

2.8 REFERENCE NO - 19/502969/FULL		
APPLICATION PROPOSAL Erection of a new foodstore with associated parking, servicing, landscaping and new vehicular access		
ADDRESS Land To The East Of Queenborough Road Queenborough Kent ME12 3RH		
RECOMMENDATION Grant subject to conditions (and the signing of a suitably worded Section 106 Agreement to secure a contribution for the off-site highway works, if this is the agreed route). Authority is also sought to amend conditions as reasonably required and to delete condition (15) if it is not required		
SUMMARY OF REASONS FOR RECOMMENDATION The retail impact of the scheme has been independently assessed and advice provided that the proposal would not give rise to a significantly adverse impact upon Sheerness town centre. Issues raised by technical consultees have been satisfactorily addressed and as a result no objection is raised. I have not identified any particular conflict with either relevant local or national policies. Although there has been some harm identified due to the very likely closure of the existing store operated by the applicant and upon the setting of a designated heritage asset, I believe that on balance this would be outweighed by the benefits of the proposal, primarily in respect of the economic benefits.		
REASON FOR REFERRAL TO COMMITTEE Objection from Queenborough Town Council		
WARD Queenborough And Halfway	PARISH/TOWN COUNCIL Queenborough	APPLICANT ALDI Stores Ltd AGENT Planning Potential Ltd
DECISION DUE DATE 24/09/19		PUBLICITY EXPIRY DATE 08/09/20

Planning History

(Adjacent site) 17/501010/FULL - Construction of a new two storey building comprising a manufacturing and distribution facility complete with administrative offices and associated access, parking and servicing areas etc. all for Use Classes B2 (with associated B1 administrative office space) and B8 on land that is currently vacant and used for grazing. Approved 12.04.2019.

SW/98/0509 - Change of use to open storage with creation of a hard surface, permanent fence, lighting towers and landscaping for vehicles imported or exported through the port of sheerness – Approved 05.05.1999.

SW/98/0462 - Outline application for the erection of dewax bays, PDI building and offices for use in connection with the storage and distribution of vehicles imported and exported through the port – Approved 05.05.1999.

SW/95/0100 - Outline application for industrial and business park – Never determined.

The applications submitted under SW/98/0509; SW/98/0462; and SW/95/0100 covered a much wider area than the site relevant to the current application.

1. DESCRIPTION OF SITE

- 1.1 The application site measures 1.23 hectares and is comprised of undeveloped grassland. It is sandwiched between Queenborough Road and the A249, immediately to the north of the A249 / Thomsett Way roundabout which provides access to Neatscourt Retail Park (which sits on the opposite side of the A249 to the application site). The site is largely flat, located at Ordnance Datum and covered in low level vegetation. There are no trees on the site. Ditches, which makes up part of a wider network, are located centrally, in the north-western and the south western part of the site. Two mains pipes (gas and water) run beneath the site.
- 1.2 The site is of an irregular shape, measuring 120m x 150m at its largest, and wraps around, on two sides, an existing residential property, known as 'The White House', which fronts onto Queenborough Road. On the adjacent site immediately to the north-west, planning permission has been granted for B class employment uses, although the permission has not been implemented and the site remains undeveloped grassland.
- 1.3 The grade II listed Neats Court Manor lies approximately 85m to the east of the application site. Neats Court Manor is a two storey property, and is currently in residential use. A number of disused outbuildings lie to the east of the listed building. To the south of the site (on the opposite side of the A249) sits a very large regional distribution centre, also operated by Aldi.

2. PROPOSAL

- 2.1 This application seeks planning permission for a foodstore of 1,933 sqm (gross) / 1,315 sqm (net) and is roughly rectangular in shape. At its largest, the footprint of the store will measure 37m x 64m. The foodstore will feature both curved and flat roof elements, measuring 9m in height to the highest point of the roof and 5.2m to the lowest part. The materials proposed are a mixture of facing brickwork and cladding. The foodstore will be located in the southern portion of the site with the car park in the western part. In the north-western area of the site an ecological mitigation area is proposed, which will provide habitat required to support both this site and the adjacent site, which already benefits from planning permission under ref 17/501010/FULL, as set out in the history section above.
- 2.2 Vehicular access to the site is proposed to be provided by a new arm to the existing A249 / Thomsett Way roundabout. A new junction will then be provided to allow for access to the site. The car park will include a total of 143 spaces, 8 of which will be disabled spaces, 15 for parents with young children and 9 staff parking spaces. The delivery / service area is proposed on the north-eastern elevation of the store with the main entrance located on the north-western elevation, facing the car park.
- 2.3 Off-site highway works are also proposed which would provide a footpath along the length of Queenborough Road from the A250 Queenborough Corner junction to the A2500 Cowstead corner junction. This will link up with the pedestrian / cycle path that has already been provided adjacent to Lower Road, further to the east, and will allow for a continuous link.
- 2.4 In respect of the landscaping, a line of tree planting is proposed close to the south western elevation of the foodstore, which will be visible from the A249 / Thomsett Way roundabout. Further to this, tree planting is proposed on both sides of the newly created

access within the site, including a planting buffer close to the boundary that the site shares with the existing residential property – The White House. Further tree planting is proposed along the western boundary of the site, within the car park and within the ecological mitigation area. Hedges, wildflowers and bulb planting are also proposed, predominately close to the margins of the site.

- 2.5 The application sets out that the existing store in Sheerness no longer meets the trading needs of the operator and that there is no scope to expand the store and as such, regardless of whether this application is approved, it would be required to close. However, Members should note that regardless of whether this application is approved or refused, the decision would not require the existing store to close, this would be a separate commercial decision taken by the operator.
- 2.6 The development will create a total of 50 jobs, which will be a mixture of full and part time roles, equating to approximately 25 full-time equivalent jobs.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance
- 3.2 Environment Agency Flood Zone 3 (high flood risk)
- 3.3 Affects the setting of grade II listed Neats Court Manor

4. POLICY AND CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF)

Chapter 7 of the NPPF is entitled ‘Ensuring the vitality of town centres’ and is central to the consideration of this application. Within chapter 7, in respect of the sequential test, paragraph 86 and 87 state the following:

“86. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

87. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”

Whilst in terms of the impact assessment, paragraph 89 sets out:

“89. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)."

Paragraph 90 goes on to state:

"90. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused."

Other relevant policies in the NPPF are as follows:

Paragraphs 2 (determination of applications), 7 (sustainable development), 8 (the three objectives of sustainable development), 10 (presumption in favour of sustainable development), 54-57 (use of conditions and planning obligations), 80 (building a strong economy), 85-90 (ensuring the vitality of town centres), 108-111 (sustainable transport), 117-121 (Making effective use of land), 124-131 (good design), 149-154 Planning for climate change, 155-165 (flood risk and drainage), 174-177 (biodiversity), and 189, 192, 193-196 (Heritage assets).

4.2 National Planning Practice Guidance (NPPG)

Air Quality; Climate Change; Design: Process and Tools; Determining a planning application; Historic Environment; Noise; Renewable and low carbon energy; Town centres and retail; Travel Plans, Transport Assessments and Statements; Use of planning conditions.

4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

The parcel of land upon which the application site is located is allocated under policy A 1 (Existing committed employment locations) which states:

"Planning permission will be granted for land allocated for 'B' class employment uses, as shown on the Proposals Map, at:

- 1. Ridham and Kemsley, Sittingbourne; and*
- 2. Neatscourt, Isle of Sheppey.*

Development proposals will accord with the approved development briefs for the sites and satisfactorily address landscape, biodiversity, archaeological and existing power line issues."

The supporting text to this policy at paragraph 6.2.4 sets out that *"Recent development has seen the emergence of the area as a retail centre to complement Sheerness town centre, but it is important that any further proposals for retail uses do not undermine the role and retail functioning of the town and other local centres or the role of this site in meeting the Island's (and Swale's) industrial floorspace needs for the plan period."*

- 4.4 Policy DM 2 (Proposals for main town centre uses) relates to retail development as proposed in this application. The policy states "Planning permission will be granted for main town centre uses subject to:

1. *“Taking into account the scale and type of development proposed in relation to the size, role and function of the centre,*
 2. *Being located within the town centres as defined on the Proposals Map; or*
 3. *Where demonstrated that a town centre site is not available, being located on a site on the edge of a town centre, subject to criteria 4a to 4c; or*
 4. *Where demonstrated that there are no suitable sites available at locations within 2. and 3. above, proposals elsewhere within the built-up areas of Faversham, Sheerness and Sittingbourne, as shown on the Proposals Map will only be permitted if:*
 - a. *it is demonstrated by an impact assessment (when the proposal is above the defined floorspace threshold in national planning policy) that it would not individually, or cumulatively with those trading or proposed, undermine the vitality and viability of existing town centres, or of other local centres and the facilities and services of other locations;*
 - b. *it does not materially prejudice the provision of other land uses, particularly the supply of land for 'B' use class uses, housing, community use and open space; and*
 - c. *it is well located in relation to the main road network and easily accessible by public transport, pedestrians and cyclists.*
 5. *Elsewhere, proposals will be permitted where they address the tests set out in national policy and accord with criteria 4a to 4c.”*
- 4.5 Other policies in the Local Plan which are relevant to this application are as follows: ST 1 (Delivering sustainable development); ST 2 (Development targets for jobs and homes 2014-2031); ST 6 (The Isle of Sheppey area strategy); CP 1 (Building a strong, competitive economy); CP 4 (Requiring good design); CP 8 (Conserving and enhancing the historic environment); Regen 2 (Queenborough and Rushenden: Regeneration Area); DM 1 (Maintaining and enhancing the vitality and viability of town centres and other areas); DM 6 (Managing transport demand and impact); DM 7 (Vehicle parking); DM 14 (General development criteria); DM 19 (Sustainable design and construction); DM 21 (Water, flooding and drainage); DM 28 (Biodiversity and geological conservation); DM 29 (Woodlands, trees and hedges); DM 32 (Development involving listed buildings).

5. LOCAL REPRESENTATIONS

- 5.1 As a result of publicising the application via letters sent to neighbouring occupiers, a site notice and a press advert I have received a total of 5 objections, 3 of these are from neighbours and 2 from agents acting on behalf of Morrisons and Tesco. I have also received 5 letters of support and 1 making general comments. I will firstly summarise the objections from residents:
- The proposal would be detrimental to the economy of Sheerness;
 - A number of people including the elderly, those without cars and parents with young children who walk to this store would be required to rely on Tesco;
 - A number of people visit Aldi and also visit other shops and services in the town centre;

- The proposal will cause a negative impact upon community spirit;
- The foot / cycle path provided between the store and Queenborough Road will be used as a 'drop off point' – the highway is not wide enough to deal with cars stopping and will give rise to highway safety impacts;
- There should be access from the site to the existing Neats Court development where there are existing onward travel options;
- The proposals use a proportion of the same land designated for ecological mitigation as the scheme granted consent on the adjacent site under ref 17/501010/FULL, however, there is a foot / cycle path running through this land;
- The foot / cycle path is located along the boundary with the neighbouring residential property ('The White House') and should be located significantly further away;
- The proposal to include a 1.8m high fence along the boundary with 'The White House' will not be sufficient to address overlooking and privacy issues;
- The development will give rise to unacceptable harm to the residents of 'The White House' on the basis that the submitted noise report outlines that noise levels will be above WHO [World Health Organisation] night time guidelines.
- The site should not be considered in isolation but as part of the wider context;
- Consideration should be given to altering the current Local Plan so that it reflects the contents of the "Sheerness, Queenborough and Minster Local Plan" (adopted January 1988);
- The supporting documents have reached the conclusion they do as they are being employed directly by the applicant;
- The existing Sheerness store should be remodelled;
- The details of pedestrian links outside of the site have not been provided;
- The site should be retained in its current undeveloped form;
- The site is not appropriate for pedestrians and cyclists;
- There is no detail of the proposed opening hours;
- Regular checks of vehicle noise should be undertaken within the vicinity of the site;
- Figures provided in the 'Statement of Community Involvement' are dubious;
- Has a strategy been put forward to access the water or gas mains within the site if the need ever arose;
- There are inconsistencies and unanswered questions relating to surface water drainage;
- Flood risk as a result of the development to surrounding land has not been addressed or considered;
- There are longstanding and on-going drainage issues affecting the surrounding area which have not been resolved;
- Development of the site will have net negative effects upon wildlife;
- The Heritage Statement has not properly considered the history of the listed Neats Court Manor and is not a fair assessment of the impact of the proposal on the listed building;
- A number of the heritage assets have been left to deteriorate which is advantageous for the applicant in considering the impacts on these buildings;
- The authors of the Heritage Statement did not contact the occupier of the grade II listed Neats Court Manor to provide further historical background;
- The Neats Court Manor farmstead appears on the 'List of Buildings of Special Architectural or Historic interest' and no reference is made to this in the heritage Statement;
- If the connection to the public sewer be denied then there appears to be no other alternative;

