

PLANNING COMMITTEE – 12 SEPTEMBER 2019

DEFERRED ITEM 1

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 REFERENCE NO - 18/502735/FULL		
APPLICATION PROPOSAL		
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.		
ADDRESS Land At Perry Court Ashford Road Faversham Kent ME13 8YA		
RECOMMENDATION – That delegated authority is given to grant planning permission subject to the submission of a further landscaping plan and completion of a S106 Agreement, and the comments of KCC Highways and Transportation.		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The site forms part of a strategic mixed use development site as allocated under policy MU7 of the local plan. • The principle of a hotel has already been established through the grant of outline permission • The impact of the retail unit has been assessed and found to be acceptable • The scale and design of the development is considered to be acceptable. • 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 • The sustainable measures proposed and landscaping of the site have been improved and found to be acceptable • Other localised impacts have been assessed and found to be acceptable. 		
REASON FOR REFERRAL TO COMMITTEE		
This application was deferred by the Planning Committee on 30 th May 2019.		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT HDD (Faversham) Limited And Premier Inn Hotels Limited AGENT Pegasus Planning Group
DECISION DUE DATE 06/09/18		PUBLICITY EXPIRY DATE 08/08/19

1. Background

1.01 This application was reported to the Planning Committee on 30th May 2019. A copy of the report is attached as Appendix A. The planning Committee deferred the application for the following reasons –

- For a decision to be made by the Swale Joint Transportation Board in relation to improvements to the A2 / A251 junction.
- Further details relating to the design of the buildings
- Further details of the environmental impact of the development (particularly sustainable design and construction)
- Further details of the potential impact on the viability of Faversham Town centre
- Further implications for local air quality
- Further details of native tree species to be planted.

1.02 A copy of the minutes of the committee meeting is attached as Appendix B.

1.03 The applicant has subsequently met with my officers and submitted further details in response to the matters raised by the Planning Committee. This includes a design note, retail note, landscape strategy note, Transport Assessment summary note, sustainability briefing note and an Air Quality Assessment summary. The applicant has also provided a revised site plans and landscaping plan which includes amendments to the soft landscaping proposals, and a revised elevation plan showing amendments to the visual appearance of the hotel building at ground floor level. The applicant has also provided further detail of the bricks and cladding proposed for the development.

2. FURTHER REPRESENTATIONS

2.1 3 further letters received from local residents, raising the following concerns –

- Impacts on highways infrastructure and air quality, including through the Ospringe AQMA
- Consideration of this application was postponed indefinitely in May, so why is it being reported back to committee again?
- The cosmetic changes proposed do not address the more significant objections relating to traffic and air quality. Cumulative impacts also need to be considered.
- Past resident comments are not displayed in full text form.
- The change in the political make up of Swale Borough Council and Faversham Town Council should not be ignored.
- The position of the hotel development would have a significant impact on the privacy and outlook of residents on Ashford Road.

2.2 A letter has been received from a consultant representing Tesco, and which is summarised as follows –

- The application still fails to properly assess the retail impact of the scheme, as required by Policy MU7 of the Local Plan.
- The applicant has still not produced a retail impact assessment
- The consultants employed by the Council have not provided an impact assessment and do not identify the actual / likely trading performance of the town centre stores, and must be treated with caution.

3. FURTHER CONSULTATIONS

3.01 Faversham Town Council – No Objection, reasons : -

- Changes made to the application address the material considerations previously raised, including addition of solar panels, change of materials and improvements to the landscaping of the site.
- The concerns about the A2/A251 and Mall Junction have been answered.

3.02 KCC Highways and Transportation – No comments received to date. I will update Members at the meeting.

3.03 Environmental Protection Team Leader – Advises that the effect on Air Quality from this part of the wider development (which also includes up to 310 dwellings, a care home and a substantial amount of class B1 floorspace) will be negligible. By the time this development has been constructed and has been established it is predicted that air pollution levels will have continued to fall, largely as a result of improvements in vehicle technology and the gradual removal and replacement of the most polluting vehicles. The technical note gives more substance to the argument being put forward by quoting a dispersal modelling method and figures that have resulted. Though it would have been preferable to have seen more explanation to the numbers being mentioned in the note, I am satisfied that it all points in the same direction i.e. that air quality in and around this site will not be adversely impacted by this or any other part of the development. The only criticism of this note I would make is in connection with the description of suggested mitigation measures which are too vague and non-specific even though I do not disagree with what is being suggested.

