instance, the closest neighbouring uses are the existing dwellings on the east side of Ashford Road, and the new dwellings as approved within the wider Perry Court development site.
- 8.40 The hotel scheme proposes a building of three storeys in height and up to 11 metres in height. The building would be orientated to face side on to the dwellings on Ashford Road, and the depth of the building would be up to 22 metres at ground level, and 14 metres at first and second floor level. The supermarket would be up to 8.5 metres in height, with a flank elevation facing Ashford Road of some 30 metres in depth. Both buildings have been designed to include a landscaped buffer area to the Ashford Road frontage.
- 8.41 The buildings would be sited in the region of 55m-60m from the dwellings on the east side of Ashford Road. In addition, due to levels changes between the site and Ashford Road, the buildings would be raised above the level of these dwelling by around 1.5 metres. The section drawings submitted with the application indicate that the hotel building would be some 4.5 metres taller than a typical ridge line of nearby dwellings on Ashford Road, and the supermarket building would be some 2.6 metres taller.
- 8.42 The buildings would clearly be visible from these existing properties, across an existing private road, the A251 and through the landscaped buffer. At 3 storeys in height, the hotel development would also be taller than the indicative plans submitted with the outline application – which showed the hotel to be a 2 storey building. However notwithstanding this, given the considerable separation distance (in planning terms), the intervening A251 road and the ability for some softening through landscaping, I do not consider the buildings would cause unacceptable impacts on light, privacy or outlook to these properties.
- 8.43 The new residential development within Perry Court would be located generally to the west of the application site. This includes land subject to a current application for development of a care home. A gap of 21 metres would be maintained between the proposed care home building and the hotel. In amenity terms, I consider this relationship to be acceptable.
- 8.44 The closest permitted dwellings on the wider Perry Court site would be to the west of the retail unit, at a distance of 46 metres from the building. These properties would face the retail unit and car park. Given the relatively low height and form of the retail unit, I consider this distance to be acceptable to preserve sufficient light, privacy and outlook

to these approved dwellings. Further residential development to the north of the hotel would be separated by an area of public open space, and I consider this to be acceptable.

- 8.45 The proposals would also attract vehicle movements over long periods of the day. Given the function of Ashford Road as an A class road and a connection between Faversham and the M2, I consider that any noise / disturbance generated from customer vehicle movements and activity within car parks would be unlikely to cause unacceptable impacts on the amenities of those properties to the east of Ashford Road. The most trips would be generated by the retail unit, and the entrance to this would not pass through the approved residential development to the west. Whilst noise from the car park and activity around the retail unit in particular would most likely be evident to those new dwellings to the west, I do not consider this to be inherently unacceptable given the separation distances involved, and I consider that this would be taken into account by potential occupants of the new development when considering whether to reside in these units. In addition, I consider that at times earlier in the morning or late at night when the premises first opens or is soon to shut, the unit is less likely to be busy and as a result customers are more likely to park in the main car parking area to the front of the store rather than the car park by the side, which is closest to these residential units.
- 8.46 The application seeks to permit deliveries to the retail units between the hours of 06:00 to 23:00 hours, and a Delivery Management Plan has been submitted following initial concerns raised by the Environmental Health Officer. The plan includes measures such as no use of reversing beepers and requirements to turn off refrigeration equipment when vehicles are stationary. These measures are acceptable to the EHO to avoid unacceptable impacts on surrounding properties.
- 8.47 Taking the above into account, there would clearly be some impacts arising from the scheme, particularly the change in the outlook of existing properties on the east side of Ashford Road, and in respect of the hotel the building would be larger than indicatively shown under the outline permission. Nonetheless, as a full application there is no reason why the proposed development has to conform to the outline scheme. Whilst the developments are large and would be clearly visible from these properties, given the intervening distance and presence of the A251 road, I do not consider that this would result in unacceptable impacts that could justify a refusal in planning terms. On this basis, I do not consider the development would be in conflict with Policy DM14 of the Local Plan.

#### Highways

- 8.48 Policy DM6 of the Local Plan requires developments that generate significant traffic to include a Transport Assessment with any application. Where impacts from development on traffic generation would be in excess of the capacity of the highway network, improvements to the network as agreed by the Borough Council and Highway Authority will be expected. If cumulative impacts of development are severe, then the development will be refused.
- 8.49 Policy DM6 also requires developments to demonstrate that opportunities for sustainable transport modes have been taken up, and that applications demonstrate that proposals would not worsen air quality to an unacceptable degree. Developments

should include provision for cyclists and pedestrians, and include facilities for low emission vehicles.

