

2.8 REFERENCE NO - 21/503070/FULL		
APPLICATION PROPOSAL Section 73 - Application for Variation of condition 19 (to facilitate the occupation of the currently vacant Unit 6 by a foodstore operator) pursuant to application 16/500132/FULL.		
ADDRESS Unit 6, Neatscourt Retail Park, Thomsett Way, Queenborough, Kent, ME11 5AR		
RECOMMENDATION Grant planning permission subject to the conditions listed below		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal passes the Sequential Test and it would not materially harm the vitality of the local town centres or the role and choice of Neatscourt Retail Park.		
REASON FOR REFERRAL TO COMMITTEE Queensborough Parish Council objected to the scheme on the grounds that this proposal is too similar to a nearby Iceland store and that shops occupying the units on the retail park should be varied and, therefore, condition 19 should remain unchanged.		
WARD Queenborough and Halfway	PARISH/TOWN COUNCIL Queenborough	APPLICANT Lightstone Neatscourt LLP AGENT Neil Denison
DECISION DUE DATE 15/10/2021	PUBLICITY EXPIRY DATE 24/06/21	

Planning History

SW/11/0627

Hybrid Application Seeking: Outline planning permission for up to 5,565sqm of B Class employment floorspace, supported by car parking and servicing, with approval sought for access, with landscaping scale, layout and appearance reserved for future consideration. Full planning permission for retail foodstore of 5,310sqm plus entrance lobby and associated petrol filling station, family pub/restaurant of 734sqm, a 'drivethru' restaurant of 248sqm, retail terrace of 3,690sqm and trade counter units of 1,952sqm. Permission is also sought for 664 car parking spaces, service areas, access and landscaping. –
Approved Decision Date: 30.01.2012

SW/13/0117 –

Granted planning permission for a development comprising eight non-food retail units, three restaurant units and four trade counter units (B8) on land known as Neats Court at Queenborough. Prior to this, planning permission was granted under SW/11/0627 for a similar non-food retail development, including a Morrison's, trade counter units (B8) and restaurant (SW/11/0627) development.

SW/13/0117/NMA

Increase and decrease in the size of the individual retail units and associated works (alterations to the car park and landscaping)
Approved Decision Date: 09.01.2014

SW/13/01117/NMA2

Reduction in glazing above shop fronts, adjusted front entrance locations and door locations, adjusted service and fire door locations, deletion of rear service canopy and minor amendments to pillar widths and detailing

Approved Decision Date: 20.05.2014

SW/14/0331

Variation of condition 45 to allow 488sqm net of convenience floor space

Approved Decision Date: 12.06.2014

14/504851/NMAMD

Revisions to approved elevations, to allow necessary elevation changes which meet the latest retailer/occupier requirements.

Approved Decision Date: 08.01.2015

14/506271/FULL

Variation of conditions 43, 45, 46 (use of retail terrace) of SW/14/0331 - to allow a greater proportion of convenience floor space and changes other conditions to reflect this

Approved Decision Date: 09.03.2015

14/501723/FULL

Addition of a mezzanine level to Sports Direct

Approved Decision Date: 20.03.2015

15/507333/FULL

Variation of condition (18) of 14/506271 to allow an increase in permitted clothing and footwear floorspace

Approved Decision Date: 21.10.2015

16/500132/FULL

Variation of conditions 18, 20 and 21 of 15/507333 (Variation of Condition (18) of planning permission 14/506271/FULL - to allow an increase in permitted clothing and footwear floorspace.) - to allow changes to retail restrictions to allow occupation by two retailers, variation to allow an increase in clothing and footwear floorspace and reduction in convenience

Approved. Decision Date: 23.6.2016 NB: This became the de facto lead consent for the retail terrace (the R units) -see **Appendix A** for the original conditions

18/505233/FULL

Variation of condition 17 of application 16/500132/FULL (Variation of conditions 18, 20 and 21 of 15/507333) to allow unit R1 to be used as a gym (Use Class D2).

Approved. Decision Date 02.01.2019

19/501031/FULL

Variation of condition 21 of application 18/505233/FULL to allow the permitted Class D2 unit to be open 24hrs

Approved Decision Date: 04.06.2019

1. DESCRIPTION OF SITE.

- 1.1 This application relates to Unit 6 of Phase 2 of Neatscourt Retail Park. It is a rectangular, shaped unit which forms part of the L-shaped non-food retail terrace. It faces a large carpark, which connects the park to Thomsett Way and is, currently occupied (on a temporary basis) by Homeplus Furniture.
- 1.2 The net sales area of unit 6 is 553sqm and the gross floor area is 697square metres. The total floor area of all the retail units in Phase 2 of Neatscourt Retail Park is 4981sqm, and the surrounding units are occupied by the following companies:
- Snap Fitness;
 - B&M;
 - Iceland;
 - Poundland (relocation from Unit 6);
 - Homeplus Furniture (temporary let)
 - Cancer Research; and
 - Sports Direct
- 1.3 Immediately to the south of this part of the Neatscourt Retail Park is a large 5,310sqm Morrisons store, which has its own car park.
- 1.4 Neatscourt is approximately 1.1km south of Queenborough town centre and 4.6km south of the Sheerness town centre.