3.04 SBC Climate Change officer - Advise that they are generally happy with the BREEAM very good strategy and EV charging strategy. In respect of EV charging, it is appreciated that the electricity supply capacity may be beyond the control of the applicant. The argument for fewer charge points at the supermarket is understandable. However many local residents live in terraced properties with no space for off road parking – the availability of local charging points would make adoption easier and more likely for them, and would provide charge points close to the motorway. The climate change officer fully supports the greywater harvesting proposed for the hotel and the £20,000 financial contribution towards off-site electric vehicle charge points.

4. APPRAISAL

4.01 This section deals specifically with the queries raised by the Planning Committee in deferring the application in May 2019.

The A2 / A251 Junction

4.02 Proposals for improvements to this junction were reported to the Swale Joint Transportation Board meeting on 24th June. The Board recommended that a scheme for signalisation of the junction be pursued. KCC expect to deliver this scheme in the next 18 months.

Sustainability

4.03 The applicant has provided a briefing note that sets out the sustainable measures to be utilised within the development. The proposals would be designed to meet BREEAM Very Good standards in accordance with policy DM19 of the Local Plan, and this would be secured via a planning condition. The Briefing Note sets out the following sustainability measures that would be provided –

- The use of solar panels on the roof of the hotel building. The Briefing note explains that the panels would cover an area of approximately 140 sqm providing an output of 20KWh, which would be sufficient to cover the heating needs for the hotel.
- The use of air source heat pumps for the hotel
- The use of a greywater recycling system for the hotel, which would be designed to meet 100% of the WC flushing demand.
- The use of a refrigerant heat recovery system in the food store, which would generate sufficient re-usable energy to cater for all the heating requirements of the store.
- A reduction in energy use through increased building fabric energy
- Reductions in water consumption through efficient taps and low flush toilets (and the greywater harvesting described above).
- Use of a sustainable surface water drainage scheme
- Provision of on site electric vehicle charge points and a contribution of £20,000 towards off-site EV charge points in Faversham.

4.04 The Council's Climate Change Officer supports the sustainability measures being provided and in my opinion these would meet if not exceed the policy requirements under DM19 of the Local Plan.

Viability of town centre

4.05 The applicant has provided a Retail Impact Note which sets out the following –

- That the impact of the proposed Aldi store on Faversham town centre has been considered in detail by two independent consultants on behalf of the Council, both of whom confirm that the application accords with the relevant impact test.
- That despite objections from Tesco and Morrison's, neither operator has suggested that the proposed Aldi store would result in the closure of their store.
- That whilst a small proportion of trade draw will be from the town centre (principally Tesco), the impact of this would be limited and would not result in significant impacts.
- That the proposal would result in a negligible trade draw / impact on smaller shops and the market within the town centre, due to its significantly different offer to these

facilities, as highlighting by the ability of small shops / the market to trade alongside existing main-food shopping facilities.

- That the proposed retail store would bring about significant economic benefits and improve consumer choice for the town and surrounding area.
- 4.06 Members will be aware from the original committee report that the impact of the proposed Aldi store on Faversham town centre has been assessed by two external consultants on behalf of the Council, one of which (WYG Planning) has also produced the Swale Borough Council Retail and Leisure Needs Assessment (RLNA) for the Local Plan review. In the RLNA, it was concluded that Faversham town centre displayed good levels of vitality and viability.
- 4.07 Members of the planning committee in May specifically raised concern regarding the impact of the Aldi proposal on Faversham town centre, particularly smaller local shops and the Faversham market. The trade draw forecasts undertaken by the applicant and reviewed by WYG Planning (on behalf of the Council) set out that the turnover of the Aldi store would be in the region of £10.33 million. This turnover would predominantly be drawn from other discount stores (30% drawn from Aldi stores in Sittingbourne and Whitstable), and from Sainsbury's (23%) and Morrison's (10%) in Faversham. The forecasting shows that 15% of the Aldi turnover (approx. £1.47 million) would be drawn from Faversham Town Centre and that this would be almost exclusively drawn from the Tesco store.
- 4.08 The WYG Planning Retail Impact Appraisal states that the impact of the proposal on the convenience goods turnover of Faversham Town Centre would be in the region of 5.6%. The edge of centre Morrison's is predicted to experience an 8% impact. The appraisal has also carried out sensitivity testing based on a scenario if slightly more trade was drawn from the town centre. This forecasts that the impact on convenience goods turnover in the town centre would be in the region of 6.3%, the impact of which would fall most heavily on Iceland and other stores (16%). Members may also be aware that Iceland is due to close in September.
- 4.09 The WYG Appraisal concludes that the impact on the convenience goods turnover of the town centre would be between 5-6%, and that such levels would not normally be cause for concern particularly given the good levels of vitality and viability exhibited in Faversham town centre. The Appraisal sets out that it is unlikely that any individual store would close as a result of the impact of the proposed Aldi store, and that competitive overlap with smaller stores (butchers, bakers, convenience stores) is low. Members should note that proposed conditions 31-35 specifically control the type of retail offer, limiting use to a deep discount retailer, and limiting the floor space and extent that can be used for the sale of comparison goods. Such conditions are all designed to control the scale and type of retailing to limit impacts on the town centre.
- 4.10 I have considered the impact on Faversham markets further and consulted with my colleagues in the Planning Policy team. The markets represent niche retailing and Faversham has a strong reputation both for the regular and specialist markets, I do not consider that the proposal would result in significant impacts on the markets. The markets already co-exist with the nearby Tesco and Morrison's stores, and I do not consider that the proposal would cause unacceptable impacts.
- 4.11 For the benefit of Members, I have attached the WYG Appraisal as Appendix C.
- 4.12 Members will also note the further objection from representatives acting for Tesco. I have already addressed their concern regarding the planning policy position in paragraph 8.10 of the May committee report. In respect of the adequacy of the

