

<b>2.7 REFERENCE NO - 20/501936/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of a retail terrace (Classes A1, A2, A3, A5 and D1).		
<b>ADDRESS</b> Land At Perry Court Local Centre (Plot 4) Tettenhall Way Faversham Kent ME13 8XN		
<b>RECOMMENDATION</b> – Grant subject to the completion of a S106 Agreement to secure highways contributions towards improvements to the A2 / A251 junction and the M2 J7 at Brenley Corner and conditions as set out below.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposal would provide local shopping and service facilities (subject to control via planning conditions) of a scale that would not harm the town centre and would add to the sustainability of the Perry Court development. The development would not cause unacceptable highways impacts subject to control through planning conditions and mitigation through financial contributions via a S106 agreement. The development would accord with the Local Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The recommendation is contrary to the views of Faversham Town Council.		
<b>WARD</b> Watling	<b>PARISH/TOWN COUNCIL</b> Faversham Town	<b>APPLICANT</b> HDD (Faversham) Limited <b>AGENT</b> Pegasus Planning Group
<b>DECISION DUE DATE</b> 01/07/20	<b>PUBLICITY EXPIRY DATE</b> 20/08/20	

**Planning History**

18/502735/FULL - 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 - Approved

The following applications are also of relevance

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

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

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

## 1. DESCRIPTION OF SITE

- 1.01 The application relates to a roughly square shaped parcel of land measuring approximately 770 sqm within the Perry Court development site allocated under policy MU7 of the Local Plan. The parcel of land is located in the north-west corner of the Aldi food store plot as consented under 18/502735/FULL, immediately to the west of the main entrance to the food store car park.
- 1.02 The site is located at the junction of two roads within the development site. A hotel has been permitted to the north of the site, and residential / care home development to the west of the site. Residential development is under construction to the west of the site. The retail store, hotel and care home development are all also under construction

The site falls within the built confines of Faversham.

## 2. PROPOSAL

- 2.01 The application seeks permission for a building containing a terrace of three commercial units to be erected on the land. The building would provide a total gross internal floorspace of up to 318 sqm. The units would individually measure 78.3sqm, 100sqm and 139.35sqm, although the planning statement sets out that two units could be combined if necessary to meet client requirements. The application is speculative, insofar that no occupiers are currently confirmed – and therefore seeks permission for a potential range of uses, incorporating A1 (retail), A2 (financial and professional services), A3 (restaurants), A5 (hot food take-away) and D1 (non-residential institutions). (Members should note my comments in paragraphs 8.35-8.37 relating to subsequent changes made by Government to the Use Classes Order)
- 2.02 The proposed building would be a single storey structure with a monopitched roof, measuring between 3.9m and 5.5 metres in height, located immediately to the west of the main entrance into the car park. The front entrance to the units would face east into the Aldi car park, and would be set back from the car park by a forecourt/terrace and pavement. A belt of landscaping would be provided adjacent to the north and west facing elevations and next to the pavement edge, and a pedestrian walkway would be provided to the south of the building, linking the parade and Aldi store to the residential development to the west of the site.
- 2.03 The application site area includes the proposed Aldi car park and the intention is that the car park would be shared between Aldi and the occupants of the units.

## 3. PLANNING CONSTRAINTS

Within the built confines of Faversham

Within land allocated for major mixed use development under policy MU7 of the Local Plan

Within an Area of Archaeological Potential

## 4. POLICY AND CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) – Paragraphs 8 (achieving sustainable development), 11 (presumption in favour of sustainable development), 47 (determination in accordance with development plan), 54-57 (planning conditions and obligations), 85 (positive approach to town centres), 86-87 (the sequential retail test), 89 (retail impact assessment), 90 (applications that fail the sequential / impact assessment test should be refused), 91 (creation of strong healthy communities through (inter-alia) mixed developments, neighbourhood centres and local shops), 92 (planning positively for

provision of local shops and other services to enhance the sustainability of communities), 102-111 (supporting sustainable transport), 124-131 (creating well designed places),

#### 4.02 National Planning Practice Guidance (NPPG) – Town Centres and retail

4.03 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 – Policies ST7 (Faversham and Kent Downs Strategy), CP1 (building a strong and competitive economy), MU7 (Perry Court mixed use allocation), DM1 (maintaining and enhancing town centres), DM2 (proposals for main town centre uses), DM6 (transport), DM7 (parking), DM14 (general development criteria, DM19 (sustainable design), DM34 (archaeological sites).