2. PROPOSAL

- 2.1 This planning application seeks to vary Condition 19 of planning permission 16/500132/FULL to allow Unit 6 of Neats Court Retail Park to be occupied by Farmfoods (a foodstore). Members will note that paragraph 2.21 of the Planning Statement describes the company as follows:

“Farmfoods Ltd are a privately owned food retailer who specialise in the sale of frozenfoods – often described as freezer centres. However, they also sell other dry, packeted, and tinned products, and a small range of ambient and fresh lines. They do not sell alcohol or cigarettes.

The business was founded in 1954 and is still owned by the Herd family, now under the leadership of the 3rd generation. Based in Scotland they now operate throughout Great Britain with stores from the north of Scotland down to Cornwall and Dover. They have always specialised in frozen foods and have a strapline of “Farmfoods – the frozen food specialist”.

- 2.2 Condition 19 needs to be varied because it is a restrictive condition which limits the amount of net sales floor area on Neatscourt Retail Park that can be used for convenience sales, to 859sqm. Specifically, Condition 19 states:

“Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) (or an Order revoking or re-enacting that Order) no more than one unit and comprising no more than 553 sqm of the total net sales area of the retail terrace hereby approved, shall be used for the sale of open comparison sales and no

more than two units and comprising no more than 859 sqm of total net sales area of the retail terrace hereby approved, shall be used for convenience sales”.

- 2.3 As 488sqm of the permitted allowance (859sqm) of convenience floorspace net sales area in Neatscourt has already been taken up by the existing Iceland store, this proposal for 553sqm of convenience floorspace net sales area would increase the total permissible amount of convenience floorspace net sales area by 182qm. Therefore, it is on this basis that the applicants are seeking to revise the wording of Condition 19, so that it allows for 1,041sqm. Specifically, the condition would read as:

*Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) (or an Order revoking or re-enacting that Order) no more than one unit and comprising no more than 553 sqm of the total net sales area of the retail terrace hereby approved, shall be used for the sale of open comparison sales and no more than two units and comprising no more than **1,041 sqm** of total net sales area of the retail terrace hereby approved, shall be used for convenience sales.”*

3. PLANNING CONSTRAINTS

- 3.1 None

4. POLICY AND CONSIDERATIONS

- 4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017: ST1 (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); Regen 2 (Queenborough and Rushenden: Regeneration Area10; 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). The two most relevant Local Plan policies are:
- 4.2 DM 1 (Maintaining and enhancing the vitality and viability of town centres and other areas) and DM 2 (Proposals for main town centre uses)
- 4.3 Policy DM1 states that in town centres and other commercial areas, planning permission will be granted for development proposals, provided that the proposal:
- a) Maintain(s) or enhance(s) the primary retail function of the area by adding to the mix of uses to help maintain or increase its overall vitality and viability, especially where providing a service or facility for residents or visitors currently lacking or under-represented in the town centre, or by increasing pedestrian activity in the immediate locality;
 - b) does not result in a significant loss of retail floorspace or the break-up of a continuous retail frontage;
 - c) does not lead to a concentration of non-retail frontage; and
 - d) does not result in the loss or erosion of a non-retail use that underpins the role, functioning, vitality and viability of the area.

- 4.4 Policy DM2 confirms that outside of designated centres, proposals for main town centre uses will be permitted where by the following can be demonstrated:
- 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.
- 4.5 The 'Local Plan Review Pre-submission Draft' (LPR), although, because it has not been through the rigour of an Examination in Public, there is very limited weight that can be given to it: the extent and nature of any objections (or whether any objections are made by Statutory Consultees) to policies and allocations is not yet known.
- 4.6 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 102 (transport); 127 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity) are all relevant, however, the most pertinent policies are paragraphs 86 to 91 (paragraphs 87 (Ensuring the vitality of town centres)
- 4.7 Paragraph 87 states that 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.
- 4.8 This paragraph adds that 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.
- 4.9 Paragraph 88 explains that 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.
- 4.10 This paragraph also makes clear that 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.
- 4.11 Paragraph 90 states that 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 91 concludes that 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 90, it should be refused.