- This section of Queenborough Road is unsafe;

5.2 As set out above, objection letters have also been received from agents acting on behalf of Morrisons (x2) and Tesco (x1). I firstly summarise the points made in the initial letter from the agent acting on behalf of Morrisons:

- *“it is contrary to the statutory development plan, which allocates the Application Site for 'B' class employment uses and seeks to protect Sheerness town centre and other centres of acknowledged importance;*
- *additional shopping provision of the proposed nature and scale, alongside the established Morrisons and Iceland stores, would effectively create a critical mass of 'self-sufficient' food retailing in an out-of-centre location that would primarily serve car borne shoppers. This would negate the need to visit Sheerness town centre and other centres of acknowledged importance, and it would have 'real' implications for the Council's sustainability objectives;*
- *allied to this, the relocation of the Aldi store would draw shoppers and trade away from Sheerness town centre to an out-of-centre location and would have a significant adverse impact on its overall health, performance and prospects at a time of economic uncertainty; and*
- *the failure of the Applicant to submit a retail impact assessment runs directly contrary to the requirements of the pre-application advice and Council's Retail and Leisure Needs Assessment.”*

The second letter submitted by the agent acting on behalf of Morrisons objects to the application for the following summarised reasons (the letter also reiterates the matters set out above):

- The independent audit carried out by White Young Green (WYG) on behalf of the Council notes the failure of the applicant to provide a detailed retail impact assessment and offer any meaningful justification – in terms of the sequential approach and retail impact - for relocating the town centre store to an out of centre location;
- The applicant has failed to address questions in respect of minimum site size requirements; average Aldi store sizes; evidence regarding the capacity issues of the car park or the need for it to be a certain size; and evidence regarding conflict between cars and service vehicles;
- In respect of the sequential assessment, the applicant has not demonstrated the necessary flexibility on issues such as format and scale so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. The application should be refused for failing to satisfy the sequential test;
- The store on the existing site could be extended upwards and the internal layout re-configured;
- Aldi operate a number of stores on plots of a similar size, configuration and layout;
- The car parking issue can be resolved by parking controls;

- The existing store promotes sustainable travel patterns by being located in an area which maximises opportunities to use public transport, cycling and walking. This reduces dependency on the private car, meeting the challenge of moving to a low carbon future;
- The WYG audit makes a 'judgement' on the potential retail impacts, however, without any information being provided by the applicant there is no certainty as to whether it would have a significant adverse impact;
- The applicant has 'threatened' that if they do not obtain planning permission then they will close their existing store, removing their offer from the Isle of Sheppey – 'this is nonsense'.

5.3 The objection letter received from the agent acting on behalf of Tesco makes the following summarised points:

- Tesco has a well established presence in Sheerness and includes a wide range of food and other facilities. The store draws a number of customers into the town centre from beyond Sheerness and encourages linked trips with other town centre stores and facilities;
- In contrast to the above, Aldi's proposal relates to an out of centre site, with few links to the surrounding area. The store will primarily be reached by car on single purpose journeys;
- The application is not supported by a retail impact assessment and although the NPPF sets a threshold for requiring one at 2,500sqm (which this proposal falls below), paragraph 90 of the NPPF states that if a proposal is likely to have a significant adverse impact on the vitality or viability of a retail centre, then it should be refused;
- The Council's Retail and Leisure Needs Assessment recommends that a local threshold for retail impacts should be set at 500sqm – this indicates that proposals larger than this could have an adverse significant impact on existing centres. The proposal is considerably larger than this and therefore, according to the assessment, presents a risk;
- WYG, in reviewing this application does not raise the issue that the Retail and Leisure Needs Assessment sets a lower threshold and instead relies on their 'judgement';
- WYG's appraisal of the application is fundamentally flawed, as it only reviews the effect of the uplift in floorarea rather than the total floor area of the replacement store. This approach may be appropriate if the existing store was out-of-centre and proposed to be enlarged. However, in the circumstances the loss and the uplift in floorarea should be taken into account, as they both impact upon the town centre. On this basis the Council should review the advice given and if necessary secure future independent advice;
- In respect of the sequential test, no information is provided confirming that the immediately adjacent land is not available [n.b this land includes public highway and the Sheerness Jobcentre];
- Policy A 1 of the Local Plan allocates the site for B class employment uses with the aim to address the local need for industrial floorspace and provide new jobs –

compelling reasons should be provided as to why the site should not be brought forward for employment uses;

- The lack of an objection from the Council's Economic Development Officers regarding the loss of employment land does not overcome the policy requirements;
- This development will deliver very few new jobs;

5.4 The letters of support raise the following summarised points:

- The store will provide an improved range of products;
- Access to the site will be easier than the current location;
- This proposal will reduce congestion in the town centre;
- This is a better site for delivery vehicles;
- There are good bus routes to the site;
- Increased amounts of parking is welcome;
- The development will provide much needed jobs;
- This proposal will increase competition between retailers which will be good for the shopping experience [the letter which provides this comment also sets out that there should be a pedestrian link between the site and the A249 in order to allow for easier connections];
- *"Sheppey needs a superstore that offers us better prices with improved facilities"*;
- One of the letters states that they support the proposal for a larger store but should keep the Sheerness store open as some customers of the existing store would be unable to visit the proposed location.

5.5 The response which did not explicitly state whether they were objecting to, or supporting the scheme, commented that although they support the applicant's offer in general, they wished for the existing Sheerness store to remain open. The reason for this is proximity to the site, limited public transport options and the mobility of the author of the comments.

6. CONSULTATIONS

6.1 Queenborough Town Council – *"object to the proposals for planning application SW/19/502969/FULL in respect of public safety."*

There is no pedestrian pathway or cycle link between the A250 Junction at Queenborough Corner and the A2500 Junction at Cowstead Corner, along the entire length of Queenborough Road between these junctions.

There is no pedestrian pathway or cycle link between the Neat's Court Retail Park and the proposed site.

There is no pedestrian crossing in the proximity to any access area, of the planned site."

6.2 KCC Minerals and Waste – No comment.

6.3 Kent Police – Request that an informative is included to address the points that the agent has made in the Design and Access Statement and to deal with issues such as boundary details; lighting and CCTV; doorsets and roller shutters; meeting 'Secure by Design' guidelines and the need for a further application if a cash machine is proposed.

- 6.4 Southern Water – There is a public water main which crosses the site - *“All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water. No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water mains.”* A condition is recommended in respect of measures to protect the public water supply main. In addition an informative is recommended setting out the requirement for a formal application for connection to the public sewerage system.
- 6.5 Environment Agency – *“We have reviewed the submitted information and have no objection to the proposal. The site is located within flood zone 3, and at risk of tidal flooding. However existing flood defences protect the site to a 1 in 200 year standard of protection. We hold modelling of a breach / Queenborough Barrier failure scenario. This shows the residual risk to the site to be low.”*
- 6.6 Natural England – *“Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.”*
- 6.7 Highways England – Initially raised the following points that will be required to be addressed / provided:
- There are discrepancies in the details provided regarding the number of parking spaces;
 - The Transport Assessment (TA) needs to be undertaken in accordance with the correct policies;
 - Further details required as to how the development will prevent queuing onto the SRN related to deliveries and car park capacity;
 - Raw data of the traffic assessment and junction modelling has not been provided;
 - Details as to how the new arm from the A249 / Thomsett Way roundabout will link in with the rest of the network is not provided;
 - Details of lighting will be required to be provided;
 - Full drainage details will be required to demonstrate that no connections are made to Highways England drainage or allow surface water to drain to it;

I provided the above comments to the agent and following this the applicant’s Transport Consultant provided a Technical Note in response and an updated TA. On this basis I re-consulted with Highways England who commented as follows:

- Although the TA has been revised, it will need to be further amended to take into account the Highways England publication: *Planning for the Future – A guide to working with the Highways England on planning matters* (September 2015);
- The further details provided demonstrate that queues caused by deliveries / car park capacity will not require vehicles to wait on the SRN;

- The raw data has been provided in respect of the traffic assessment and this is considered acceptable;
- Further information has been provided in respect of junction modelling, however, Highways England require further time in order to audit the traffic models that have been provided;
- The Stage 1 Road Safety Audit (RSA) and Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) has been provided but not carried out in accordance with the relevant standards, this will be required after the access design has been agreed;
- Still unable to tell how the new arm from the A249 / Thomsett Way roundabout will link in with the rest of the network;
- Still require details of lighting;
- Although the applicant has indicated that the ditch into which site drainage is shown to outfall is within the site boundary – there is no information to show whether the outfall would connect to Highways England drainage.

I provided the above comments to the agent and in response the applicant's Transport Consultants provided a Highways Drainage Note; a Highways Technical Note in response to the comments; RSA Audit Brief; a revised TA and a WCHAR. On this basis I re-consulted with Highways England who commented as follows:

- The revised information in respect of trip generation, traffic assessment and site access has answered the questions set by Highways England. The details indicate that there will be *“an increase in the volume of traffic associated with the A249 and the proposed development.”* This traffic, along with predicted growth *“indicates that the northern arm of the A249/A2500 Lower Road Roundabout will be likely to exceed operational capacity by the year 2024 + baseline and committed development traffic during all peak periods and exceeding the recommended level of service. This is also applicable to the A2500 Lower Road/Sheppey Way Roundabout junction, which exceeds capacity and level of service for the same time period onwards. The evidence means that the applicant needs to provide a nil-detriment scheme for the proposed development at the identified junctions above.”*
- An updated RSA and WCHAR is required which Highways England will then appoint an audit team to carry out an assessment;
- Further information in respect of drainage is currently being reviewed.

On the basis of the above the Stage 1 RSA and the WCHAR was updated and provided to Highways England. Highways England provided the following comments:

- Further investigation has demonstrated that with the agreed access and taking into account other mitigation on the Kent road network, *“the overall safety and operation of the A249/A2500 Lower Road Roundabout would not be materially worsened by the proposed development, if permitted.”*
- The RSA and WCHAR have been completed and are agreed. It is considered that the proposed access *“will not materially, adversely affect the safety or operation of the proposed access nor the A249.”*

- The drainage ditch running alongside the A249 is part of previously agreed environmental compensation, therefore no connection to or reliance upon the drainage ditch can be made by the development;
- A statement has been provided in respect of luminance levels;
- *“Having assessed the application and agreed necessary mitigation, Highways England is now content that, subject to the imposition of conditions, the development will not materially affect the safety, reliability and / or operation of the SRN”.* These comments are subject to conditions relating to a construction management plan; completion of the site access; provision for vehicle loading, unloading and turning; external lighting and no surface water run off to the highway or any highway drainage system.
- Further to the above, the issue regarding the drainage condition has been raised again by Highways England who have required confirmation in terms of the location of a drainage ditch and within who’s ownership it falls. It has been clarified that it falls within the application site and Highways England have accepted this. Highways England have also requested confirmation that the water vole mitigation will be carried out, which is covered by separate conditions, discussed below.