4.04 Supplementary Planning Document (SPD): The Swale Borough Council Car Parking Standards SPD (May 2020).

### 5. LOCAL REPRESENTATIONS

5.01 7 letters of objection received, including 1 from the Faversham Society –

- This will result in further traffic using the A251 (Ashford Road)
- The plot should remain as green space as currently consented
- A local centre was proposed in the local plan but subsequently escalated to a supermarket. This squeezed more development into the site.
- The retail units would compete with units in the town centre
- A car based development is not sustainable in light of climate change
- This would be contrary to initiatives promoting active travel and public health
- The development conflicts with the emerging Faversham Neighbourhood Plan
- It is not clear / known who would occupy the premises
- Risk that the units would not be let.
- Potential for anti-social behaviour if food outlet have long opening hours – and impact upon local policing
- Additional litter and maintenance upkeep costs
- Incompatible with the care home approved opposite
- Good to see there is agreement for use of the Aldi car park
- Understood why other sites in Faversham area are not suitable
- This development will also benefit other developments at The Orchards and Preston Fields.
- Effect on smaller businesses at Brogdale

5.02 3 letters have been received from a planning consultant representing Aldi Stores. The applicant has submitted details to deal with some points raised in the first letters, but Aldi consider the following further points need to be clarified / resolved.

- A tracking plan is required to demonstrate that delivery / refuse lorries can be accommodated within the Aldi car park layout
- Deliveries and refuse collection should be coordinated and agreed with Aldi
- Further details of car parking access control measures are required
- The development would take place on land shown to be landscaped as part of the approved scheme for the site – and the landscaping now proposed is negligible.

## 6. CONSULTATIONS

6.1 Faversham Town Council – Following the submission of amended plans, the town council maintain an objection to the scheme as not all of its original concerns have been addressed. The outstanding concerns are as follows -

- The issue of delivery access / traffic management has only been partially dealt with.
- Loss of car parking spaces to supermarket
- If the application is approved, the town council would seek for the opening hours for the terrace to be restricted to 6am to 10pm.

6.2 Ospringle Parish Council – comment that the location of the proposed development is a sensible one rather than elsewhere on the Perry Court site.

6.3 KCC Highways – Following the submission of further information, KCC raise no objection to the proposal, subject to conditions. They are satisfied that supplied trip generation and distribution figures are robust, and that the calculation of £38,760 towards the improvement of the A2 / A251 junction is acceptable and should be secured via a S106 Agreement. KCC are satisfied that the combined car parking figures for peak use by customers of Aldi and the proposed units is acceptable, although due to the shared arrangements, a Delivery and Servicing Management Plan should be secured via a planning condition. KCC are also satisfied that the use of conditions to control the size of units would limit opportunities for more intensive traffic generators operating from the site.

6.4 Highways England – Following the submission of further information, Highways England raise no objection to the development, subject to the applicant entering into a legal agreement to secure a financial contribution of £11,815 towards highways works at M2 J7, and £38,760 towards improvements towards the A2 / A251 junction.

6.5 SBC Environmental Health – Raise no objection to the proposal, but recommend conditions relating to construction hours and operation, and submission of details of plant / equipment required for A3/A5 uses. Had originally requested hours of opening to be as per the Aldi store, but have subsequently agreed that opening to 11pm would be reasonable.

- 6.6 Kent Police – Raise no objection following the submission of a Designing out Crime plan, subject to conditions to secure details relating to lighting, CCTV, door security and security measures during construction.
- 6.7 Environment Agency – No comments / objection
- 6.8 KCC Archaeology – Advise that the site has already been the subject of extensive archaeological works (under the recent PP granted for wider development of the site). Whilst there is no need for on-site archaeological works, post-excavation works are required in connection with the wider investigations at Perry Court, and a condition should be imposed to secure this.
- 6.9 Historic England – no comments to make
- 6.10 KCC Drainage – No objection. Advise that the site is located within Flood Zone 1 and the discharge of surface water via infiltration is acceptable.
- 6.11 Southern Water – No objections raised
- 6.12 SBC Economic Development Officer – advises that the proximity to Junction 6 of the M2, and the A2 make the location potentially attractive to occupiers seeking to secure passing trade, but this may include ‘non-local’ operations such as fast food chain restaurants. Each of the individual unit sizes are beneath the typical size required by occupiers in this sector although the total built area proposed would be more than adequate. It should be noted that this assumption is based on traditional ‘eat-in’ operations, and individual units may still be of sufficient size for takeaway only services. However, the units are not currently configured to be able to accommodate ‘drive-through’ operations.

