

**TABLED UPDATE FOR ITEM 2.2 Reference and address: 22/504598/FULL, Land At Queenborough Road Isle of Sheppey Kent ME12 3RJ.**

**Further Representations**

1. Two new representations have been received from Tesco and Aldi.
2. Tesco's agent has raised objections that repeats previous concerns relating to retail impact and departure from the local plan policy allocation proposal A4. An email and attached letter was circulated to planning committee members outlining the concerns dated 10<sup>th</sup> January 2024. Aldi wrote to officers via email dated 5<sup>th</sup> January 2024.

Tesco - Retail impact

3. To acknowledge Tesco's concern as a major investor/stakeholder in Sheerness town centre and further assist planning committee members reach a balanced decision, the officer report outlines two underpinning scenarios for trade diversion at section 7.24 of the report i.e., the impact of Aldi not relocating. This is all sourced from the review exercise undertaken by surveyors Lambert Smith Hampton on behalf of the Council dated 25<sup>th</sup> April 2023. This reviewed the applicant's retail impact assessment prepared by surveyors RPS.
4. Overall, the officer report (OR) recognises there are negative trade diversion implications for individual stores across the retail catchment area both in/out of centre and concludes that Sheerness town centre, based on an updated 2023 town centre health check assessment is vital and viable measured against national averages. The OR further indicates that the new Aldi store at Neats Court will be impacted upon significantly (i.e., trade diversion) but notes it is located out-of-centre.

Tesco - Hotel allocation Proposal A4

5. The application site is allocated for part hotel use under allocation A4 and the OR recognises the proposal is a departure from that allocation. The application is supported by a marketing letter prepared by the applicant's agents Harvey Spack Field that surveys hotelier interest in the allocation and concludes no market interest exists to deliver a hotel on the site. Tesco's representation over the hotel allocation matter is referenced at section 7.5 of the officer report and then amplified within sections 7.37, 7.38, 7.39 and policy conclusions drawn at 7.40.
6. Discussion with Policy Team suggests that visitor accommodation need while persisting in Swale can be delivered elsewhere as part of ongoing policy review. Para 6.3.12 of the Swale local plan reasoned justification to allocation A4 suggests the *....site may not be practical for hotel use due to its size....* This could be viewed as historic uncertainty on whether a hotel use is deliverable at the location. This uncertainty feeds into national planning policy framework requirement to keep local plan allocations under review and allow alternative development proposals that serve other local plan needs. The OR covers this adequately.

Aldi – planning conditions.

7. Aldi's representatives have raised further comments on the proposed planning conditions as quoted below:

- *Missing conditions – BNG etc – where is the condition referred to in para 7.81?*
- *Incorrectly worded conditions – there is a schedule attached to the Aldi PAPI – ( conditions highlighted with a green mark in the attached OR2). Some of the points around 'tailpipes' ie conditions which say 'unless otherwise agreed' are ok, but others are not, and Aldi's point around some of the conditions are potentially unlawful and although the Court could sever the bad bits in an JTR – it is best to get them right in the first place. This does need to be picked up as the conditions have been carried over and they do contain defects to render them unlawful. Most of the time no one takes a point, but Aldi have here and so the issues cannot be ignored.*

*Eg Conditions 17 and 29 are patently unlawful.*

*The recommendation in the report gives a delegation to the head of planning on the final wording – so it might be best for the officer to reiterate the final form for conditions are not those in the report at the meeting as this would be the most efficient way to address an updates and provide confirmation that the conditions may change...*

8. Recommendation. To approve the proposal subject to conditions and that the precise wording on the proposed planning conditions are dealt with by the head of planning under delegated authority, should members resolve to grant planning permission.

Richard Young 11 January 2024