6.8 KCC Highways & Transportation – Initially raised the following points:

“Highway Impact of Development

Having examined the Traffic Assessment I would need to draw attention to previous advice given on trip attraction and question the uninterrogated application in section 4.5.1 of the sub land use 'discount food stores' from the TRICS database. From the outset we were of the view that Aldi may not sit squarely in that historical category now as they continue to expand and enlarge their store formats and the use of this data subset would require careful scrutiny and justification. I also note that this category does not possess any free-standing sites among their surveys and instead the extracted data relies upon surveys from suburban and edge of town locations, which I do not consider to be representative of this particular site, being relatively remote from the closest residential areas and the nearest bus stops. A recent Transport Assessment carried out for the development of an Aldi store on the A251 at Faversham has utilized data for the 'food superstores' sub land use from the TRICS database and this was considered acceptable by us. In order to create a more robust base for a thorough assessment of traffic impact I am of the view that this site is treated in the same manner and that the following parameters are therefore applied in TRICS:

- *Sites in England, outside of Greater London*
- *Gross Floor Area up to 6,000 sqm*
- *No surveys earlier than 2010*
- *Edge of town, suburban or neighbourhood centre locations*

I note that further to our request for the junction of the A250 Halfway Road/B2008 Minster Road to be included in the Traffic Assessment, the only data provided relates to 'net traffic effect' and it has not been included in the Junction Capacity Analysis. This

would also need to be included, once the more robust methodology suggested above has been applied to trip generation.

Accident Report

The Transport Assessment demonstrates that the frequency of personal injury collisions at roundabouts that fall within the study area are below the national average for comparable junction configurations. The study also shows that the one accident classified as fatal and the remaining serious accidents do not evidence a pattern that can be attributed to road layout deficiencies.

Site Access

The proposed vehicular route on drawing 2435-CHE-109 shows the site being served off a new section of road constructed to serve the wider development parcel north of the A249 Brielle Way, which would be accessed in turn via a new fourth arm of the existing A249 Brielle Way/Thomsett Way roundabout. It is not likely that KCC would wish to adopt this new road as it would not connect to any of our existing network, the A249 being administered by Highways England. The land parcel this new road would serve is also allocated in the local plan for commercial and industrial uses, which would be another reason for us not seeking to adopt it. Having examined the submitted plans, however, I am satisfied that the access arrangements as proposed should be able to meet relevant standards for visibility and road geometry. The design of the new roundabout arm, its impact on their highway and the interaction of the new road with the A249 will need to be assessed by Highways England who are the statutory authority in this instance.

I note that servicing is also being proposed now via this same access which I assume is in order to facilitate the turning and safe egress of delivery vehicles from the service yard. My concern with the current plan is that HGV movements will come into conflict with the proposed pedestrian crossing, which forms part of a wider link through the site from Queenborough Road and follows a natural desire line to the proposed store. The Transport Assessment proposes the use of a 'Pedestrian Marshall' in section 3.4.10 but it is my view that ensuring this is consistently applied each time a delivery vehicle seeks to encroach onto the pedestrian crossing will prove difficult to manage in the long term. Our preference would be to ensure that such conflict is designed out.

Parking

I am generally satisfied with the amount and quantum of vehicle parking spaces provided but with reference to section 3.7 of the Transport Assessment, disability parking provision in SPG4 is a minimum standard, which would require the provision of at least one additional disability bay within the parking layout. Cycle parking provision appears to be in line with our standards.

I am also satisfied that the dimensions and layout of the parking area also adheres to current design guidance as given in SPG4.

We have begun to engage with new developments over the inclusion of electric vehicle (EV) charging facilities, where for a development of this type we would typically want to provide 10% of the total parking provision as EV bays. The installation of rapid car chargers would make this a viable and attractive option for shoppers and given the more remote location of this site would enhance its sustainability credentials.

Off-site Improvement Works

The proposals offer to provide a pedestrian/cycle link along Queenborough Road between the site and the A250 junction. The sustainability of the store however needs to be considered in the wider context of developer funded pedestrian/cycle provision currently being implemented along the A2500 Lower Road as far as Cowstead Corner and the opportunity this creates to extend this link along the whole length of Queenborough Road. We now have a fully costed scheme to complete the link with the A250 junction, amounting to a total of £132,426.31, which we would ask this development to cover the full cost of. This link would greatly enhance access from existing and planned communities to the east and the overall sustainability of the site. We would therefore request as a condition on this application coming forward that this sum be secured by way of a Section 106 agreement.

Additionally we would, in consultation with Highways England, strongly encourage the creation of a pedestrian crossing in the proximity of the existing A249/Thomsett Way roundabout, in order to facilitate access from Neats Court Retail Park and the Aldi RDC. The Transport Statement includes linked trips with Neats Court in its assessment and this would only prove fully viable with the implementation of a controlled crossing linking the two, along with associated linkages to the respective stores either side.

Other Matters

The on-site section of the proposed pedestrian/cycle link that runs alongside open land does not yet have any details for lighting and I would consequently need to see this detailed on a plan.

It is noted that a workplace Travel Plan has not been submitted with the application. It is therefore requested that this is provided by way of an appropriately worded condition in due course.”

In response to the above comments, the applicant's Transport Consultants provided a Technical Note. This prompted further comments from KCC Highways & Transportation stating that there was general satisfaction regarding the majority of the points made above, aside from the Junction Capacity Analysis had not been updated in accordance with the relevant assessments. In addition, a further assessment of the A250/Queenborough Road and Halfway junction was requested and that this should be integrated with data regarding Sheerness residents who would now visit this store.

Further to the above, the applicant's Transport Consultants provided a further Technical Note in response. As a result I re-consulted with KCC Highways & Transportation who commented as follows:

“1) The updated Transport Assessment has demonstrated that the net effect of development on the assessed junctions is marginal compared with background growth and committed development. Additional assessment was sought for the A250/B2008 Halfway junction which has also concluded that development impact on that junction is marginal, with a demonstrated 11 additional vehicle movements in the AM peak, 25 in the PM peak and 31 in the Saturday peak. This represents an additional vehicle movement approximately every 5 1/2 minutes, 2 1/2 minutes and 2 minutes respectively at this junction.

2) Our initial consultation response encouraged the creation of a pedestrian crossing on the A249, in order to facilitate access from Neats Court Retail Park and the Aldi RDC, although it was noted that Highways England would need to be consulted on this matter, the A249 being part of their network and administered by that authority. Consultation was conducted and this option was subsequently ruled out by Highways England.”

As a result of the above no objection is raised subject to conditions relating to a Construction Management Plan; provision and retention of the parking spaces, loading areas, cycle facilities and electric vehicle charging points; lighting detail for the pedestrian link; implementation of the travel plan and; provision of off site highway works.

6.9 SBC Climate Change – Initially responded setting out that although the intention is to achieve BREEAM ‘very good’, the pre-build assessment is very close to the lower end of the range for this rating. This was raised with the agent who provided a response to the points. On this basis I re-consulted with the Climate Change Officer who considers that the points have been suitably argued. As a result of this, on the basis that the intention is to achieve BREEAM ‘very good’ this is acceptable. Requests a condition requiring this is met, including the requirement for post construction certification.

6.10 Lead Local Flood Authority (KCC) – Initially raised a number of points leading to a holding objection which required addressing. These related to conflict with paragraph 165 of the NPPF and the lack of information setting out through evidence why a sustainable drainage system is inappropriate; the proposed infilling of two ditches on the site which would only be accepted with the agreement of the Lower Medway Internal Drainage Board; although a petrol interceptor is proposed to remove oils, it is not evident which other control methods will be incorporated to remove other pollutants and contaminants – all pollution control methods are required to be submitted; it is proposed to pump surface water which should only be carried out if expressly demonstrated to be necessary; the site falls within the jurisdiction of the Drainage Board and any works whatsoever that may have the potential to affect any adjacent watercourse (or the network’s ability to convey water) will require their formal prior written permission.

As a result of the above a ‘Sustainable Drainage Note’ and an ‘Indicative Drainage Layout’ was submitted to address the points made. As a result I re-consulted with the Lead Local Flood Authority who responded as follows:

“It is noted from the Sustainable Drainage Note that consideration for further SuDs features were considered however, the ecological area has already been agreed and therefore larger scale SuDs features cannot be accommodated. It is welcomed that permeable paving is to be incorporated into the parking bays and the off site discharge rate has been lowered 2 litres a second. Both of these alterations are welcomed and will provide both additional pollution controls and reduce the pressures on the receiving watercourse network.

As mentioned within our previous response, the LLFA resists the infilling of ditches on site. It is highlighted from Stirling's note that the infilling of these ditches is the only practicable way of delivering this scheme on site. The LLFA accepts this and welcome that discussions have taken place between the Internal Drainage Board and the consultants. Please note that the works to the watercourses will require a consent process through the IDB that is separate from the planning process. As always, we would advise that this is done so as soon as possible.

With all major developments, the LLFA would require full drainage details, construction/layout drawings and supporting calculations to be provided. To facilitate the submission of this further information, we would advise the detailed design condition be attached to the application.”

As a result of the above conditions are recommended requiring a detailed sustainable surface water drainage scheme; and a verification report.

6.11 Lower Medway Internal Drainage Board (LMIDB) – Initially objected to the application for the following reasons:

“I am a little concerned that there will be a loss of natural surface water storage ditches within the boundary of the site. I would like to see these ditches replaced elsewhere.

I also have concerns the southern boundary ditch which is being retained has no access strip for future maintenance because the ditch is sandwiched between the A249 and the boundary fence. It means should the boundary ditch ever require to be dredged out there is no room for a machine.

The applicant will need to apply for Land Drainage Consent from the LMIDB to get permission to move or remove or infill any current ditches and to discharge any surface water into them.”

Discussions continued to take place between the applicant and the LMIDB, and further to updated details being provided I received further comments as follows:

“I am writing to officially announce that the LMIDB is removing it’s holding objection on the planning application 19/502969, Aldi development, Neats Court, Sheppey.

We have recommended that the developer continues to work with the KCC SuDS team as the planning phase progresses in order to search out potential areas for improvement to the proposed system. This would be especially welcome in areas that could retain natural watercourse where possible.

However, we are now satisfied that ecological, flood risk and maintenance issues presented by Mike Watson and Peter Dowling on behalf of the LMIDB have been addressed under the plans presented. This does not represent consent from the LMIDB regarding discharge, as this is a separate issue that will be addressed in the future.”

6.12 SBC Environmental Protection Team – *“Having reviewed this application, I have paid particular attention to the Sharps Redmore Noise Report submitted with the application, and the recommended mitigation measures contained therein. I have previously worked on similar applications by Aldi where nearby residential properties were potentially affected, whereby a Delivery Management Plan was submitted, detailing all the measures to be imposed to prevent noise nuisance to neighbouring premises from the service/delivery area. As the noise report recommends a number of specific measures, along with the production of a Delivery Management Plan itself (details can be found in para 6.13) I have recommended that such a document be submitted by condition.”* Conditions recommended relating to hours of construction; details of any mechanical ventilation system; code of construction practice; details of acoustic barrier; and a delivery management plan.

6.13 KCC Archaeology – *“With respect to buried archaeology, we would have expected the application to include a desk based assessment to explain the potential impact on archaeological remains. An assessment has however been previously provided for the adjacent Medichem development proposals and the archaeological potential of the present site is similar. The site lies on the former shoreline of Sheppey on the edge of the former marshlands. These have been exploited since prehistoric times and excavations both for the construction of the Queenborough bypass and the business and retail development at Neatscourt to the south and south east have identified a range of important archaeological remains of Bronze Age, Iron Age, Roman, Saxon and medieval date. These included a rare submerged Bronze Age barrow with Iron Age burials inserted and clusters of Iron Age and Roman cremations on the former shorelines.*

My advice, as for the adjacent site is that a staged programme of archaeological investigation is an appropriate response and that can be secured through an appropriate condition for a programme of archaeological work. The archaeological programme should commence with a stage of trial trenching which would inform subsequent stages of the programme of mitigation.”

6.14 KCC Ecology – Initially advised *“that that there is a need for additional information to be submitted prior to determination of the planning application.*

The submitted ecological information has detailed the following species are present/likely to be present within the site: • Water vole • Slow Worms and Common Lizards • Great Crested Newts • Foraging/commuting Bats • Breeding and Wintering Birds • Hedgehogs (likely) • Invertebrates (Likely)

A joint ecological mitigation strategy has been produced in conjunction with the adjacent development 17/501010/FULL. During the determination of planning application 17/501010/FULL we had detailed discussions with the ecologist and we agreed that the proposed joint mitigation approach was acceptable.

We have re-reviewed the Ecological Mitigation Strategy (Native Ecology; February 2019) and we highlight that the layout within the mitigation strategy does not match the site layout for this application – in particular this application is proposing to create a footpath along the eastern boundary of the mitigation area and therefore reducing the mitigation area.