## **7. BACKGROUND PAPERS AND PLANS**

## **8. APPRAISAL**

### Background

- 8.01 The site forms part of the wider Perry Court mixed-use development allocation under Policy MU7 of the Local Plan. The wider site already benefits from a series of planning permissions, summarised as follows.
- 8.02 Outline permission was granted under 15/504264/OUT for the erection of 310 dwellings, a hotel, care home, employment land and a local convenience store (up to 200sqm), with associated open space and landscaping. A reserved matters application was submitted for the residential element under 17/506603/REM and this is under construction, with some units on the western side of the site in occupation. A reserved matters application for the employment land is yet to come forward. Further applications were then received and approved for a hotel and foodstore (Aldi) under 18/502735/FULL and for a care home (18/503057/FULL). These applications were not directly connected to the outline permission as this larger food store was not granted in outline form, and the care home and hotel were slightly different in scale / height than the parameters approved at outline stage.
- 8.03 The hotel and foodstore application originally came forward with a small parcel of land to the north east of the foodstore excluded from the application. This was queried by my officers, as this parcel of land was effectively excluded from any developments coming forward on the site – with a risk that it could become vacant wasteland. The parcel was subsequently included in the application for the foodstore, and shown to be a landscaped area in the corner of the car park. The current permission for the foodstore

requires this area to be provided as part of the wider soft landscaping for the Aldi scheme. However it does not form part of the public open space within the wider development.

8.04 The application now before Members is for development of this parcel of land.

Principle of development

8.05 The land is located within the built confines of Faversham and forms part of a mixed use development allocation under Policy MU7 of the local plan. Whilst the provision of a local centre is not explicit in the policy wording itself, the supporting text to the policy sets out that the site has potential for some local services to be provided as part of a mixed use development, and that the impact of locating main town centre uses, such as retail and leisure development, may require the submission of an impact assessment in accordance with Policy DM2 of the Local Plan, to test any effects on existing centres (particularly Faversham Town Centre). The subsequent grant of permission for an Aldi foodstore is also material and considered further below. Nonetheless, the provision of small scale units designed to provide a local service in an urban area is generally considered acceptable – and in many cases desirable - subject to meeting the relevant tests relating to main town centre uses, and consideration of the specific impacts of the development on the locality.

The provision of retail and other uses as proposed within the terrace

8.06 Policy DM2 of the Local Plan sets out requirements for the consideration of applications for main town centre uses (The NPPF definition includes retail development and leisure / recreation uses including restaurants). It specifies that such development should be subject to a sequential test, and an impact assessment if the proposed floor space is above the thresholds in national policy. The national floor space threshold is 2500sqm.

8.07 In the Retail and Leisure Needs Assessment in 2019, which forms part of the Council's Local Plan evidence base, a local threshold of 500sqm has been recommended, although such recommendation holds limited weight at present (until it becomes adopted policy).

8.08 The Aldi store currently under construction is located adjacent to the proposal, and due to its size (1,725sqm) would perform a role greater than that of a local shop / centre. Although the store fell below the national threshold to require the developer to submit an impact assessment, the Council employed a retail specialist to provide advice due to the wider appeal of the proposed store, and in particular to analyse the impacts of the Aldi store on Faversham town centre. The conclusion from the retail specialist was that the Aldi store would not cause unacceptable adverse impacts on the town centre, and this helped inform the decision to approve this application.

8.09 With regard to the retail parade now proposed, only some of the proposed range of uses would be classed as "main town centre uses". However as the floor space of this development would fall below both the national and local recommended threshold, there is no requirement for an impact assessment to be undertaken as part of this application. Nor do I consider that a parade of three units, ranging between 78sqm and 140sqm in size, would be likely to have a material impact on the vitality and viability of the town centre, given the modest size of such units.