assessments undertaken by consultants employed by the Council, I have discussed this further with colleagues in my Planning Policy team. It is considered that these documents are both locally appropriate and proportionate, particularly the work carried out by WYG Planning that uses the most up-to-date figures available from the local plan evidence report on the Retail & Leisure needs published earlier this year. As such I have no concern regarding the adequacy and robustness of the reports.

Air Quality

- 4.13 The applicant has submitted an air quality summary document which explains how the assessment has been carried out in accordance with current guidelines, and based on traffic data agreed with KCC Highways and Highways England which includes traffic generated from the original outline consent (reference 15/504264/OUT and which is described under 'Planning History' in the amended report), additional consented developments in the area and additional traffic generated by the proposed foodstore.
- 4.14 The summary document reports that predicted NO₂ concentrations are predominantly classed as Slight or Negligible, with a small number of predicted Moderate impacts. The Moderate impacts represent a change of less than 1% of the objective of 40µg/m³, and would not result in any new exceedances of this objective within the Ospringe AQMA. Annual PM₁₀ concentrations are predicted to remain within the objective of 40µg/m³.
- 4.15 Future year traffic data has been modelled using 2019 and 2020 background and emissions data. However emissions are predicted to decrease year on year through technology improvements to reduce pollution. By the time maximum development flows would be present, future changes to background concentrations and emission factors indicate that all of the modelled receptor locations within the AQMA would experience negligible impacts arising from the development.
- 4.16 Members will note from the comments received from the Environmental Protection Team Leader that he agrees that air quality impacts would be negligible. On this basis, I do not consider that there would be any significant impacts upon air quality.
- 4.17 The Environmental Protection Team Leader had originally commented that the mitigation measures proposed in the report were vague. Since then, the applicant has confirmed that 6 x 7kw fast changing points would be provided for the hotel scheme, and 2 x 22kw fast charge points would be provided on the foodstore site, with infrastructure provision for a further 4 charging points. The faster charge points at the foodstore would reflect the fact that vehicles are more likely to park for shorter periods than at the hotel site.
- 4.18 The applicant has submitted that they have secured additional electricity capacity to provide EV charge points, but that there is a limit on the network capacity and in turn the number of charge points that can be provided. The applicant has also offered a sum of £20,000 towards the provision of public EV charge points in the wider Faversham area.
- 4.19 These details are acceptable to the Environmental Protection Team Leader and the Climate Change Officer. I am awaiting further comments from KCC Highways on this matter and hope to report these to Members at the meeting.
- 4.20 Members should also note that the other mitigation measures referred to in the Air Quality report are secured under proposed conditions 12 (cycle parking) and 13 (Travel Plan).