We advise that the principle of the ecological mitigation is still acceptable but we advise that it must be updated to take in to account the revised site plan for this application OR the site plan must be revised to reflect what is detailed within the ecological mitigation strategy.

We highlight that if the option of updating the ecological mitigation strategy is implemented there may be a need for additional enhancements to be incorporated into the mitigation area and wider site to increase the carrying capacity of the receptor site. We highlight that from reviewing the site plan there are opportunities within the wider site to include enhancements – particularly along the northern boundary where currently it is proposed to have amenity grassland.

Prior to determination we advise that there is a need for an updated Ecological Mitigation Strategy and/or Site plan to be submitted to demonstrate that the proposed mitigation can be implemented.”

As a result of the above a further Ecological Assessment and Ecological Mitigation Strategy was submitted. On this basis I re-consulted with KCC Ecology who commented as follows:

“We previously raised concerns about the proposed water vole mitigation as the main water vole mitigation is to be carried out as part of application 17/501010/FULL which has yet to be implemented.

The submitted information has detailed that any water voles in ditch 1 will be moved into the adjacent habitat (not within the applicant’s ownership) – to address this concern the ecologist has provided the following information:

[Applicant’s ecologist] *“The development will result in the loss of approximately 36 metres of ditch D1. The aim of the displacement exercise is to encourage any Water Vole present within the development site into the remaining 183 metres of ditch D1 present off-site.*

Ecology Solutions conducted an update Water Vole survey on 4th June 2020 with an employee from Derek Gow Associates (DGA) to determine the size of the Water Vole population present on site, and the level of mitigation required. All ditches across the site (and adjacent area) were reviewed and surveyed for the presence of Water Voles.

Both of the on-site ditches, along with the ditch adjacent to the southern boundary were dry - and although there was some old evidence of feeding and a potential old burrow - there was no recent field signs to suggest that Water Voles are using the ditches at this time.

If Water Vole repopulates the ditches over the course of 2020, it is not considered likely to be at a level that cannot be accommodated within the off-site length of ditch D1. This is also the assessment of DGA and shall ensure the loss of the ditch on site can be complete under their licence.

The surveys and assessment of the ditch and particularly the lengths that will be affected by the proposals demonstrates these are not of high importance to any local Water Vole population and potentially only used as their suitability with high levels of precipitation occurs. If the adjacent scheme comes forward then they shall implement the necessary mitigation as required to ensure the favourable conservation status of the local Water Vole is maintained if this does not come forward the loss of the small section of ditch from the ALDI site would have a negligible impact on the Water Vole population.”

[KCC Ecology] *We have reviewed the additional information and we are satisfied that the proposed mitigation is appropriate. We advise that if planning permission is granted the water vole mitigation detailed within the Ecological Assessment, Ecology Solutions, October 19 is implemented prior to any works commencing.*

Evidence of water vole were recorded in ditch 2 - We acknowledge that the proposal will result in enhancements to ditch 2 however it is directly adjacent to the A249 and therefore there is a need to ensure that any enhancements implemented will not be impacted/lost by ongoing highways maintenance requirements.

Therefore to address this point we suggest that any enhancements implemented are designed to ensure they will not be impacted by highways maintenance and we are satisfied that this can be provided via a condition.

We previously raised concerns about the proposal to displace the reptiles to the southern boundary which may be impacted by on going highways maintenance. To address this point the applicant has provided the following information confirming that a reptile translocation will be carried out and moved to the onsite receptor site.

[Applicant's Ecologist] *"Although the Ecological Assessment recommends passive displacement as the most suitable mitigation measure at the time of writing, it goes on to say that - However, it is possible that passive displacement may not prove to be the most appropriate method in all circumstances, for example if the direction of displacement would not encourage reptiles to move into areas of larger suitable habitat, or where fragmentation is an issue. In such cases a more formal capture and translocation exercise will be undertaken - We have already taken the view that a full translocation will be required with the receptor site being isolated from the wider grazing regime to ensure a suitable sward structure can and will develop."*

[KCC Ecology] *We advise that this information has address our concerns but advise that since it's unclear within the Ecological Assessment an updated mitigation strategy must be submitted and it must demonstrate that it will be capable of supporting the reptiles when they are translocated. We are satisfied that this can be provided as a condition.*

We previously raised concerns about the proposed landscaping plans for the receptor site and our concerns that there were too many trees/shrubs are to be planted within the ecological mitigation area within the NW of the site.

[Applicant's Ecologist] *"We have reviewed the proposals and count six trees and no shrubs in the mitigation area on the Landscape Plan. All other symbols are hibernacula and log piles. We were consulted during the design of the area and will ensure it is fit for purpose for supporting the moved reptiles. As you will note this is connected to the wider area and until the adjacent scheme comes forward and delivers its own mitigation any reptiles will have sufficient habitat provision to ensure they are maintained at a favourable conservation status."*

[KCC Ecology] *Based on this information we are satisfied that the proposed landscaping plan is appropriate.*

We advise that the site must be managed appropriately to retain the ecological interest of the site. If planning permission is granted there is a need for simple management plan to be produced if planning permission is granted.

There is suitable habitat for foraging/commuting bats within the site. Therefore we recommend that any lighting condition requires the lighting plan to demonstrate the recommendations within the Bats and artificial lighting in the UK document (Bat Conservation Trust and Institution of Lighting Professionals) have been implemented."

7. BACKGROUND PAPERS AND PLANS

- 7.1 The application is supported by the following documents: BREEAM Pre Assessment; Ecological Assessment; Economic and Retail Statement; Environmental Noise Report; Flood Risk Assessment; Statement of Community Involvement; Sustainability

Statement; Transport Assessment; Travel Plan; Landscape Plans, Site Layout Plan; Elevations and Floorplans.

8. APPRAISAL

Principle of Development

- 8.1 The application site lies within the built up area boundary, the Queenborough and Rushenden regeneration area (policy regen 2 of the Local Plan) and on land allocated for employment uses (policy A 1 of the Local Plan).
- 8.2 Although the parcel of land subject to this application is an undeveloped greenfield site, it is clear that the allocation of the land for development, whilst also being located within the built up area boundary means that the principle of development is accepted.

Site Allocation and Retail Impact

- 8.3 Notwithstanding the points made above regarding the principle of development, as also referred to, the site is allocated for employment uses under policy A 1 of the Local Plan. The policy states that planning permission will be granted for 'B' class employment uses, and notwithstanding that the use classes order was amended on 1st September 2020, this would relate to offices, research and development, industrial processes, general industrial uses and storage and distribution. The application proposes a retail use and as such in this respect would not accord with the aims of the policy. Having said this, I note the supporting text to the policy at paragraph 6.2.4 which states:

"Recent development has seen the emergence of the area as a retail centre to complement Sheerness town centre, but it is important that any further proposals for retail uses do not undermine the role and retail functioning of the town and other local centres or the role of this site in meeting the Island's (and Swale's) industrial floorspace needs for the plan period." [my emphasis]

As a result of the above, I am therefore of the view that to understand fully whether the proposal would give rise to unacceptable harm in respect of this policy that the following two issues will need to be assessed:

- whether the introduction of a retail use upon this site would undermine the vitality and viability of existing centres;
 - whether the introduction of a retail use on this site would undermine the ability to meet the Isle of Sheppey and Swale's industrial floorspace needs for the plan period.
- 8.4 In terms of the first point, both the NPPF and policy DM 2 of the Local Plan seek to protect the vitality and viability of existing centres. In terms of the process for assessing this, firstly proposals for main town centre uses should follow a sequential test to assess potential town centre or edge of centre sites, and secondly, where the proposed floorspace is above a certain threshold, include a retail impact assessment in order to demonstrate what the impact of the retail development would be on the vitality and viability of an existing centre. Policy DM 2 uses the NPPF threshold that a retail impact assessment should be provided if the development exceeds 2,500sqm of gross floorspace.
- 8.5 An 'Economic and Retail Statement' was submitted in support of the planning application which includes a sequential approach. The sites and their assessment were as follows

(n.b. the definition of ‘edge of centre’ is within 300m of the primary area – as defined by the Local Plan proposals map):

- Rose Street and Rose Street South Car Parks, Sheerness (edge of centre) – these sites were discounted as they were not available due to being in use as car parks and not suitable as they are too small and dissected by Rose Street. The site is also used for Sheerness Market;
- Cross Street Car Park, Sheerness (edge of centre) – this site was discounted as it is not available due to being used as a car park and is not suitable as it is too small;
- Land at Trinity Road, Sheerness (edge of centre) - this site was discounted as it is not available due to planning permission being granted for residential development and not suitable as it is too small;
- Tesco Car Park, Bridge Road, Sheerness (edge of centre) - this site was discounted as it is not available due to its continued use as the car park for Tesco, regardless that it is considered suitable;
- Arriva Bus Depot, Bridge Road, Sheerness (edge of centre) - this site was discounted as it is not available as it is in continued use as a bus depot and not suitable as it is too small;
- Existing Aldi store, Millennium Way, Sheerness (edge of centre) – although the site is available on the basis that it is operated by the applicant, the site was discounted because it is too small for the operator’s modern business requirements.

8.6 In order to assess the applicant’s approach to the sequential assessment, a retail consultant (WYG) was employed to firstly advise on this matter, but also to provide advice in respect of the retail impact of the proposal upon the vitality and viability of existing centres.

8.7 Firstly, in terms of the site search parameters, WYG state that *“whilst both the NPPF and NPPG are silent on the appropriate area of search for sequentially superior sites, the standard approach is to consider the extent of the catchment area likely to be served by the proposal and then to identify alternative sites, located within or on the edge of existing centres, which serve an equivalent catchment, and which could accommodate the scale and form of development proposed.”*

8.8 Officers considered that the site search parameters in respect of Sheerness and the town centre, in line with policy DM 2 was appropriate. WYG also commented that they were satisfied that given the catchment area of the store, that the site search parameter was appropriate.

8.9 Aside from the existing Aldi store, WYG agreed with the applicant that the other sites assessed were not available. It was also considered that the existing Aldi site could not be extended due to the site being bounded by the existing road network. I note that the consultant acting on behalf of Tesco has raised this issue and believes that further details should be provided in respect of why land assembly to the north-west is not available. In relation to this, immediately to the north-west of the site is the public highway in the form of Russell Street and immediately beyond this lies the Job Centre and the Police Station. These services and facilities are all in active use. I therefore consider it reasonable to come to a judgement that they are not available, in much the

same way that the alternative sites as set out above have been discounted for possible re-development. Further to this, paragraph 86 of the NPPF also sets out that a consideration of availability should take into account whether sites are expected to become available within a reasonable period time. In this case, even if the public highway, the Job Centre or the Police Station was to become available, there would need to be a process to dispose of this land and the other facilities would need to find alternative premises. I am of the view that it would be unlikely that this would take place within a reasonable period of time taking into account what would in my view be a relatively short period required to implement any consent given for the proposed development.

- 8.10 Having said the above regarding extending the existing Aldi site, WYG disputed the way in which the applicant had approached the issue of flexibility. The NPPF and NPPG indicate that when looking at the suitability of potential sequential sites, flexibility should be demonstrated on issues such as format and scale. However, WYG considered that the sequential approach had been based solely on Aldi's specific requirements and new store business model. As such, WYG took the view that the sequential approach had appeared to have been undertaken *"on the basis that no flexibility is required owing to Aldi's unique need to drive efficiencies within its trading model."* Therefore, WYG commented that as the current site is in active and viable use as a foodstore, the applicant needed to *"provide clear evidence to demonstrate that the site is not able to accommodate a broadly similar development to that proposed."*
- 8.11 WYG also made observations in respect of a number of points raised in the agent's sequential assessment, which the agent has suggested results in the existing Aldi site not being suitable. This related to the following –
- The agent suggests that the site is approximately half the size required to accommodate Aldi's current business model. This conflicts with Aldi's latest new store requirements brochure which sets the minimum site size requirement of 1.5 acres / 0.6 hectares;
 - The existing Aldi in Sheerness is said to be an anomaly in terms of floor area compared to the rest of portfolio. However, there are other stores in the UK that are a similar size to the Sheerness store so clarification is sought;
 - It is stated that the new store will sell the same range of goods as the existing store but the need for a new store is due to the cramped shopping experience and that deficiencies with the existing store undermines the store operation. However, no evidence is provided to support this;
 - There is a suggestion that the car park consistently operates at capacity with queues forming during the day spilling onto the road network. There is no evidence to support this;
 - It is indicated that there is conflict between cars and servicing vehicles undermining efficiency of store operation. No evidence is provided of this or whether it could be resolved via a service delivery plan;
 - It is suggested that 120 car parking spaces are needed. As the site is located in the town centre and adjacent to other surface level parking a lower level of parking could be acceptable.