- 8.10 In accordance with policy, the applicant has provided a sequential assessment to set out why other sites in or on the edge of the town centre are not available / suitable. The assessment draws heavily on the basis that the proposed units would principally serve those living / working / visiting the Perry Court development providing small scale retail and service facilities within easy walking distance of their place of work or residence – and are therefore located at Perry Court for this purpose. The assessment further sets out whilst the Aldi store would serve to meet convenience goods requirements, it will not necessarily meet other day to day needs and services for the wider Perry Court development. The units would complement the Aldi store and attract custom from the local area, not just from local residents but also from visitors and staff at the adjacent hotel, the care home and employment land to the south (if and when this materialises).
- 8.11 I also consider that such units would provide a wider local benefit to existing residents and those from other housing developments nearby including the new development at Brogdale Road and the approved scheme (subject to completion of a S106 Agreement) at Preston Fields, both of which would be within a short walking distance of the proposal.
- 8.12 Whilst end-users are not presently identified for the proposal, small retail / commercial parades normally provide facilities to attract custom primarily from a local area, and appeal to a variety of occupiers such as a newsagents, off-licences, pharmacies, hairdressers, a café/coffee shop, fish and chip / take-away shop and estate agents, which span a range of A1, A2, A3 and A5 uses. The range of D1 uses that can be attracted to a local centre include a day nursery, dentist or GP practice, although it is possible that the characteristics of this particular site may not appeal to such D1 uses (for example a nursery would normally require outdoor space).
- 8.13 The sequential assessment has been reviewed by my Planning Policy team and they agree that no sequentially preferable sites have been identified, and that the provision of small scale local units as proposed would provide for day to day needs to the benefit of the local community, add to place-making and create more sustainable communities, potentially reducing the need for travel. In this respect, my Planning Policy team are satisfied that the principle of accommodating these units would comply with the objectives of the Local Plan, and I agree with this position.
- 8.14 However, whilst I consider that three small units would offer the potential for a range of local services to be provided, there is the possibility that in this instance, some adverse consequences could occur if this is not suitably controlled. The site is highly accessible, being close to both the A2 and the M2, and without appropriate control, it could offer a much wider appeal to businesses than simply as a local facility – with subsequent greater impacts on its surroundings. The Council's Economic Development Manger advises that the location of the site would be potentially attractive to "non-local" operations such as the fast food sector, but that the three individual units as proposed would fall below typical sizes for such restaurants, although takeaway only services could operate from smaller units.
- 8.15 Although it is not uncommon to submit a speculative application with no known users, the effect of this, together with the range of uses proposed, does mean that careful control needs to be exercised. In my opinion, it would be undesirable for the units to be amalgamated into larger units that could attract a business(es) with a much wider customer catchment area (for example a fast food restaurant) – with greater highway and amenity impacts on the local population. Similarly I would suggest that a scenario

of three restaurant / takeaway units would not be desirable as this would again significantly limit the benefits of the parade to the local population. As such, I would recommend that conditions would be necessary to provide some control over the size and use of the units, namely –

- That the units cannot be amalgamated together and that the parade is retained as three units.
- That hot food takeaway ( sui generis) and/or restaurant (Class E) uses shall not occupy more than one unit within the development.

8.16 On this basis, and taking the above into account, I consider that the proposal has the potential to provide services and facilities of a scale and type (subject to the control recommended above) that would provide benefits to the Perry Court development and surrounding local population. This would comply with policy MU7 of the Local Plan and would not conflict with measures to protect town centres under policy DM2 of the Local Plan and within the NPPF. It would also provide economic benefits through job creation – and the application predicts in the region of 17 jobs would be created. This would help deliver economic growth, in accordance with Policy CP1 of the Local Plan, and in accordance with a key strand of “sustainable development” as defined under the NPPF.

#### Visual Impact

8.17 The site is located in a prominent position on the main access road into the Perry Court development. It would be surrounded by other built form of generally much larger scale and visual impact, including the Aldi store, the proposed three storey hotel and the three storey care home.

8.18 The design of the building would incorporate visual design elements reminiscent of both the hotel and Aldi store building, utilising a combination of red bricks (with an aspiration to use a locally manufactured brick) and modern cladding, with a largely glazed frontage providing the main entrance to the units. It would be single storey with a mono-pitched roof, and the design would blend in with the modern approach taken for the hotel and Aldi store. Although the building would be in a prominent position at the entrance to Perry Court, it would be single storey and seen against the backdrop of surrounding much larger buildings. In my opinion it would not cause any visual harm and would potentially add to the vibrancy and mix of uses at the “gateway” into Perry Court.