- 8.50 Policy MU7 of the Local Plan sets out that development of the site should include interim improvements to J7 of the M2, improvements to the A2 / A251 and the A2 / Brogdale Road, pedestrian and cycle routes, public transport improvements, and implementation of an agreed travel plan.
- 8.51 The hotel proposal does not raise any additional highways issues beyond those previously considered acceptable as part of the outline application for the wider site. That application was assessed to include a hotel development of up to 100 bedrooms. Although this is a separate application, it would effectively replace the hotel development proposed under the outline permission, and proposes an 84 bed hotel, which would have less traffic impacts than the modelling undertaken for the outline scheme.
- 8.52 The retail proposal does raise additional highways issues, as this is a larger development to the scheme permitted at outline stage. The application includes a Transport Assessment (as amended) which sets out the highways implications relating to the scheme. In this respect, KCC Highways advise that the modelling forecasts two way AM peak movements of an additional 77 vehicles and 150 PM peak movements on the new Perry Court Roundabout. The proposals would also result in an additional 32 AM and 66 PM movements on the Ashford Road / A2 junction, and an additional 15 AM and 29 PM movements on the A2 / Mall junction. KCC Highways advise that the A2 / A251 junction analysis demonstrates that this junction is exceeding capacity and that without mitigation the application could not be permitted.
- 8.53 This is not unsurprising as the need for improvements to this junction has already been identified. The wider outline permission for Perry Court has secured a sum of £300,000 for this purpose and other nearby development schemes are also contributing to this. KCC have been working on plans for either signalisation or a roundabout scheme for this junction, although these are currently being reviewed with the aim to provide a more comprehensive scheme with greater land-take, in order to provide greater capacity. In order to mitigate against the traffic impacts arising from this application, KCC Highways advise that an additional sum of £99,660 is required towards phase 2 of the junction improvement works. This will be secured via S106 Agreement. KCC Highways will be taking a report to the Joint Transportation Board on the 24<sup>th</sup> June which will set out the intended approach for the junction improvement.
- 8.54 Highways England have also identified that the retail element of the scheme will result in traffic impacts over and above those assessed under the outline scheme. Highways England seek a financial contribution towards improvements to Brenley Corner to mitigate this, and a sum of £27,105 has been agreed. On this basis, Highways England do not object to the proposal.
- 8.55 In terms of sustainability, the site is within walking distance from large areas of the town, although this does need to be tempered by the likelihood that many shoppers will use cars for ease or to carry shopping that could not be done by foot or bike. Nonetheless, the development would provide pedestrian access onto Ashford Road via the newly installed crossing point, and further footpath and cycle connections would be provided through the wider Perry Court development, leading to the A2 via the public footpath through Abbey School. In addition, I understand that part of the wider highways mitigation proposals being considered by KCC Highways are to install a crossing facility onto the A2, which would make the pedestrian connection to Faversham easier and more attractive.

- 8.56 The proposals both include car parks that would meet the parking requirements of KCC.
- 8.57 To summarise, the proposal would lead to greater traffic generation, and both KCC Highways and Highways England have identified that mitigation is required to deal with such impacts. The applicant has agreed to make the necessary financial contributions as requested to enable KCC Highways and Highways England to carry out the required mitigation. On this basis, I consider the proposal would not cause unacceptable highways impacts, and would accord with Policies DM6 and DM7 of the Local Plan.