- 8.12 On the basis of the above, WYG concluded on the sequential assessment that it had not been undertaken with the required level of flexibility. Having said this, WYG considered that aside from the site of the existing Aldi, none of the other sites assessed would be suitable or available to accommodate the proposed development, even on a flexible basis. Therefore the agent would need to provide clear evidence to demonstrate that the existing Aldi site was not able to accommodate a broadly similar development to what has been proposed. As a result of this, WYG were unable to conclude in terms of the sequential test.
- 8.13 I provided the above comments to the agent who subsequently submitted further information in a letter, and a subsequent email, in response to the points set out above. This enabled WYG to reach a final view on the sequential assessment in terms of whether the existing site could be considered to be suitable for the proposed development.
- 8.14 Upon first view, the existing site is suitable for the 'broad' type of development proposed, on the basis that it is a trading foodstore with an associated car park. The proposal will also sell a very similar range of goods, although in terms of size is 23% smaller than the proposed store. Therefore, the first question is whether this difference in scale goes beyond the flexibility that is required to be applied. WYG considered this to be dubious on the basis that the range of goods to be sold was comparable. However, WYG also noted that *'the broad type of development'* doesn't solely relate to the store, it also includes the car parking, servicing and access. In the case of the existing store, the ratio between the store size and the car parking provision does not align (primarily due to previous store extensions which have resulted in the loss of car parking). The ratio of on-site car parking to store size is an important factor for developments of this type and although the existing store is within the town centre, evidence remains that food shopping trips are largely undertaken by car. Therefore the in-balance between the store size and the number of car parking spaces is a contributing factor to the operational difficulties highlighted by the agent.
- 8.15 As a result of the above, WYG took the view that although it would have been helpful to have statistical evidence in respect of the capacity of the car park, the Council's consultants own knowledge of the store and its trading performance (on the basis that it was the same consultant who undertook the Council's Retail and Leisure Needs Assessment (RLNA)), photographic evidence supplied by the agent and observations from KCC Highways & Transportation support the agents view that the existing store's car park has operational and capacity issues.
- 8.16 In terms of parking numbers, the current store has 59 fewer spaces than the proposed, and is 25-38% less than Aldi's minimum requirements for a new store. Due to the size of the existing site it would be difficult to increase this and as a result WYG took the view that this difference *"has generally been found to be beyond a reasonable approach to flexibility."* Furthermore, WYG considered that as the existing site is approximately 50% smaller than the site of the proposed store *"it would be difficult to see how the development as proposed, even with a degree of flexibility and ignoring commercial preferences of the retailer, could be accommodated in the current case."*
- 8.17 On the basis of the above WYG concluded on the matter that the sequential approach to site selection had been met.

- 8.18 Turning to the issue of the retail impact assessment, upon submission of the application, my initial view was that although the floorspace fell below the threshold for requiring one - 2,500sqm (this application proposes a floorspace of 1,933sqm gross), that an impact assessment should have been provided by the applicant. My reasons for coming to this view were based upon the following factors. Firstly, the impact of the proposed store would be required to be taken into account but in addition, the application sets out that the operator will be closing their existing store at Millennium Way, Sheerness. In addition, I recognise the Council's RNLA advised that the threshold for requiring a retail impact assessment to be submitted should be set at 500sqm. This matter was discussed at the Council's Local Plan Panel meeting on 14th March 2019 where it was recommended *"that Cabinet adopts, as a material consideration, a local threshold of 500 square metres for retail/leisure floorspace proposals outside of designated centres to require an impact assessment of the proposal as set out in paragraph 89 of the NPPF."* Cabinet subsequently agreed the recommendation on 20th March 2019.
- 8.19 Having raised this with the agent for the scheme, they commented that the RNLA is not an adopted policy document, as referred to at paragraph 1.1.2 of the document which sets out that *"This Study will be used to inform the emerging Local Plan for the authority. The Council is currently embarking upon the production of a Local Plan review covering the period 2022-2038."* The agent further considered that the document has not been the subject of any consultation and as a result there has been no opportunity for third parties to comment upon it. As a result of this the agent believes that the document carried very limited weight. Therefore a retail impact assessment was not submitted.
- 8.20 In respect of coming to a view on this matter, my starting point must be the adopted development plan and the NPPF, which states that the threshold for requiring a retail impact assessment is floorspace of 2,500sqm (or more). Although I considered that a retail impact assessment would have been beneficial in these circumstances, the Council, despite the agreement of Cabinet, currently has no adopted policy, or an emerging policy which has been independently examined for the lower threshold of 500sqm to outweigh the adopted local and national policy. Therefore, although I note both agents' comments acting for Morrisons and Tesco on this matter, I was of the view that I was unable to insist upon the applicant providing a retail impact assessment for the above reasons.
- 8.21 Despite this, and due to the specific circumstances of this case, I was of the opinion that the potential impact of the development upon existing centres would still need to be assessed in order to reach a viewpoint. As a result, WYG was also instructed to advise in this regard. It is important at this point to further reiterate what constitutes the town centre in retail terms. WYG have paid particular attention to this as it impacts upon where the focus lies in assessing the impact of the proposal. Essentially, for retail planning purposes, the town centre, required to be protected from significant adverse impacts is comprised of the primary shopping area. The existing Aldi (and Tesco) in Sheerness, in retail terms therefore do not lie in the town centre but in edge of centre locations, which is defined by the NPPF as being within 300m of the primary shopping area.
- 8.22 WYG's starting point in considering the impact on the vitality and viability of Sheerness town centre is the latest health check undertaken as part of the RLNA. This found that the convenience goods offer in the town centre is good; the comparison goods offer is limited; there is a reasonable range of retail and financial/business services; the number

of vacant units is below the UK average; there are moderate levels of pedestrian activity; the main shopping areas felt safe; shopping was the main reason people visited; and the traffic and its priority along with on-street parking detracted from environmental quality. In summary the conclusion of the RNLA was that Sheerness town centre displayed reasonable levels of vitality and viability.

- 8.23 In order to assess the impact, on the basis that no information was provided by the agent in this respect, WYG therefore used the RNLA data to estimate the turnover of the existing store (£20.7m) and then applied Aldi benchmark sales density (£10,303/sqm) to the additional 290sqm of floorspace proposed (in comparison to the existing store). As a result the additional convenience goods turnover will be approximately £3m. On the basis of the information provided, WYG note that no end user of the site where the existing store is located has been identified and therefore for their assessment have assumed that the unit is vacant and generates no retail turnover.
- 8.24 The WYG report considers that the majority of the trade will be drawn from the Morrisons and Iceland stores at Neats Court (53%). In addition to this, 35% is expected to be drawn from Tesco in Sheerness and 10% from convenience goods provision outside of Sheerness. In terms of Sheerness town centre, WYG estimate that due to the different role and function of the smaller convenience provision and as Aldi is already trading alongside these retailers, the level of direct trade loss from the town centre will be £0.07m, or 2.3%. On the basis of the health check findings it is considered that this level of direct impact is not considered to be significantly adverse. I do note the comments provided by the consultant acting on behalf of Tesco in that they consider the assessment of impact carried out by WYG to be flawed. This is on the basis that they believe a town centre store is proposed to be replaced by an out of centre store. In response to this, I acknowledge that the proposed store is out of centre. However, the existing store, as set out above, is not, in retail planning policy terms, in the town centre either (it is edge of centre). As such, the trade is already being drawn from the town centre to the existing store. Therefore to assess the additional trade would be appropriate in this case.
- 8.25 Having said the above regarding the location of the store, the existing store is located in a sequentially preferable location than the proposed. The potential for linked trips between the existing store and the town centre would be lost and as such WYG provided advice on the potential impact that the loss of these linked trips would cause to the town centre, i.e indirect impacts of the proposal.
- 8.26 The WYG report sets out that unfortunately there is no evidence identifying what level of linked trips are taking place and with what other facilities. However, to form a judgement on this, WYG have calculated that if there were 10,000 linked trips per annum, each spending £15, the potential reduction in turnover for town centre services / facilities would be £150,000 per annum. On the basis that the comparison goods turnover of Sheerness town centre is £47.1m, WYG consider that even if twice the number of linked trips were taking place than that assumed, that the impact upon the town centre would not be significantly adverse. WYG have also taken into account that trade diversion from the existing Tesco store to the proposed store also has the potential to reduce linked trips between Tesco and the town centre. However, WYG consider that given the assessed level of trade diversion from the Tesco store, it is unlikely that the potential loss of linked trips in this scenario would be at a level which would give rise to a significantly adverse impact upon the town centre.

- 8.27 On the basis of the above, WYG conclude on this matter that the proposal is acceptable in relation to the retail impact tests, as no significantly adverse impacts are arising.
- 8.28 In concluding on retail impact, I do note that policy DM 2 of the Local Plan states that when it is demonstrated that where there are no suitable town or edge of centre sites, one of the criteria for accepting out of centre sites is that *“it is well located in relation to the main road network and easily accessible by public transport, pedestrians and cyclists.”* In terms of these points, the site is extremely well located to the main road network, it will be accessible from the strategic road network (A249) with a new dedicated arm from the A249 / Thomsett Way roundabout. In addition, as a result of the off site highway works (set out in the consultation response from KCC Highways & Transportation above / in the highways section below), the site will have close pedestrian and cycle connections to both Queenborough Corner and Cowstead Corner (linking up with existing pedestrian and cycle facilities). In respect of accessibility to the site via public transport, Queenborough Railway Station is, via the most convenient route 1km away from the site, whilst the nearest bus stop (Queenborough Corner) is approximately 450m away. As such, although I believe that public transport options are not immediately on the doorstep of the site, I do take the view that the site would be accessible by public transport. When this is weighed in the balance with the lack of conflict with the remainder of the policy requirements, I do not believe that this could be said to be so significantly harmful as to warrant a reason for refusal.
- 8.29 I have also liaised further with WYG regarding the relevant restrictive conditions. On the basis that the impact of the application has been judged on the merits of the details provided it has been suggested that conditions are included restricting the unit to ‘limited product line deep discount retailing’; restricting the gross and net floorspace; limiting the floorarea for comparison goods; not allowing sub-division or concessions to be sold and; mezzanine floors not to be permitted. I have recommended these conditions.
- 8.30 In terms of the site allocation, as set out above it is allocated for what was, prior to the amendment to the use classes order, B class employment. This is defined in paragraph 8.03 above. In respect of this issue, I believe it to be of paramount importance that the development would generate employment, regardless of the fact that it is not an ‘employment use’ as defined. I have discussed the quantum of this with the agent who has corrected an error in the original ‘Economic and Retail Statement’, which set out that the existing store provides 50 jobs, which would be increased by this proposal. I have received corrected information which sets out that the existing store in fact accounts for a total of 30 jobs (15 full-time equivalent). However, the proposed store would provide a total of 50 jobs (25 full-time equivalent). It would appear reasonable that a larger store, with a larger associated car park and landscaped areas would give rise to an increase in jobs over and above the existing site.
- 8.31 The agent has also set out in their ‘Economic and Retail Statement’ that the applicant has already delivered almost 50% of the employment floorspace needs for the area (through the delivery of the Regional Distribution Centre (RDC)) whilst the site area for the foodstore accounts for 1.4% of the 137,000 employment space needs identified in the Queenborough and Rushenden regeneration area. Although the RDC provides a significant amount of the employment floorspace which is welcomed, this was a development which came forward in accordance with the Local Plan allocation. Therefore, although I recognise that the operator of the RDC is the same as the applicant

for the current proposal, I do not believe that the benefits of the RDC automatically transfer to the current application, on the basis that the applicant is the same.