8.19 The main frontage would face east into the Aldi car park, and includes a forecourt area to each unit. The orientation would help attract custom from the main approach road and Ashford Road, whilst the scheme includes a landscaped area to the rear to provide a good level of planting to follow the boundary landscaping approach taken with the Aldi and hotel developments. A pedestrian walkway would continue to be provided to the south of the building, which would provide a link from the main residential area at Perry Court into the site and also to the Aldi store.

8.20 Some concerns have been raised that the development would result in the loss of open space. Members will note my comments in paragraph 8.03. Although the land was included in the Aldi application and shown as a landscaped area, this was primarily to avoid the risk that the land could be left as a vacant parcel, and it does not form part of the wider open space provision with Perry Court. The development of this land does not affect open space provision within the wider Perry Court development, and I consider



the areas for boundary landscaping proposed to the north and west to be acceptable, subject to some minor amendments to the species chosen (as controlled by proposed planning conditions).

- 8.21 Following the submission of a Designing out Crime plan, Kent Police raise no objections to the layout. Following amendments (and subject to minor landscaping changes via planning condition), my Principal Urban Design and Landscape Officer is also content with the design, layout and appearance of the proposal.
- 8.22 Overall I am content that the development would complement the surrounding development and the modern design approach of the hotel and Aldi store, and would comply with policies CP4 and MU7 of the Local Plan.

#### Residential Amenity

- 8.23 The closest residential units would be the care home and dwellings under construction to the west of the site. The building-to-building distance would be a minimum of 18 metres. These are located on the opposite side of the road and the proposed development would face away from these units. Given the single storey nature of the building and intervening distance across a road, I am satisfied that the building itself would not cause any undue loss of light or privacy to the neighbouring properties.
- 8.24 The proposed units would have the potential to generate a degree of noise and disturbance through human use and activity. This would be tempered in part by the location next to the Aldi car park (the planning permission will enable the store to open until 10pm on all days other than Sunday), and by the orientation of the frontage of the units away from the properties to the west. The list of proposed uses includes restaurant / takeaway uses, which also have the potential to generate odours. The Council's Environmental Health department do not object to this, subject to imposition of a condition to require details of plant and equipment to manage such odours. They also recommend that the units are limited to opening hours up to 11pm, which I consider to be an appropriate balance between commercial needs and the amenities of neighbouring residential units. My proposal to limit the number of A5 takeaway uses to 1 unit (see paragraph 8.14) will also help limit noise and disturbance later at night.
- 8.25 The proposed units would be located approx. 110 metres from existing dwellings on the east side of Ashford Road. Given this distance and the intervening road and car park, I am satisfied that the proposal would not cause any unacceptable impacts upon these properties.
- 8.26 Overall, I am satisfied that the development would not cause unacceptable impacts to neighbouring amenities, and would accord with Policy DM14 of the Local Plan.

#### Highways

- 8.27 The application includes a Transport Addendum and Parking Appraisal which model / test the likely impacts arising on the highway and upon parking demand. The application has been assessed on a "worst case" scenario, based on all units being used as an A5 fast food drive-through (as this use generates the most trips). Following submissions from Highways England and KCC Highways, further assessment has been carried out. This includes testing of the relationship between peak customer times for the Aldi store, and for the range of uses within the proposed units subject to this application – and the cumulative impact on parking demand.

