

TABLED UPDATE FOR ITEM 2.7

20/501936/FULL - Land at Perry Court, Faversham

A further representation has been received from Planning Potential, who act as consultants to Aldi stores. This raises concern over the reasonableness / ability of proposed conditions 18 and 19 to mitigate the impacts of the development, particularly in relation to operations within the wider car park which is owned by Aldi. The points raised are summarised below –

- Opening hours would extend later than the Aldi store. It is Aldi policy to dim lighting in the car park when the store is not open.
- The car parking / servicing / delivery strategy is not reasonable or enforceable as it relates to land that is not within the applicant's control. It is unclear what measures could be implemented within the applicant's control to minimize impacts of deliveries and servicing on the car park.
- Wider lighting and CCTV operation within the Aldi site is not controlled by the applicant and they therefore do not have control over this.

The applicant's agent has provided the following response (summarised) –

- The applicant has a legal right to use the Aldi car park for parking and servicing. This fact is not disputed by Aldi.
- In relation to condition 18 (deliveries and car parking), the swept path analysis demonstrates that services can take place without impact on wider parking. Details can be provided of specific measures (for example specific slots for each unit) to fulfil the requirements of the condition. It is likely that a small transit van will be used to service the units (The agent has confirmed that a limitation on delivery vehicle size could also become part of the strategy under condition 18).
- In the unlikely event that the lighting of the car park is reduced for the extra hour outside the Aldi opening hours, the lighting plan for the development (which will include lighting on the building and in the external seating area) will provide adequate lighting for security and public safety.

The agent has also provided an extract of the transfer agreement between the site developer and Aldi, which provides legal rights within the wider car park for parking, and use of the spaces to the south of the proposed local centre for servicing and deliveries.

Officer comments

The concerns raised relate essentially to the relationship between the proposed development and wider car park, the ability of the applicant to implement control measures on land not within their control, and the potential for deliveries / servicing to impact upon the wider operation of the Aldi car park.

The wider car park falls within the red line of the application site. It is owned by Aldi although the applicant has a right of use of the car park for parking / servicing arrangements relating to the proposed development. On this basis, and despite the fact that the applicant does not own the car park, I am content that the development is capable of providing adequate servicing and delivery arrangements, on the basis of the legal rights that exist.

The purpose of condition 18 (the car parking, servicing and delivery strategy) is to avoid conflict between the operation of the Aldi store and the local centre – for example if a large delivery vehicle obstructed the flow of traffic within the car park, leading to queueing onto the highway. I am satisfied that such measures could include delivery timings and a restriction on delivery vehicle size – as suggested by the applicant – and would be within the control of the applicant to implement. I also consider that the limitations on use and unit size, as set out in the main report, would make it more likely that smaller service vehicles would be utilised.

Whilst it would be better to operate a single site-wide CCTV and lighting scheme, if the applicant cannot agree this with Aldi then I consider that it would be possible for the applicant to provide lighting and CCTV details specific to the local centre, if necessary – and as specified by the applicant. The nature of the centre is such that limited traffic would be expected when the Aldi store is not trading, and lighting of the entire car park would not be necessary.

On the basis of the above, I am satisfied that the conditions would pass the relevant tests, but I would recommend some minor amendments (identified in bold below) to the wording of condition 18 (the original wording is set out on page 262 of the agenda) as follows –

- 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 to include **timing of deliveries and limitations on the size of service and delivery vehicles**, 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

Informative: You are advised to discuss the strategy required under conditions 18 and 19 with Aldi stores prior to submission of the details.

Recommendation – my recommendation remains unchanged, but that condition 18 is modified as set out above.