

Tabled Update for Item 2.8 – Land east of Queenborough Road (Planning Ref: 19/502696/FULL)

Off-site highway works

Members will note paragraphs 8.56 and 8.57 of the committee report which sets out the details in respect of the off-site highway works. In summary the report states that a pedestrian and cycle link would be provided along Queenborough Road, linking Queenborough Corner to Cowstead Corner. KCC Highways & Transportation initially requested a contribution of £132,426.31 to deliver these works, which the applicant agreed to fund. Further to this, KCC Highways & Transportation then recommended a condition requiring the developer to enter into a Section 278 Agreement, so that the developer delivered the works in their entirety.

Since the drafting of the report there have been further discussions between the applicant and KCC Highways & Transportation and it has become clear that the cost of providing this extent of off-site highway works would be comfortably in excess of the above quoted figure. As a result, the extent of the off-site highway works have been reduced. In essence, the pedestrian and cycle link from the site to Queenborough Corner, along Queenborough Road would still be provided. In addition to this, there would be an additional pedestrian and cycle link of approximately 140m provided to the south, allowing the properties along Queenborough Road to access the store safely. However, this would not link through to Cowstead Corner. I have received further comments from the agent and KCC Highways & Transportation regarding this who have commented respectively as follows:

Agent – *“To summarise and recap, when we originally submitted the application in 2019, this included a link along Queenborough Rd (towards the Aviator) to create a pedestrian and cycle footway (circa 300m). It was initially our intention that Aldi would provide this directly. However, KCC initially advised that instead, Aldi should make a contribution of £130k towards this and that is was their intention to provide a pedestrian and cycle link along the entire Queenborough Rd, which would also have included funding from other schemes coming forward. As this figure was broadly in line with our own estimates of the works we were proposing, we agreed to the approach.*

Notwithstanding, as you know, we have since been discussing the mechanics of delivery, which KCC have suggested should revert to a S.278 and suggestion that Aldi would fund the entire works. However, as we discussed, the cost of undertaking that is significantly more than £130k agreed and it is therefore not possible to provide this. However; Aldi are obviously prepared to revert to our original plan of providing the link along Queenborough Rd to the north i.e. from the site towards the Aviator. In addition, we have also agreed with KCC that this will extend by a further 150m to the south to pick up all existing houses on Queenborough Rd. In total, this will mean the creation of almost 0.5km of new pedestrian / cycle linkage that doesn't currently exist.

Aldi will provide all of this under the S.278.

This represents a significant net gain in any event and links the store with the nearest residential, as well as linking with the Medichem development. As discussed, given the much wider regeneration area and of course developments coming forward to the south of our site, so these will also be able to contribute towards any further linkage enhancements that they need, as and when those schemes come forward.

KCC have confirmed they are satisfied with the arrangement”

KCC Highways & Transportation – *“I can confirm that we have now concluded our discussions with the applicant over the mechanism to provide the footway and cycle links along Queenborough Road to serve the development, and am happy to report that we have reached agreement over this.*

Given the wider development area involved and further B use class proposals that will come forward over the south/eastern portion of this existing committed employment location that is designated in the adopted Local Plan, a proportionate approach will be taken between each of the developments to provide the relevant lengths of the pedestrian and cycle infrastructure to link Lower Road with Queenborough.

Off-site highway works will be undertaken by the developer to provide a full pedestrian and cycle link between the site and Queenborough Corner, as this will connect the site to the existing housing areas that are within a fairly reasonable walking distance. They will also provide a footway south along Queenborough Road to connect to the existing footway at Neats Court Cottages so that those houses that are the closest to the proposed store, around 140m away, will have a safe walking route.

The remaining B use class developments along the southern portion of the local plan designation will be required to complete the infrastructure to connect it to Lower Road, being closer to the existing housing at Thistle Hill and approved housing area north of Lower Road.

Consequently, we are content to proceed on this basis.”

Overall, I am of the view that although the extent of the off-site highway works have been reduced, the scheme will still provide a pedestrian and cycle link where one does not currently exist. Any potential visitors to the site from the north will be provided with this option, along with the existing residential units on Queenborough Road to the south. Therefore, although some of the benefits of the off-site highway works which I identified previously have been reduced, I remain of the view that weight should still be given to the benefits of this link. In overall terms my view is unchanged that the overall benefits of the proposal outweigh the harm. It is also relevant that as set out in the comments above, the land between this application site and Cowstead Corner is allocated for development and as such any development coming forward on these parcels of land would be expected to extend the link. As such, in my view the prospect remains that the full link will still be provided, albeit not via this application. On the basis of the above, I recommend that condition 15 is amended to the following (which relates to the amended off-site highway works) and consequently no contribution would be required as the developer will be delivering the works:

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 drawing 17134 - SK201110.1 shall be open and available for public use.*

Reason: In the interests of Highways Safety.

Retail related conditions

Members will note conditions 29-34 refer to Class E (which includes retail) of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 – which became effective on 1st September 2020. However, as this application was submitted prior to the 31st August 2020, the Regulations direct that the Local Planning Authority must still determine the application by reference

to the (former) Use Classes Order in force on 31st August 2020. Therefore, reference to the uses should in fact be amended in the above listed conditions to A1. This has no material impact on how the application was assessed, or how it is controlled via the conditions but simply brings it in line with the requirement of the regulations.

Objection for agent acting for Morrisons

Members will have received a very recent objection letter from the agent acting on behalf of Morrisons which follows their two previous objections, as outlined in paragraph 5.2 of the committee report. In the latest letter received, the points raised relate to the weight given to the closure of the applicant's existing store in Sheerness; the failure of the applicant to undertake a retail impact assessment; and a lack of flexibility in dismissing the existing site from being redeveloped. All of these matters are considered in detail in the committee report, in paragraphs 8.9 - 8.16, 8.18 - 8.20, 9.2 and 9.3. As such I have no further comments to make in respect of these points as I believe they are adequately dealt with.

Conclusion

Overall I remain of the view that the benefits of the proposal outweigh the harm identified in the committee report. In conclusion, I recommend that the application is approved subject to the conditions in the report, as amended in line with the comments above.

PG – 12/11/2020