

**Tabled paper – Deferred Item 2**

**18/502735 - Land at Perry Court, Ashford Road, Faversham**

Further representations

2 further representations have been received, both relating to air quality and traffic. One refers to the production of a new Air Quality report commissioned by the Faversham Society

A further representation has also been received from the planning consultants acting for Tesco. I understand this has been circulated to all Members of the Planning Committee. In summary, the representation states as follows –

- That Members were entirely justified in raising concerns about the impact of this development on Faversham town centre at the last committee meeting in September.
- That Faversham retailing is vulnerable to change, as set out in the Council's own retail study.
- That the officer assessment in the report is inadequate.
- That the failure of the applicant to provide a Retail Impact Assessment (RIA) is contrary to Policy MU7 of the Local Plan, and to the recommendation in the Retail and Leisure Needs Study commissioned by the Council that a lower threshold for a RIA (500sqm) is adopted.

Air Quality

Members of the Planning Committee have been sent an email containing a recently produced Air Quality report by the University of Kent, acting for The Faversham Society. The report has been considered by the Council's Environmental Protection Team Leader, and he has provided the following response -

- The report refers to WHO limits as well as EU limits. WHO limits are lower and therefore are consequently easier to exceed, but are not part of the UK AQ Strategy which we enforce.
- The monitoring equipment used is not MCERTS approved and for shorter periods of time, especially for the particulate monitoring.
- The report suggests the declaration of a further 2 AQMAs in Faversham, but with readings that do not exceed current EU guidelines and in one of these proposed areas (junction of A2 and A251), where there are hardly any receptors.
- The report uses a different NO<sub>2</sub> tube bias correction factor to that used by all other tube locations in Kent even though the tubes originate from the same laboratory. The factor is used to calculate the levels found. Although the values shown in the report except at one locality do not exceed the annual mean limit of 40 ug/m<sup>3</sup>, there is a presumption that because these readings are within 10 % of the limit value, there is evidence to declare an AQMA. This approach is not followed by any other authority that I am aware of.

## Planning Committee – 10 October 2019

- Though we currently do not measure in some of these areas, so have no data to compare, we will remedy this situation by attaching NO2 tubes at the same localities for a period of up to 12 months except at the A2/A251 junction where a tube will be exposed on the A2 next to the block of flats.
- I would expect our readings to be similar to those of the UKC report and if they are, i.e. are less than 40ugm/m3, my conclusion would be not to declare any further AQMAs.

### Retail Impact

The representation referred to above includes a number of points previously raised by the same writer, which I have addressed in previous reports and tabled updates to Members. In terms of the new points raised, I would advise as follows –

- The issue of town centre viability is referred to in paragraphs 3.12 and 3.13 of my latest report. However, Members will be also aware that this matter is referred to in much greater detail in my reports to the May and September committees (appended), and the full report from the WYG retail consultant is also appended. Advice from another retail consultant (Carter Jonas) employed by the Council is also available on the Planning file. – So Members have a significant amount of information and advice upon which to base a decision.
- The WYG retail consultant used to assess this application is the same consultancy that produced the recent Retail and Leisure Needs Assessment for the Council, and therefore has very good knowledge of retailing in the Borough. I am satisfied that the consultant's advice on this application is robust.
- The recommendation to adopt a lower threshold to require applications to include a Retail Impact Assessment is a material consideration, and will ultimately be brought forward in the Local Plan review. However this review is at an early stage, and no draft plans or policies have been produced. In addition there has been no formal consultation on the lower threshold recommended in the Study. On this basis, whilst this is a material consideration I give it very little weight in the current decision making process. In addition, Members will note my advice in the May and September committee reports that the advice received from the retail consultants commissioned by the Council provides a robust base upon which to make a judgement of the retail impacts.

Members will also have received a report from the applicant's air quality consultant, which provides a response to the University of Kent report.

The position of the Council's Environmental Protection Team Leader remains that the scheme would not result in unacceptable air quality impacts.

### Sustainable Transport Measures

In paragraph 3.24 of my report, I stated that I would provide a further update to Members on negotiations to improve public transport links. This is still being discussed with the applicant and KCC Highways, as there are two ways in which this could be achieved –

## Planning Committee – 10 October 2019

- Via a financial payment through the S106 Agreement.
- Via an amendment to this application to include this proposal as “off-site”highways works, with a Grampian style condition applied to secure this.

I would therefore seek agreement from the Planning Committee to continue this negotiation under delegated powers.

**RECOMMENDATION** – My recommendation remains that delegated powers are given to GRANT planning permission, subject to

- Resolution over the process to secure bus stop improvements on Ashford Road
- Completion of a S106 Agreement to secure highways contributions (namely £99, 660 and £27, 105 as requested by KCC Highways and Highways England respectively) and a £20,000 contribution towards off site EV points.
- The conditions as listed in my report.