- 8.28 Both Kent County Council Highways and Highways England advise that the wider consented Perry Court developments have provided financial contributions to mitigate impacts upon the highways network. This mitigation is proposed to help facilitate signalisation of the A2 / A251 junction, and to improve Brenley Corner at the M2 J7. Although the trips generated by the proposed development would be modest in isolation, they would add cumulatively to the proposed traffic using the junction. Both KCC Highways and Highways England seek a proportionate financial contribution towards the respective junction improvements, and this has been agreed by the applicant. The applicant has provided further analysis of the trip distribution in accordance with these requests both KCC Highways and Highways England are satisfied with the details and raise no objection, subject to a legal agreement to secure £11,815 towards highways works at M2 J7, and £38,760 towards improvements towards the A2 / A251 junction.
- 8.29 The proposal seeks to use the parking spaces within the existing Aldi car park. To justify that capacity exists within the car park to accommodate Aldi customers and the traffic generated from the proposed development, the application includes a parking appraisal which analyses the combined peak demand for parking within the car park. The appraisal has again been assessed using an A5 use (fast food drive-through) as the use type with the highest parking demand. This calculates a peak parking demand for 19 vehicles in connection with an A5 use – although Members should note that this is very much a “worst case” scenario based on the development being a drive-through takeaway use, which is not proposed under this scheme (and Members will note that restrictive conditions are proposed which would both limit opportunities for takeaway businesses to operate from the site and prevent amalgamation of units into larger premises). The assessments submitted demonstrate that the peak combined demands arising from customers of the Aldi store and the proposed development, even at this “worst-case scenario”, would not exceed the overall capacity of the car park.
- 8.30 Kent County Council agrees that conditions should be imposed to prevent the units being amalgamated into a larger unit. Whilst the basis of this advice from KCC is specifically for traffic and parking reasons, it ties in with my assessment and recommendations on wider planning grounds, as set out in paragraphs 8.14 and 8.15 above. KCC also recommend that a car parking and servicing / delivery management plan is secured via a planning condition.
- 8.31 Following advice from both KCC Highways and Highways England, I am satisfied that the proposal would not cause any unacceptable highways impacts, and that those impacts identified can be mitigated through the use of planning conditions and financial contributions towards highways improvements via a legal agreement. As such the proposal would accord with policies DM6 and DM7 of the Local Plan.

#### Other Matters

##### *Sustainability*

- 8.32 In accordance with policy DM19 of the Local Plan, the building should be constructed to a minimum BREEAM “Good” standard. This requirement will be imposed via a planning condition.
- 8.33 The proposal is not providing new parking spaces and relies on the existing spaces to be provided as part of the Aldi development under construction. This approved car park layout includes provision of 2 spaces for electric vehicle charging points, which customers using the proposed development would also have the ability to use.

- 8.34 As a facility designed to provide services to the local area, the scheme would be accessible to pedestrians and cyclists.

#### *The Use Classes Order*

- 8.35 Members may be aware that the Government has published The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 – and which became effective on 1<sup>st</sup> September 2020. The Regulations have removed the former range of “Class A” uses and also some Class “B” and “D” uses, and has incorporated many of these under a single new use class E. This new use class now incorporates shops (with some limited exceptions), financial and professional services, café / restaurants, offices, light industrial uses, clinics, health centres, nurseries, gymnasiums and indoor recreation uses – and a premises can change from one of these uses to another in Class E without planning permission being required. This has broadened the range of uses than can interchange with one another without planning permission being required. Other former “A” Class uses such as pubs and hot food takeaways have been re-classified as “sui generis” uses.
- 8.36 As this application was submitted prior to the 31<sup>st</sup> August, the Regulations direct that the Local Planning Authority must still determine the application by reference to the (former) Use Classes Order in force on 31<sup>st</sup> August 2020. Therefore, reference to the uses through this report and application remain as per the former classes.
- 8.37 Members should however note that the restrictions to restaurant / takeaway uses that I have proposed above and in the conditions below will continue to apply in respect of the new use classes.

## **9. CONCLUSION**

- 9.1 The proposed retail parade would have the potential to offer a range of services and facilities to the local population in a similar way to other local centres and shopping parades. Subject to the conditions recommended to prevent amalgamation of the units and use by more than one restaurant / takeaway unit, I consider the scheme to be acceptable in this respect. The scheme is considered acceptable in terms of traffic generation and parking requirements, subject to the proposed conditions and completion of a S106 Agreement to secure the financial contributions as listed in paragraph 8.28.
- 9.2 In terms of sustainable development, the proposal would provide economic benefits through job creation, and social benefits in terms of providing services and facilities for the local resident population. In environmental terms, the proposal would support sustainable objectives in providing local facilities, and impacts upon surrounding properties and the highway network would be controlled / mitigated by planning conditions and S106 obligations to an acceptable level. Overall, I consider the proposal would represent sustainable development and would accord with the development plan, and that planning permissions should be granted subject to completion of a S106 Agreement.

## **10. RECOMMENDATION**

That planning permission is GRANTED, subject to the completion of a S106 agreement to secure highways contributions, and subject to the following conditions.

### **CONDITIONS to include**

- 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.

- 2) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials (and which shall, where possible, be locally made and sourced materials) to be used in the construction of the development hereby approved 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.