- 8.32 Therefore, in order to assist with reaching a view on this point, I have consulted with the Council's Economic Development Team. They have confirmed that although the supply of land for employment uses has become tighter across the Borough, the proposal is a use that generates employment and as such raise no objection to the application. On the basis that the Council's Economic Development Team are extremely close to matters in respect of the supply of employment land and do not object, I give these comments very considerable weight. I also believe that an important point to note is that the retail use proposed would in my view not prejudice adjacent land coming forward for other employment uses, on the basis that in principle industrial and retail uses can co-exist without giving rise to any obvious amenity issues.
- 8.33 On the basis of the above, although the proposal is not (what was) a B class use, the job creation combined with the lack of any significant adverse impact upon the town centre, in my view results in the proposal to not give rise to any identified harm in respect of policy A 1 of the Local Plan.

Queenborough and Rusenden: Regeneration Area

- 8.34 As set out above, the site also lies within the Queenborough and Rushenden regeneration area (policy regen 2). The supporting text to this policy sets out that *"Recent development has seen the emergence of the Neatscourt area as a retail centre to complement Sheerness town centre. However, it is important that if further proposals for retail uses are brought forward, they do not undermine the role and retail function of Sheerness town centre and other local centres or undermine the ability of the site to meet the identified needs for industrial floorspace for Sheppey (and the Borough) for the local plan period."*
- 8.35 Considering the assessment carried out above, I have concluded that the proposed development would not give rise to significant harm to existing centres and would not give rise to material harm in respect of allowing industrial floorspace needs to be met. The policy itself includes very similar wording where it states *"proposals will, as appropriate provide, at Neatscourt, commercial floorspace unless this would adversely impact upon the vitality of Sheerness town centre or compromise the achievement of meeting industrial floorspace needs as required for the Local Plan period."* As such, I am of the view that the proposal would be in accordance with this aspect of the policy. There are other matters required to be addressed as part of this policy, such as design, sustainable design and construction, landscaping and biodiversity which will be explored in further detail below, however, subject to these matters being considered acceptable I can identify no conflict with this policy.

Visual Impact

- 8.36 Policy CP 4 of the Local Plan requires that development proposals should be of high quality design, appropriate to their surroundings, deliver safe attractive places, promote / reinforce local distinctiveness, make safe connections and provide high standard of planting and trees. The NPPF also states that good design *"is a key aspect of sustainable development"*, also setting out amongst other matters that decisions should ensure that developments add to the quality of the area; are sympathetic to local character and history, including the built environment and landscape setting.

- 8.37 Upon submission of the application I was disappointed with the design of the building on the basis that, in most respects, it was what I considered to be the applicant's standard approach to new development. The site is prominent in views from public vantage points and is of a scale that it will be readily noticeable. Therefore, I considered that the proposal fell short of the overarching aims of policy CP 4 and the NPPF. In particular my concerns related to how the design failed to respond to the surrounding patterns and form of development including the use of materials, and also how the site responded to the local landscape character. As a result I informed the agent of my concerns and requested amendments to address these.
- 8.38 Following the above assessment, a significant amount of discussion has taken place between the agent, the applicant's architect and Officers. Initially, an attempt was made to justify the development which had been submitted, without seeking to make substantial changes. I was not convinced by the arguments put forward and reiterated that the design should promote local distinctiveness, paying attention to design cues from surrounding built development and the form of the landscape in respect of Furze Hill. I was also of the view that the building should have a horizontal emphasis.
- 8.39 Further to detailed discussions regarding this point, a substantial amendment was made to the design of the building. Most noticeably, a curved roof element has been introduced over approximately 40% of the building. The curved roof element is located on the south-western side of the building, and as such will be readily seen when passing the site from the A249, in either direction. I believe that this is appropriate as it relates to existing patterns of development in the vicinity of the site and the landscape character in terms of Furze Hill. In relation to the horizontal emphasis, this has been reinforced by the introduction of vertical coloured banding and is in my view much more responsive to the site context. In respect of materials, a mixture of brickwork and cladding is proposed. I consider this to be appropriate and to ensure that appropriate finishing materials are used I have recommended a condition. Overall I am of the view that the design of the building, on the basis of the amendments received, now performs well in respect of the requirements of both national and local policy, including the requirements for the Queenborough and Rushenden regeneration area as discussed above.
- 8.40 As set out above, aside from the building itself, the site includes a dedicated surface level car park and areas of landscaping. Upon receipt of the original application I raised a number of points in respect of the landscaping details and considered that additional landscaping should be introduced within and around the car park; along the eastern boundary of the main access road and; to the rear of the building. I also took the view that some of the species should be amended to more appropriately reflect the surrounding landscape character and to ensure the long term benefits of the planting.
- 8.41 A number of amendments have been made to the landscaping proposals and the majority of the points raised have in my opinion been addressed satisfactorily. A mixed species native hedge runs around the perimeter of approximately 75% of the store, along the western side of the car park, around much of the ecological mitigation area (discussed in more detail below) and the northern boundary of the site close to access road. There is additional tree planting along the western boundary of the site, close to the store on the eastern boundary and lining either side of the access road providing the route from the existing roundabout to the service area and the car park. There is also a substantial amount of buffer planting close to the boundary with the adjacent residential

property. In total 48 trees are proposed along with hedges, buffer planting and wildflowers.

- 8.42 Having said the above, as set out, I did seek additional planting in the car parking and along the boundary of the site adjacent to the A249. Apart from the existing landscaping along the boundary of the site, and a section of proposed hedge adjacent to the boundary of the existing store there is no additional planting in this area. The agent has set out that this is due to the drainage ditch which runs along this part of the site, and the restrictions in terms of planting in this area. Although this would appear to be a reasonable argument, this does leave the site, and in particular the car park quite visually exposed from the south-west. Furthermore, in terms of planting in the car park, there have been a limited number of trees and a landscaping bed introduced. This provides some softening of this hard landscaped area but I believe that the proposals could have gone further in this regard. The agent's reasoning for not providing more is due to the service margins within the site (gas pipeline and water mains) and the requirement for the below ground drainage attenuation tank. Although this is the case, the car park will introduce a large expanse of hardstanding with limited planting.
- 8.43 Overall I am of the view that the planting in many parts of the site has been well considered and will provide for both benefits in respect of visual amenities and biodiversity. However, I have identified some harm caused by the areas of the site where I consider that, although quite possibly for understandable reasons, there is a lack of planting. Taking these on balance I believe that the positive aspects of the landscaping outweigh the harm that has been identified. Furthermore, taking the site as a whole in respect of the design of the building and the landscaping I believe that many of the aims of local and national policy in regards to these issues have been satisfied. Therefore on balance I consider the proposals to be acceptable in this regard. As the landscaping proposals have been provided in sufficient detail, I have included a condition requiring the planting to be carried out as per the information provided.

Residential Amenity

- 8.44 As set out above, the site wraps around on two sides an existing residential property, known as 'The White House.' The next closest residential property is Neats Court Manor, approximately 85m to the east of the application site and then immediately to the east of this property a further six dwellings fronting Queenborough Road.
- 8.45 The closest part of the proposed foodstore lies approximately 40m from the closest residential property. The foodstore is 9m in height to the highest point of the roof and 5.2m to the lowest part. The lowest part of the roof is the part of the proposed building with the closest relationship to the residential property. However, due to this separation distance I do not believe that the proposal would give rise to harmful impacts in respect of overshadowing or loss of light.
- 8.46 I do note the objection that has been raised in respect of the proposed 1.8m fence along the boundary with the adjacent residential property and that the foot / cycle path should be located further away. The path is located, at its closest point, 4m away from the boundary of the property. The fence is in my view of a standard height. The path, if it was located further away would be located towards the centre of the ecological mitigation area, the location of which has already been agreed in conjunction with the planning permission issued for the neighbouring site. However, I consider the distance,

combined with the height of the fence to be sufficient to limit any overlooking opportunities.

- 8.47 An objection has also been raised on the basis that noise levels will be above WHO guidelines and therefore give rise to unacceptable harm. In respect of this issue, a noise assessment has been submitted in support of the application and considers that there are three main noise sources associated with the development. These are car parking activity; fixed mechanical plant noise; and the service area / deliveries. Current noise levels have been measured, which predominately relates to traffic noise from the A249 and an assessment made of the predicted noise levels caused by the activities associated with the development. The conclusion drawn is that the noise from car parking activity will be below both day and night time guidelines, the plant noise can be controlled by condition requiring details and the noise from deliveries will be acceptable if they are restricted to the following hours – Monday to Friday 0600-2300; Saturday and Sunday 0700-2300). In addition to this, a Delivery Management Plan is recommended by the report, to ensure there is no use of tonal reversing alarms, switching off of refrigeration units, no use of roll cages and no more than 1 delivery vehicle in the service yard at one time. An acoustic fence, 1.8m in height has also been proposed along the boundary of the site with the adjacent residential property.
- 8.48 In order to reach a view on the above assessment I have consulted with the Council's Environmental Protection Team. Very careful attention has been paid to the contents of the noise assessment. The conclusions drawn by the Environmental Protection Team are that any permission granted should be subject to a number of conditions. This will enable the noise elements of the development to be controlled. The conditions relate to construction hours, details of mechanical ventilation, a code of construction practice; details of the acoustic fence; delivery hours and a Delivery Management Plan to include details of the specific measures as set out in the noise assessment.
- 8.49 In terms of the store opening hours, these were not set out when the application was first submitted. I have subsequently discussed this with the agent who has sought opening hours of 8am to 10pm on Monday to Saturdays, Bank Holidays and Public Holidays, and on Sundays, any 6 hours between 10am and 6pm. On this basis I have liaised with the Council's Environmental Protection Team who believe that taking into account the conclusions of the noise assessment that this would be acceptable. I have also discussed the requested code of construction practice condition with the Council's Environmental Protection Team. I was of the view that a number of the measures were either unnecessary due to the context of the development (such as a programme for carrying out the work) or would be dealt with by separate consultees (such as surface water). This was considered acceptable and on this basis I have amended the relevant condition accordingly.
- 8.50 Taking into account the above assessment I am of the view that the proposal, subject to the conditions recommended would not give rise to significant harm to residential amenities.

Highway Impacts

- 8.51 Policy DM6 of the Local Plan requires developments that generate significant traffic to include a Transport Assessment with any application. Where impacts from development on traffic generation would be in excess of the capacity of the highway network, improvements to the network as agreed by the Borough Council and Highway Authority

will be expected. If cumulative impacts of development are severe, then the development will be refused.

- 8.52 Policy DM6 also requires developments to demonstrate that opportunities for sustainable transport modes have been taken up. Developments should include provision for cyclists and pedestrians, and include facilities for low emission vehicles.
- 8.53 In this case, the application proposes that vehicular access to the site is provided by a new dedicated arm from the Thomsett Way / A249 roundabout. Due to the location of the site, there are potential impacts upon both the local and strategic highway network. As a result of this I have consulted with both KCC Highways & Transportation and Highways England.
- 8.54 In terms of the local road network, further to additional information being provided, as set out in the consultations section above, KCC Highways & Transportation consider that the net effect of the development on the assessed junctions is marginal compared with background growth and committed development.
- 8.55 There was an initial request for an additional pedestrian crossing point being provided across the A249 from this site to the existing retail units at Neats Court, a point which I note that Queenborough Town Council also raised in their objection. However, Highways England have ruled out this possibility and as such it has not been pursued. There is however provision for a foot / cycle path running the length of Queenborough Road, from Queenborough Corner to Cowstead Corner. When the application was originally submitted, it included a proposal to provide this link from the site to Queenborough Corner. KCC Highways & Transportation considered that this should be extended to Cowstead Corner, to link in with the pedestrian/cycle provision that has been implemented along the A2500 Lower Road and that the developer should fund this. The applicant agreed to this request. The implementation of this link will in my view increase the opportunities for trips to the site to be made by sustainable methods. In addition to this, I also believe that this will give rise to wider benefits in that this will allow connections via sustainable transport to surrounding allocated parcels of land, services and facilities.
- 8.56 In respect of the off-site highway works, as set out above KCC Highways & Transportation initially requested a contribution (£132,426.31) in order to deliver these works, which the applicant agreed to. However, subsequent to this, in their final consultation response they have recommended a condition requiring a Section 278 Agreement to be entered into and the works to be completed prior to the commencement of the use. This would essentially mean that the developer carries out the works rather than providing the contribution for it. I have raised this with the agent who has commented that after agreeing to the original request they have assumed this would be the process and have not carried out any due diligence in respect of undertaking it themselves. They also note that KCC have carried out the works for the existing pedestrian / cycle links locally and as such this would allow consistency. As a result I am continuing to liaise with KCC Highways & Transportation over these matters.
- 8.57 In summary, there is no disagreement from either party that the works are required. There is however, current uncertainty as to the mechanism via which they are delivered. As such, I will update Members at the meeting if this has been resolved by that point, but if not, would seek delegation to either include the relevant condition in which case the developer would enter into a Section 278 Agreement and carry out the works, or,

require the developer to enter into a Section 106 Agreement to provide the contribution for the work to be carried out. Regardless of which route is taken, the works will be required to be completed, prior to the commencement of the use.