Design and landscaping

- 4.21 The design note sets out that a number of changes have been made to the scheme following meetings with officers. These include –
- Revisions to the hotel elevations, to remove areas of render at ground level and replace them with brick elevations.
 - Amendments to the brick colour for the foodstore and hotel as shown on the plans, to be more appropriate to the local vernacular. The applicant has also provided samples of typical bricks and cladding for use in the development.
 - Provision of solar panels on the roof of the hotel building, to be concealed from view by the parapet detail.
 - Screening of service and plant areas to the east of the hotel.
 - A revised site plan and landscaping plan which includes additional tree planting within the hotel and foodstore car parks, additional landscaping details and amendments to open space, to provide greater ecological value and use of native species.
- 4.22 At the May committee, some members queried the design of the development and how it related to the local vernacular. The design is contemporary rather than traditional, and in my opinion this is appropriate for the type of buildings proposed which are commercial and significantly larger in scale than surrounding residential properties. In my opinion, the use of pitched roofs and attempts to create a traditional design would not be a good solution, given the size of the buildings and additional scale that a pitched roof would create, particularly on the hotel building. However, following meetings with my officers, the applicant has made some amendments to the hotel elevations to remove ground floor rendered areas and replace with brickwork. The applicant has also clarified the brick colour to be used for the development, to demonstrate how this can respond to the local vernacular and which would be used as a baseline to agree specific bricks under planning conditions. Different options for cladding of the upper levels of the hotel building have been provided, and would again be secured by condition. My Principal Urban Design and Landscape Officer advises that the hotel scheme has been improved through the recent changes, that the massing of the building is broken up through the use of two materials, and that the design and form of the building is acceptable subject to agreement on materials – and that the use of red bricks and cladding would be in keeping with the Faversham vernacular. She further advises that the massing of the foodstore is broken up horizontally and is light and airy in choice of materials. The use of louvres gives a three dimensional effect and the roof is angled rather than flat. She advises that both designs are appropriate to their local context.
- 4.23 The landscaping and site plans have been updated to include additional landscaping within the car park, and in my opinion this would enhance the visual appearance of the development. The landscaping has been designed to utilise native species, including the use of fruit trees to reflect the orchard character of the area. The species mix is generally acceptable to my Principal Urban Design and Landscape Officer, although she considers that further landscaping could still be secured on the development, and that some individual tree and shrub selections should be amended. I am discussing this with the developer at present. I do not yet have comments from the Council's Tree Consultant, but hope to report these to Members at the meeting.
- 4.24 Overall, I am content that the amendments have improved the scheme, provide some greater clarity over materials, and (subject to some amendments) would provide a greater level of soft landscaping.

5. CONCLUSION

- 5.1 The applicant has provided a number of amendments and supplementary notes to address the matters raised by the planning committee in May. The revised scheme has resulted in improvements to the design, landscaping and sustainability of the development (although further landscaping improvements are still sought). More certainty has now been provided on the timescales for delivery of the A2 / A251 highway improvement scheme, and the Council's Environmental Protection Team Leader remains of the view that air quality impacts would be acceptable.

6. RECOMMENDATION

GRANT Subject to the following conditions, the signing of a suitably-worded Section 106 agreement and the comments of KCC Highways and Transportation.

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 C, 1416-PCL Rev A, 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 LL, 1416-310, 1416-503

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) Prior to the installation of each element described below for the hotel, the following building details (drawings to be at a suggested scale of 1:5 or as appropriate in order to show sufficient detail) shall be 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. The measures set out in the Sustainability Briefing Note (received on 23/08/19) shall be incorporated in full as part of the Standard.

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 routeing 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 occupation of each phase, details of electric charging facilities – to be of a type as set out in the Sustainability Note by Pegasus Planning - 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 use of the buildings hereby approved, 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 for that phase as shown on the Site Access Visibility Splays Plan (drawing 17-0303/VS01 appended to the Transport Assessment) 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 in any phase until full details of both hard and soft landscape works for that phase 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 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 hotel shall take place until details of the design and siting of a public art installation have been submitted to the Local Planning Authority. The approved details shall be installed prior to first opening of the hotel, or within six months of approval by the Local Planning Authority, whichever is the sooner.

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

- 21) The open space for each phase, as identified on drawing 1416 OSA Rev A 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 be occupied in any phase until the approved means of foul sewerage disposal for that phase have been completed.

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 it's 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) For the avoidance of doubt, the electricity substation can be constructed in accordance with the approved details and without a requirement to comply with the above pre-commencement conditions other than condition (40)
- (2) For the avoidance of doubt, works in connection with condition (40) (Archaeology) shall be permitted to take place without a requirement to comply with the above pre-commencement conditions.

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.