#### Air Quality

- 8.58 Policy DM6 (2) (d) of the adopted Local Plan states that developments involving significant transport movements should integrate air quality management and environmental quality into developments and, in doing so, demonstrate that proposals do not worsen air quality to an unacceptable degree, especially taking into account the cumulative impact of development schemes within or likely to impact upon Air Quality Management Areas. Paragraph 181 of the NPPF states that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and cumulative impacts from individual sites in local areas.
- 8.59 The site is not located within an Air Quality Management Area. However an AQMA is designated at Ospringe, approximately one kilometre to the west as the crow flies (or 1.4km by road) of the site.
- 8.60 The applicant has submitted an air quality assessment which models the wider Perry Court development flows with the proposed supermarket traffic, together with other committed developments. The modelling takes into account existing base conditions against a “maximum development flow” scenario.
- 8.61 The worst case nitrogen dioxide (NO<sub>2</sub>) impacts arising from the development (modelled on maximum development flows present in 2020) are classed as moderate at the Public House on the northwest corner of the junction with Ospringe Road and at a few other receptors at similar positions relative to London Road. However, the report states that actual changes relative to the air quality assessment level (the AQAL) are small at 0.3 µg/m<sup>3</sup> or less, which represents a change of only 1% relative to the AQAL. Other modelled changes are calculated to be either slight or mainly negligible.
- 8.62 The reports sets out that by the time maximum development flows would be present in practice (i.e. that the worst case 2020 scenario above will not in practice occur as all committed development will not be built by this time), future changes to background concentrations and emission factors indicate that all of the modelled receptors within the AQMA would experience a negligible impact due to development traffic.
- 8.63 In respect of PM<sub>10</sub> emissions (organic pollutants measuring 10 µg or less), the report sets out that , modelled concentrations show no changes arising from the development, that all modelled concentrations continue to lie well below the air quality objectives, and for all receptors the significance of development is defined as negligible.

- 8.64 The report states that the above effects are similar to those modelled for the original Perry Court development that was given outline planning permission. As such the additional/revised traffic generated by the local centre developments (the Aldi store and the hotel) will not significantly alter the local air quality, and the effects that were considered acceptable for approval of the Perry Court development will also be acceptable for the local centre developments.
- 8.65 The Council's Environmental Protection Team Manager accepts the results of the report that there will not be any significant adverse impacts on the AQMA or elsewhere as a result of this latest development. However as some 'moderate' impacts are forecast in 2020 from the development, it will be necessary to include mitigation measures. No objection is raised subject to securing a travel plan coordinator and electric charging points measures outlined in the AQ report.
- 8.66 On this basis the application is not considered to worsen air quality to an unacceptable degree, and mitigation is provided to help offset any air quality impact. This is considered to comply with Policy DM6 of the Local Plan and the NPPF.

### Ecology

- 8.67 The ecological impacts of development on the wider Perry Court site have been previously considered and found to be acceptable under the outline permission. The KCC Ecologist advises that notable species (including reptiles, breeding birds and badgers) have been recorded within the wider site, and that as such that development will need to follow a precautionary mitigation strategy, which can be secured via a planning condition, and likewise ecological enhancements.
- 8.68 Natural England has not identified any conflict with the protection of the Swale and Thames Estuary SPA and Ramsar sites, and as this is not a residential development there is no requirement to contribute towards SAMMS.
- 8.69 I am satisfied that, subject to this, the scheme would not cause adverse impacts on biodiversity, and would comply with policy DM28.

## **9. CONCLUSION**

- 9.01 This application would deliver development on a strategic site allocated for mixed use development in the Local Plan. The scheme would essentially add a supermarket to the quantum of development previously approved under outline permission 15/504264, and the retail impact associated with this has been found to be acceptable, subject to conditions to control the type of retail offer and floorspace. The proposed hotel would be in accordance with the parameters previously agreed for such use under the outline permission. The scheme would deliver economic benefits through additional jobs and improvements to the tourism offer
- 9.02 The scale and design of the scheme are acceptable, subject to agreement on the provision of further landscaping, and whilst the scheme would clearly change the outlook from dwellings on Ashford Road, this would not be to an unacceptable degree. Highways impacts are acceptable, subject to financial contributions towards identified mitigation, and air quality impacts are not considered to be unacceptable.

- 9.03 Overall, I am of the opinion that the scheme is acceptable and accords with the development plan and the NPPF.

## 10. RECOMMENDATION

Delegate to officers to GRANT permission subject to –

- Completion of a S106 Agreement to secure the additional highways contributions identified
- Submission of an amended plan to improve the extent of landscaping to the front of the retail site and car park.
- and the following conditions:-

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### General

- 2) The development shall be carried out in accordance with the following approved plans: 1416-PP Rev B, 1416-PCL Rev D, 1416-90 Rev E, 1416-300 Rev J, 1416-301 Rev K, 1416-350 Rev D, 1416-206 Rev C, 1416-205 Rev F, 1416-201 Rev D, 1416-200 Rev H, 1416-110 Rev EE