- 8.58 I also note that the Town Council have objected on the grounds that *“There is no pedestrian crossing in the proximity to any access area, of the planned site.”* I have assumed this to mean to the foot / cycle path on the opposite side of Queenborough Road. I have raised this with KCC Highways & Transportation who do not believe that a controlled crossing is required. The reason for this is due to the levels of visibility along Queenborough Road and the width of the carriageway that uncontrolled crossing is acceptable in respect of highway safety. It should be noted that outside of the planning process it is proposed to reduce the speed limit along Queenborough Road from 40mph to 30mph. This will in my opinion make the situation safer, however, KCC Highways & Transportation have confirmed that even if it were to remain at 40mph, there would still not be a requirement for a controlled crossing from a highway safety perspective.
- 8.59 KCC Highway & Transportation also initially raised the potential for conflict between delivery vehicles and the pedestrian crossing point within the site. However, further details have been provided in that it would take the delivery vehicle less than 1 minute to complete the required manoeuvre impacting upon this part of the site. KCC Highways & Transportation accepted that the occasions upon which pedestrians would have to wait would be limited and were satisfied on this point. Upon first submission of the scheme KCC Highways & Transportation also took the view that the number of parking spaces was acceptable aside from there needing to be an additional disabled space. This has now been provided and as such this element of the scheme is considered acceptable. Upon assessment of the access details it has also been confirmed that these meet the relevant highway standards in terms of highway amenity and safety.
- 8.60 A discussion has taken place in respect of electric vehicle charging points and KCC Highways & Transportation initially requested that 10% of the spaces are provided with electric vehicle charging points. The applicant’s Transport Consultant disputed this on the basis that Aldi customers usually come from within a 5 minute drive and the length of time that customers are in the car park is not sufficient to make this worthwhile. In addition, it is considered that the power required to supply 10% of the spaces would be in excess of the power supply required for the entirety of the store. As such the applicant’s Transport Consultant considered that the requirement for 10% was unnecessary and unreasonable, and therefore did not meet the tests for a planning condition to be imposed. They were however, prepared to provide 2 electric vehicle charging points. KCC Highways & Transportation agreed with this assessment and recommended a condition on this basis.
- 8.61 Having considered this, I firstly take into account Swale’s adopted (May 2020) Parking Standards SPD. This sets out that for non-residential uses, 10% of spaces will be provided with electric vehicle charging facilities. I also recognise that there is technology which allows for faster charging times and that it is reasonable to assume that technology will develop in this respect. On this basis, I believe that the condition for 10% of the spaces (14) is necessary and reasonable and as such have recommended this.
- 8.62 Overall, I note that KCC Highways & Transportation raise no objection subject to a number of conditions. I have recommended these below (with the amendment as

discussed above) and on this basis do not believe that the proposal would give rise to unacceptable impacts upon the safety or amenity of the local highway network.

- 8.63 As stated above, I have also consulted with Highways England. As set out in the consultation section above, there has been a detailed assessment carried out on the impact of the proposal upon the SRN. Highways England have, further to the submission of revised technical information considered that subject to conditions, the impact upon the safety, reliability and operation of the SRN would not be unacceptable. I have recommended that these conditions are imposed.
- 8.64 Subsequent to Highways England providing their comments, further points of clarification have been required in respect of the ownership of a drainage ditch, close to the boundary with the A249. Further to detailed discussions between the parties it has been confirmed that the ditch lies within the application site (and I have not received an objection from the Lead Local Flood Authority KCC who are the statutory consultee for these matters). Highways England have also requested a condition requiring that no surface water shall run off the site onto the highway or onto any drainage system connected to the highway. I have recommended that this condition is imposed and as such considered this matter to be dealt with.
- 8.65 In addition, very recently, Highways England also raised the point that they have maintenance responsibilities in respect of water vole habitat in the ditch referred to above (which it has been confirmed lies within the site boundary). KCC Ecology have assessed this point and consider that although there is evidence of water vole in this ditch, the proposal will result in enhancements. Conditions have been recommended in this respect, in addition to a condition which will require the applicant to carry out the long term management of the ditch in question. The applicant accepts this requirement. As a result I am of the view that the relevant consultees have provided the responses necessary for me to conclude that this issue has been satisfactorily dealt with.

Impact upon designated heritage assets

- 8.66 The application site lies approximately 85m away from the grade II listed Neats Court Manor. The listed building is a two storey dwelling of red brickwork (browns, reds and touches of cream polychromatic brickwork laid in Flemish bond) on an L-shape plan with a red tiled roof with shallow eaves, having two small rooftop chimneys positioned symmetrically to each gable end. The Council has a statutory duty which is also reflected in local and national policies to preserve the setting of the listed building.
- 8.67 A Heritage Statement was submitted in support of the application and having considered the details I was of the view that further information should be provided in respect of the buildings which surround the heritage asset; a visual impact assessment of the development in the context of the heritage assets and; further details in respect of whether any of the surrounding buildings are curtilage listed.
- 8.68 The Heritage Statement submitted with the application concluded that the impact upon the setting of the listed building would be 'negligible'. However, based upon the scale, but more importantly the standardised approach to design I considered at this point that the proposal, in line with paragraph 196 of the NPPF, would give rise to 'less than substantial' harm to the setting of the listed building. On the basis of the above a response from the agent was provided setting out that not only is the site allocated for large scale employment uses, but land closer to the listed building is also allocated for

the same uses. As a result, the Council has already undertaken a significant assessment as to the principle of development coming forward in these locations in terms of the impact upon the heritage asset.

- 8.69 Although the principle of development on this site is recognised, I remained of the view that the further information set out above should be provided and reiterated this. As a result, an addendum to the Heritage Statement was submitted. This provided more information regarding the buildings surrounding Neats Court Manor, although not to the extent that had originally been requested. Notwithstanding this, the visual impact assessment submitted leads me to conclude that I remain of the view that the proposal would lead to ‘less than substantial harm’ to the setting of the listed building. However, I was of the view that the re-design of the building and amendments to landscaping would, depending on the precise details, mitigate the harm.
- 8.70 Further to the above, the design of the building and the landscaping has been amended as discussed above. Although, on balance, I believe that the harm has reduced further, I still believe it lies within the definition of ‘less than substantial’. As a result this would, as required by paragraph 196 of the NPPF be required to be balanced against public benefits of the scheme. In relation to this, I believe that the job creation should be given weight in this context. In addition, the NPPF at paragraph 80 states – *“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”* When considering these matters I am of the view that the public benefits of the scheme would outweigh the ‘less than substantial’ harm that has been identified.

Biodiversity

- 8.71 As described above, the application site is comprised of undeveloped grassland, there are also ditches passing through the site. The ecological information provided demonstrates that a number of species – water vole; slow worms and common lizards; great crested newts; foraging / commuting bats; breeding and wintering birds; hedgehogs; invertebrates - are either present, or likely to be present within the site. The application site includes a receptor site, intended to provide a joint mitigation strategy for both this site and the adjacent parcel of land (approved under ref 17/501010/FULL) in order to support any protected species on the site(s). Detailed discussions were held at that time, including with the Biodiversity Officer at KCC who still considers that this approach is acceptable. However, when this application was first submitted, it was noted that there was a discrepancy between the layout of the receptor area as agreed and the site layout for this scheme. As such, further information was required in respect of being able to demonstrate that the proposed mitigation can be implemented.
- 8.72 Further supporting information was provided and set out that the discrepancy has occurred due to the requirement for a footpath within the site (which sits inside the receptor site). As a result of this, further measures, such as additional hibernacula within the receptor site will ensure that although there is a slight reduction in the footprint, it retains the same habitat capacity for the number of species required. This will also allow either this development (or the development on the adjacent site) to come forward independently of one another. The details also set out that there will be enhancements to the ditch adjacent to the A249.
- 8.73 The Biodiversity Officer considers the above approach to be appropriate. In assessing the impact upon the species listed, the view reached is that subject to a number of

conditions, including a management plan, that the impact upon protected species will be acceptably mitigated. As discussed in more detail above, there is also a range of planting proposed on various parts of the site. As a result I am of the view that overall that the approach to protected species and landscaping and the resultant impact upon biodiversity will be acceptable in respect of policy DM 28 and the requirements of the NPPF.

Drainage

- 8.74 As stated the above, the site includes ditches and it is proposed to infill two of these. This would generally be sought to be avoided, on the basis that it would provide natural drainage features which would also other benefits including from a biodiversity and visual perspective. As a result, I note that the Lead Local Flood Authority (LLFA) initially questioned the need for this. The response received was that as the location ecological receptor site was fixed, and the ditches in question were not simply confined to the perimeter of the site, development would be undeliverable on this parcel of land if the ditches were to be retained.
- 8.75 The LLFA accepted this view and having assessed the location of the ditches, although unfortunate, I also consider it to be a reasonable conclusion to draw and note that the ditch being retained is to be enhanced (as discussed in the Biodiversity section above). It should also be noted the LMIDB would need to give their consent (outside of the planning process) for these works, although as per the consultation section above, they do not raise an objection to the proposal. Aside from this, the drainage strategy is to provide permeable paving within the car park and a below ground storage tank. The scheme would also lead to the reduction in off site discharge rates, which the LLFA welcome. It is noted that the LLFA, on the basis of the receipt of further information do not object to the scheme and have requested conditions. I have recommended these and as such consider that the proposal is acceptable in this regard.
- 8.76 Southern Water have commented that there is a public water main which crosses the site. They set out the requirements in respect of this and also recommended a condition. I have recommended this condition and on this basis consider this matter to be satisfactorily addressed.

Sustainable design and construction

- 8.77 Policy DM 19 of the Local Plan sets out that *“All new non-residential developments over 1,000 sq m gross floor area should aim to achieve the BREEAM “Very Good” standard or equivalent as a minimum.”*
- 8.78 A Sustainability Statement has been provided with the application which sets out a number of ways, including building fabric performance; air permeability; ventilation; heating; lighting; re-usable energy and; building materials as to how a BREEAM ‘very good’ rating will be achieved.
- 8.79 I have consulted with the Council’s Climate Change Officer who initially considered that information should be provided as to why the ‘very good’ score provided in the pre assessment could not be higher. The agent provided a response setting out that as the land is undeveloped and in an area of higher flood risk, credits are difficult to achieve for these aspects. In addition, the BREEAM requirements changed after the applicant had carried out their own public consultation exercise, which meant that credits were lost as

the applicant was working to the previous requirements. As a result the agent considered that the physical aspects of the building will achieve a higher score than demonstrated in the statement submitted. On this basis the Council's Climate Change Officer considered the point to have been acceptably addressed. However to ensure the required 'very good' rating is met, a condition is needed to require evidence of this in the form of the relevant certification. I have recommended this condition and as such consider that the application is compliant with policy DM 19.

- 8.80 It should be noted that the agent has expressed concern regarding the wording of the condition which requires the relevant certification to be provided prior to the use commencing. There is no dispute regarding the rating that is required to be achieved – very good – rather the concern relates to what has been expressed as considerable delays in the issuing company (BRE Global) providing the certificate. As such a request made to amend the wording to require the certificate to be provided within 1 year of the store opening, or alternatively, to amend the wording to require 'best endeavours' to provide the certificate prior the use commencing. I have discussed this further with the Council's Climate Change Officer who is of the view that the condition should remain as currently worded. Having considered this, I currently have no evidence to convince me that the wording should be amended as per the agents comments. As such, I recommend that the condition remains as worded (i.e. requiring the certification prior to the use commencing). There would, however, if this application was approved, be the opportunity for the agent to submit an application to vary the condition if there was concern in the future that the timings set out in the condition could not be complied with. This would allow the most up to date evidence regarding timings to be provided at that point and to be carefully assessed.