- 3) The building hereby approved shall be constructed to BREEAM (Shell and Core) 'Good' Standard or an equivalent standard and prior to the use of the building the relevant 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.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: 1416-93 Rev C, 1416-131 Rev O, 1416-330 Rev D, 1416-134 Rev B

Reason: To accord with the terms of the application and in accordance with the proper planning of the area.

- 5) The development shall be completed strictly in accordance with details in the form of cross-sectional drawings through the site showing existing and proposed site levels and finished floor levels which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

- 6) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - i. Routing of construction and delivery vehicles to and from the site
  - ii. Parking and turning areas for construction and delivery vehicles and site personnel visitors
  - iii. Timing of deliveries
  - iv. loading and unloading of plant and materials
  - v. storage of plant and materials used in constructing the development
  - vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - vii. wheel washing facilities
  - viii. measures to control the emission of dust and dirt during construction
  - ix. measures to control noise during construction
  - x. a scheme for recycling/disposing of waste resulting from demolition and construction works
  - xi. Site security measures
  - xii. Temporary traffic management and signage

Reason: In the interests of the amenities of the area, highway safety and convenience and to reduce crime.

- 7) The applicant, or their agents or successors in title, shall:
- (a) Prior to the occupation of the building have secured the implementation of a programme of archaeological post excavation assessment, analysis and reporting work of the results of archaeological investigation in the application site in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The programme should be integrated with the post excavation and reporting works being undertaken in the wider Perry Court site;
  - (b) The approved archaeological post excavation assessment, analysis and reporting works should be completed in accordance with the timetable table agreed in part (a).

Reason: To ensure that the archaeological discoveries in the site are properly analysed and reported.

- 8) No construction work in connection with 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 dust, or fume extraction or filtration equipment, or air conditioning, heating, ventilation or refrigeration equipment shall be installed until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

- 10) No deliveries to the premises shall take place outside the hours of 0700 - 2100 hours Monday to Saturday, and 09:00 - 20:00 hours on a Sunday, bank or public holiday.

Reason: In the interests of residential amenity.

- 11) The units hereby permitted shall not be open to customers or any other persons not employed within the business operating from the site outside the hours of 0700 – 2300.

Reason: In the interests of residential amenity.

- 12) 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, and an implementation programme. Notwithstanding the submitted planting plan, the details shall include alternative landscaping and tree planting to the north boundary of the site.

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

- 13) 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 any part 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.

- 14) 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.

- 15) The units hereby permitted shall be constructed and maintained as three units in accordance with the floor plan drawing 1416-134 Rev B. No units shall be subsequently amalgamated into two or less units, and no one unit shall exceed a floor area of more than 140 sq.metres GIA (excluding any bin store).

Reason: To control the size and scale of the units, to be compatible with the operation of a local centre, and to avoid larger scale businesses operating from the site that would be likely to result in wider / greater planning impacts.

- 16) No more than one unit shall be occupied by a restaurant/ café use or a hot food takeaway use (as defined by Classes A3 and A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order or regulations revoking and re-enacting that Order)

Reason: To avoid a proliferation of such uses that would offer a very limited benefit to the local area.

- 17) No units shall be occupied until the car parking spaces and vehicular access to the car park have been completed and made available for use by the public.

Reason: In the interests of highways safety

- 18) No units shall be occupied until a car parking, deliveries and servicing management strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall provide details of the measures to conduct deliveries and servicing to the units hereby permitted, measures to reduce / minimize impacts upon the operation of the wider car park during such deliveries and servicing, and measures to control car parking. The development shall be operated in accordance with the approved strategy.

Reason: In the interests of highways safety

- 19) No unit shall be occupied until the following measures to design out crime, based upon the Designing Out Crime Plan 1416-PSP Rev A, have been submitted to and approved in writing by the Local Planning Authority–
- A lighting plan for the development, designed to meet Secured by Design lighting plan guidance.

- Details of the location and operation of the CCTV system, including measures for surveillance of the rear elevation of the building.
- Details of the personnel doors to be installed to the rear elevation, which shall be designed to achieve PAS 24: 2016 UKAS certified, STS 201 or LPS 2081 Security Rating B+.

The development shall be carried out in accordance with the approved details prior to first occupation of any unit.

Reason: In the interests of public safety and crime prevention.

## **INFORMATIVES**

In respect of condition 12 you are advised that the *Viburnum plicatum Mariesii* and *Prunus laurocerasus* Otto Luyken should be replaced with tree and shrub planting capable of providing a minimum 2 metre height screen.

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

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

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.