Reason: To accord with the application, in the interests of proper planning

- 3) No development beyond the construction of foundations shall take place in any phase until details in the form of samples of external finishing materials to be used in the construction of the development hereby approved for that phase have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 4) No development beyond the construction of foundations for the hotel shall take place until the following building details (drawings to be at a suggested scale of 1:5) have been submitted to and approved in writing by the Local Planning Authority:
  - Section drawings of window frames and glazing bars, to include depth of window reveal from the external face of the building.
  - Manufacturer's colour brochure and specification details of the window product.
  - Section drawings of the junction between the cladding materials, brickwork and facing materials on the elevations of the building.
  - A section drawing of the wall capping detail
  - Facing materials for the lift overrun and plant enclosure on the roof of the hotel building.
  - Details of rainwater goods

The development shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and design quality.

- 5) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development in any phase beyond the construction of foundations shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety

- 6) The buildings hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard and prior to the use of the building the relevant design stage certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

Reason: In the interest of promoting energy efficiency and sustainable development.

### Construction

- 7) No development in any phase shall take place until a Construction and Environmental Method Statement for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved Statements shall be adhered to throughout the construction period for those phases. These shall include details relating to:
- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
  - (ii) The loading and unloading and storage of plant and materials on site;
  - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development phase during construction;
  - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
  - (vi) Measures to control mud deposition off-site from vehicles leaving the site, including the provision of wheel washing facilities;
  - (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
  - (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
  - (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking;
  - (x) Lighting strategy for the construction phase, designed to minimise light spillage from the application site; and
  - (xi) Measures to manage the routing and timings for construction and delivery vehicles

Reason: To ensure the development does not prejudice conditions of residential amenity, highway safety and convenience, and local ecology, through adverse levels of noise and disturbance during construction.

- 8) No construction work in connection with each phase of the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity

- 9) No impact pile driving in connection with the construction of each phase of the development shall take place on the site on any Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0800-1800hours, Saturday 0800 – 1300, unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

### Highways

- 10) The access details (including footpath connections) for each phase shown on the approved plans shall be completed prior to the occupation of that phase hereby approved, and the accesses shall thereafter be maintained.

Reason: In the interests of highway safety.

- 11) The area shown on the submitted plans as loading, off-loading and vehicle parking spaces shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and access thereto shall be provided prior to the commencement of the use hereby permitted.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users

- 12) Prior to the commencement of the external works for each phase, details of the secure covered cycle storage facilities for that phase 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 maintained thereafter.

Reason: in the interests of sustainable development

- 13) No occupation of each phase shall take place until a Staff Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement (including the appointment of a travel plan coordinator). Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: in the interests of sustainable development

- 14) Prior to the commencement of the external works for each phase, details of electric charging facilities to be provided in that phase shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed



prior to first public use of the buildings, and maintained thereafter.

Reason: In the interests of sustainable development.

- 15) No development in any phase shall be brought into use until the visibility splays as shown on the approved plans have been provided, and such splays shall thereafter be maintained with no obstructions over 0.9 metres above carriageway level within the splays.

Reason: In the interests of highway safety.

### Landscaping

- 16) No development in any phase shall take place until full details of all existing trees and/or hedges in that phase, details of any trees or hedges proposed for removal, and measures to protect any trees or hedges shown to be retained within or immediately adjacent to the site, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include
- (a) a plan showing the location of, and allocating a reference number to each existing tree and hedge on the site to be retained and indicating the crown spread of each tree, and extent of any hedge, and identifying those trees and hedges to be removed.
  - (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree and hedge.
  - (c) details of any proposed arboricultural works required to any retained tree or hedge
  - (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
  - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development .

The development shall be carried out in accordance with the approved details and the approved protection measures shall be installed in full prior to the commencement of any development, and retained for the duration of construction works. No works, access, or storage within the protected areas shall take place, unless specifically approved in writing by the Local Planning Authority

In this condition “retained tree or hedge” means any existing tree or hedge which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees and hedges which are worthy of retention in the interests of the amenities of the area.

- 17) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, measures to prevent vehicles from overhanging onto paths and landscaped areas within the car park, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 18) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of each phase of the development or in accordance with the programme, taking account of the planting seasons, as agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 19) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 20) No development beyond the construction of foundations to the retail unit shall take place until details of the design and siting of a public art installation have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first opening of the retail unit to the public, or in accordance with a timetable approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area.