Archaeology

- 8.81 Although a desk based assessment was not provided, the KCC Archaeological Officer notes that an assessment has been carried out for the adjacent site which will have similar archaeological potential. As a result of this, and other developments in close proximity a range of important archaeological remains of Bronze Age, Iron Age, Roman, Saxon and medieval date have been identified. Due to this, the KCC Archaeological Officer has advised that a staged programme of archaeological investigation is appropriate and has recommended a condition requiring a programme of archaeological work. I have recommended that this is imposed and as such consider that this matter has been acceptably dealt with.

9. OVERALL PLANNING BALANCE AND CONCLUSION

- 9.1 In summary, I have been unable to identify any significant harm in respect of the impact of the vitality and viability of the town, the loss of 'employment' floorspace as defined, impact upon residential amenity, impact upon highway safety and amenity that cannot be mitigated by the conditions. In respect of drainage and biodiversity I also take the view that the details provided have been considered acceptable, and again, subject to conditions I have not been able to identify any conflict with adopted local or national policies.
- 9.2 The application will, however, very likely lead to the closure of the existing foodstore operated by the applicant at Millennium Way in Sheerness. As discussed above, although in retail policy terms the existing site does not lie within the town centre (which is comprised of the primary shopping area) it clearly occupies a site which is accessible

on foot from the town centre and also more easily accessible by public transport than the proposed site. In addition to this, the site is within walking distance of a number of residential properties within Sheerness. Furthermore, as set out above, it is considered that the proposal would cause 'less than substantial' harm to the setting of the listed building, although I believe that as assessed, on its own, this would be outweighed by the public benefits.

- 9.3 Despite the above, what also needs to be weighed in the balance is that the closure of the existing store would be, if permission is granted or not, a commercial decision taken by the applicant. It would not be a requirement if planning permission was granted. However, I do believe it reasonable to assume that if permission was granted then this would be the likely outcome. It is also worth noting that there is information in the public domain advertising the site as available for purchase.
- 9.4 Therefore, if it is reasonably assumed that the existing foodstore is closing, then the harm that this would cause, as identified above, would need to be weighed against any potential benefits. In respect of this, I firstly note that the proposal would provide a total of 50 jobs (25 full-time equivalent), which as clarified by the agent would be a net gain of 20 total jobs (10 full-time equivalent), when the 30 employees (equating to 15 full-time equivalent jobs) of the existing store are taken into account. The supporting information has also set out that due to the expansion of the foodstore operator, a larger site is required to meet their needs. In respect of this I note paragraph 80 of the NPPF which states *"significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."*
- 9.5 Although the applicant would not be considered a local business, the NPPF is clear that significant weight should be given to supporting economic growth and productivity. In this case, although this would need to be balanced against economic impacts upon the town centre, this has been assessed as complying with the relevant policies. Therefore, I believe that the economic development aspect of the application should be given the weight as required by the NPPF. I also believe that due to the assessed impact upon the town centre and the employment floorspace needs that the proposal would satisfy the aims of the Queenborough and Rushenden regeneration area. In addition to this, I consider that the foot / cycle path link that will be provided as a result of this scheme would provide wider public benefits, not simply related to this development.
- 9.6 In concluding, I have been unable to identify any clear conflict with adopted local or national policies. In addition although I believe that there is some harm caused by the closure of the existing store and the impact upon the setting of the listed building, as identified above, I take the view that the benefits of the scheme would outweigh these. As a result, having taken all relevant matters into consideration I recommend that planning permission is granted.

10. RECOMMENDATION

GRANT Subject to the following conditions (and the signing of a Section 106 Agreement to secure the contribution to fund the off-site highway works if this is the agreed route). Authority is also sought to amend conditions as reasonably required and to delete condition (15) if it is not required:

- 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) The development hereby approved shall be carried out in accordance with the following approved drawings: 2435-CHE-109 Rev E; 2435-CHE-115 Rev B; 2435-CHE-116 Rev A and V2435-L01 Rev H.

Reason: For clarity and in the interests of proper planning.

- 3) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted 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) The building hereby approved shall be constructed to achieve a minimum of BREEAM 'Very Good' rating and prior to the use of the building commencing 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.

- 5) Prior to the commencement of development a Construction and Environmental Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period for the development hereby approved and shall include:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Measures to prevent the transfer of mud onto the public highway including the provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Measures to minimise the production of dust on the site(s)
- (g) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- (h) Design and provision of site hoardings
- (i) Measures to manage the production of waste and to maximise the re-use of materials;
- (j) The location and design of site office(s) and storage compounds;
- (k) Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site.

Reason: In the interests of highway safety and residential amenity.

- 6) 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 - 1800 hours, Saturdays 0830 - 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.

- 7) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times:-
Monday to Friday 0900 - 1700 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.

- 8) The provision for delivery vehicle loading, unloading and turning within the development hereby permitted shall be provided as shown on drawing 17134 TR001 Rev B (Swept path Analysis) prior to the first opening of the development to the public and retained and maintained in that form in perpetuity unless otherwise agreed in writing by the Local Planning Authority (who shall consult highways England).

Reason: To ensure that the A249 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 9) No part of the development hereby permitted shall be opened to the public until the completion of the improvements to the A249/ Thomsett Way junction shown on drawing number 17134-011 Rev C (proposed site access) (or such other scheme of works substantially to the same effect, as may be approved in writing by the Local Planning Authority (who shall consult with the Highways Agency on behalf of the Secretary of State for Transport)).

Reason: To ensure that the A249 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 10) No part of the development hereby permitted shall be opened to the public until details setting out all external lighting (including to the pedestrian / cycle link within the site) have been submitted to and agreed in writing by the Local Planning Authority. Thereafter it shall be retained and maintained in that form in perpetuity unless otherwise agreed in writing by the Local Planning Authority. The lighting strategy shall also follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

Reason: To ensure that the A249 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety, to prevent environmental damage and in the interests of biodiversity.

- 11) No surface water shall be permitted to run off from the development hereby permitted on to the highway or in to any drainage system connected to the highway. No drainage connections from any development hereby permitted may be made to any Strategic Road Network drainage systems.

Reason: To ensure that the A249 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the

Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage.

- 12) The areas shown on the approved drawing (2435-CHE-109 Rev E) as car parking space shall be kept available for such use at all times and no permanent development whether permitted by the Town and Country and 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 the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the use of the site hereby permitted commencing.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- 13) Prior to the use hereby permitted commencing, details of electric vehicle charging points, to serve 15 car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to first public use of the building, and maintained thereafter.

Reason: In the interests of sustainable development.

- 14) The development shall be implemented in accordance with the submitted Travel Plan. 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 highway safety and to facilitate the use of alternative means of transport.

- 15) Prior to the commencement of development, a Section 278 Agreement shall be entered into and prior to the use of the site hereby approved commencing, the off-site highway works, as shown on drawings 1920-S106-SW-867-GA1, 1920-S106-SW-867-GA2 and 1920-S106-SW-867-GA3 shall be open and available for public use.

Reason: In the interests of Highways Safety.

- 16) No development beyond the construction of foundations shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details indicating a close boarded fence on drawing 2435-CHE-109 Rev E, the details provided shall include means of enclosure, hard surfacing materials, and measures to prevent vehicles from overhanging onto paths and landscaped areas within the car park, and an implementation programme. The development shall be carried out in accordance with the approved details.

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

- 17) The landscaping scheme shown on drawing V2435-L01 Rev H shall be carried out within 12 months of the completion of the development. Any trees or shrubs 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.

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

- 18) Details of any mechanical ventilation system that will be installed, including details of the predicted acoustic performance, shall be submitted for approval by the LPA.

No building works shall commence on any mechanical ventilation system until such approval has been given by the LPA. Upon approval, the system shall be installed, maintained and operated so as to prevent the emission of odours, fumes, noise and vibration to neighbouring properties.

Reason: In the interest of residential amenities.

- 19) Prior to the use of the site hereby approved commencing, details of an acoustic barrier to be erected along the boundary of the site with the residential property known as 'White House', as shown in Figure 3 of the Environmental Noise Report submitted with the application, shall be submitted to and approved in writing by the Local Planning Authority. No such barrier shall be erected until approval has been obtained.

Reason: In the interest of residential amenities.

- 20) Prior to the use of the site hereby approved commencing, a Delivery Management Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The DMP shall detail all recommended noise mitigation measures to be undertaken during deliveries, as contained in the Environmental Noise Report submitted with this application, and shall include but not limited to, a limit of one delivery at a time and no audible reversing alarms.

Reason: In the interest of residential amenities.

- 21) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the principles contained on the Indicative Drainage Layout drawing (Number: 3787-245-300, Revision F). The submission shall also demonstrate that the surface water generated by this 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 without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

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.

- 22) 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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and

locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 23) The developer must agree with Southern Water, prior to commencement of the development, the measures to be undertaken to protect the public water supply main.

Reason: To ensure that the public water supply is protected.

- 24) Prior to the commencement of development (including vegetation clearance) the water vole mitigation detailed within the Ecological Assessment, (Ecology Solutions, October 2019) must be implemented as detailed within the report. If works have not commenced within 2 years of the date of the report an updated water vole mitigation strategy must be submitted to the Local Planning Authority for written approval to ensure appropriate water vole mitigation is implemented.

Reason: In the interests of biodiversity.

- 25) Within 3 months of works commencing on site a water vole enhancement plan for the land directly adjacent to the A249 must be submitted to the Local Planning Authority for written approval. The plan must include written confirmation from the highways authority (Highway England) that the enhancements have been located within areas that mean they will not be impacted by on going highways maintenance and shall be implemented in accordance with a timetable agreed in writing with the Local Planning Authority.

Reason: In the interests of biodiversity.

- 26) Prior to the commencement of development (including vegetation clearance) an updated reptile mitigation strategy must be submitted to and approved in writing by the Local Planning Authority to combine all the details of the reptile mitigation into one document. The reptile mitigation strategy must confirm what measures the receptor site must meet prior to the reptile translocation commencing to ensure that it will support the reptile population.

Reason: In the interests of biodiversity.

- 27) Within 3 months of works commencing on site a simple management plan must be submitted to the Local Planning Authority for written approval detailing how the site will be managed in the long term to retain the water vole and reptile interest of the site. The plan must be implemented in accordance with a timetable agreed in writing with the Local Planning Authority and thereafter in perpetuity.

Reason: In the interests of biodiversity.

- 28) No deliveries shall take place outside the hours of 0600 - 2300 hours Monday to Saturday, and 07:00 - 23:00 hours on a Sunday, Bank or Public holiday.

Reason: In the interests of residential amenity.

- 29) The food store hereby approved shall only be used as a Class E(a) retail food store and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class E of the Town and County Planning (Use Classes) Order 1987 (as amended) (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 Sheerness Town Centre.

- 30) The total Class E(a) (retail) floorspace hereby permitted shall not exceed 1,933 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 1,315 sqm without the consent of the Local Planning Authority.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Sheerness Town Centre

- 31) 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 E(a) (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 263 sqm of the net sales area devoted to comparison goods.

Reason: To control the extent of comparison goods retailing, to prevent unacceptable impacts upon the vitality and viability of Sheerness Town Centre.

- 32) The Class E(a) (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 Sheerness Town Centre.

- 33) 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 E(a) (retail) unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Sheerness Town Centre.

- 34) The class E(a) 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 0800 - 2200 on Monday-Friday, Saturdays and Bank and Public Holidays and any 6 hours between 1000 - 1800 on Sundays.

Reason: In the interests of residential amenity.

- 35) Prior to the commencement of development the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

INFORMATIVES

- 1) The developer should pay regard to the crime prevention measures set out in the response from Kent Police dated 9th July 2019.
- 2) A formal application for connection to the public sewerage system is required in order to service this development. The developer should read Southern Water's 'New Connections Services Charging Arrangements' documents which have now been published and are available to read on Southern Water's website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>

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.