- 21) The open space for each phase, as identified on drawing 1416 OSA shall be provided and made available for public use at all times prior to first occupation of that phase of the development, and maintained as such thereafter.

Reason: To ensure that the development contributes to wider space objectives as set out under Policy MU7 of the Local Plan.

#### Contamination

- 22) Piling or any other foundation designs using penetrative methods shall not be permitted within the relevant phase other than with the express written prior consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development of that phase shall be carried out in accordance with the approved details.

Reason: To protect controlled water and comply with the NPPF.

- 23) If, during development of a relevant phase, contamination not previously identified is found to be present in that phase then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out in that phase until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To protect controlled waters and comply with the NPPF.

#### Drainage

- 24) No infiltration of surface water drainage into the ground in any phase is permitted other than with the written consent of the Local Planning Authority for that phase. The development shall be carried out in accordance with any such approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework

- 25) No development shall commence in any phase until details of the proposed means of foul sewerage disposal for that phase have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure adequate foul drainage facilities are provided

- 26) No development in any phase shall take place until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by each phase of the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site, as detailed within the Flood Risk Assessment and Drainage Strategy prepared by BSP Consulting referenced 17-0303/FRA-DS, without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 27) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme for that phase is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- 28) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system for that phase, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

#### Environmental

- 29) No dust or fume extraction or filtration equipment, or air conditioning, heating, ventilation or refrigeration equipment shall be installed on each phase of the development until full details of its design, siting, discharge points and predicted acoustic performance for that phase of development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of nearby residential properties.

- 30) No deliveries shall take place outside the hours of 0600 - 2300 hours Monday to Saturday, and deliveries between the hours of 0600 - 0700 shall be conducted in line with the Delivery Management Plan dated November 2018. No deliveries shall take place on a Sunday, bank or public holiday outside of the hours of 08:00 – 20:00, and deliveries between the hours of 08:00 and 09:00 shall be conducted in line with the Delivery Management Plan dated November 2018.

Reason: In the interests of residential amenity.

#### Retail impact

- 31) The development hereby approved shall only be used as a Class A1 retail foodstore and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class A1 of the Town and County Planning (Use Classes) Order 1987 (or any order revoking or re-enacting or amending that Order with or without modification). 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 32) The Total Class A1 (retail) floorspace hereby permitted shall not exceed 1,725 sqm gross internal area. The net sales area (defined as all internal areas to which customers have access, including checkouts and lobbies) shall not exceed 1,254 sqm without the consent of the Local Planning Authority.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), the Class A1 (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 251 sqm of the net sales area devoted to comparison goods

Reason: To control the extent of comparison goods retailing, Reason: to prevent unacceptable impacts upon the vitality and viability of Faversham Town Centre

- 34) The Class A1 (retail) unit hereby permitted shall be used as a single unit and shall not be sub-divided into two or more units, and no concessions shall be permitted within the unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 35) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), no mezzanine floor or other form of internal floor to create additional floorspace other than that hereby permitted shall be constructed in the hereby permitted Class A1 (retail) unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Faversham Town Centre

- 36) The class A1 retail use hereby permitted shall not be open to customers or any other persons not employed within the business operating from the site outside the following times 0700 - 2200 on weekdays, Saturdays and Bank and Public Holidays and any 6 hours between 1000 - 1800 on Sundays.

Reason: In the interests of residential amenity.

#### Ecology

- 37) No installation of an external lighting scheme for each phase shall take place until a bat sensitive lighting scheme to minimise impacts on bats, for each phase, is submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of amenity and biodiversity

- 38) No development of any phase shall take place until a detailed mitigation strategy for all protected species has been submitted to, and approved in writing by, the Local Planning Authority for that phase. The development shall then be implemented in accordance with the agreed strategy.

Reason: In the interests of biodiversity

- 39) No development beyond the construction of foundations shall take place in any phase until a detailed scheme of ecological enhancements for that phase have been submitted to and approved in writing by the Local Planning Authority. The enhancement measures shall be completed prior to first use of the building.

Reason: In the interests of biodiversity.

### Archaeology

40) No development of any phase shall take place until the applicant, or their agents or successors in title, has secured the implementation of the following, for each phase:

- (1) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority; and
- (2) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record

## **INFORMATIVES**

- 1) A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this case, the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