4.12 National Planning Policy Guidance (NPPG): The NPPG encourages Local planning Authorities (LPAs) to take a leading role in promoting a positive vision for town, district and local centres. It adds that LPAs need to consider structural changes in the economy, in particular changes in shopping and leisure patterns and formats, the impact these are likely to have on individual town centres, and how the planning tools available to them can support necessary adaptation and change.

5. LOCAL REPRESENTATIONS

5.1 One letter was received from a local resident supporting the application. The reasons for supporting the scheme are summarised below:

- This will be a great asset for the Isle of Sheppey as it will fetch more people on to the Island. It would also be brilliant as it would give people another place to do a frozen shop other than Iceland

5.2 Queenborough Town Council has objected to the application, on the following grounds:

- *“Councillors objected to the variation of condition 19 to facilitate the occupation of the currently vacant Unit 6 by a food store operator.*
- *Neatscourt Retail Park has operating from its' units' a Iceland Store being a similar retailer to Farmfoods both frozen food companies.*
- *Convenience stores are also housed in the Poundshop and B&M units on the same Retail Park with Morrison Supermarket in the near vicinity of these shops.*
- *The criteria of market should be varied on the retail park and the condition 19 variation should remain unchanged.”*

6. CONSULTATIONS

6.1 SBC Planning Policy – The site falls outside of the town centre boundary of Sheerness but is within the Neats Court Retail Park that is well established and provides a range of facilities that cannot be accommodated in the town centre itself. Under the current policies in the adopted local plan, and the NPPF, we would expect the applicants to provide additional information regarding the sequential test. They have undertaken this exercise and satisfactorily demonstrated that there are no sequentially preferable sites at this time that would meet their operational requirements. This complies with para 87 of the NPPF (2021) and with Policy DM2 of Bearing Fruits.

6.2 At the Local Plan Panel on 14 March 2019, Members agreed to endorse the content of the Swale Borough Council Retail and Leisure Needs Assessment, December 2018

prepared by specialist consultants, WYG as evidence for the Local Plan Review. The evidence makes two recommendations relevant to this application:

- For the Local Plan Review period (2022 to 2037/38) there is additional capacity for approximately 1,200 sq. m of food retail floorspace in Sheerness.
- Sheerness town centre is in ‘good’ health

6.3 The full impacts of Covid on Sheerness town centre are as yet unknown but given that the town centre has a higher than average proportion of “service” and convenience retailing, early indications are that Sheerness will have weathered the pandemic reasonably well. It is my opinion that the impact of this proposal is likely to be marginal and that after a period, as retail expenditure recovers/ grows (as predicted to do so by virtue of household growth in the Borough) and the need for additional retail floorspace as a result, the impacts will lessen.

6.4 On balance, there are no policy objections to this proposal.

6.5 KCC Highways and Transportation: They have raised no objections. The original condition related to vitality of the retail park, not to highways implications, and they do not think changing the type of retail use will materially impact on safety of the retail park or the local highways network.

7. BACKGROUND PAPERS AND PLANS

7.1 The application has been supported by the following:

Application Form; Covering Letter; Site Location Plan; and Planning Statement.

8. APPRAISAL

Principle of Development

8.1 The principle of retail use on this site has been long established through its lawful use as a retail unit. The key considerations in this case are whether this proposal to vary condition 19 would reduce the level of retail choice across Neatscourt Retail Park, and whether it would have a significant adverse impact on the vitality and viability of the local town centres.

8.2 Condition 19 allows for two units of open convenience net sales on Phase 2 of Neatscourt Retail Park and, at present, there is only one convenience sales unit: Unit 2, which is occupied by Iceland. Therefore, the principle of converting Unit 6 into an open convenience sales type of retail use is acceptable, as it would fall inside the limit of 2 units.

8.3 I am also of the view that the increase in open convenience sales by 181sqm, would be acceptable because it represents only a very modest increase and would not undermine the level of choice being provided across the retail park. Moreover, under planning permission 15/507333/FULL, condition 20 allowed 1220sqm of convenience sales floorspace, which is a higher total than what is proposed with this application (1,041sqm).

- 8.4 As the site lies approximately 1.1km from Queenborough local centre and 4.6km from the primary shopping area of Sheerness the site constitutes an out of centre location. In such circumstances, both the Local Plan (policy DM2) and the NPPF (paragraph 87) sets out that proposals for main town centre uses should be considered in accordance with a sequential approach which favours the town centre and then edge of centre locations.
- 8.5 Further to this, paragraph 90 of the NPPF states that *“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).”*
- 8.6 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).”*
- 8.7 Paragraph 91 adds that *“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.”*
- 8.8 The National Planning Practice Guidance (NPPG) also includes a section entitled *“Ensuring the vitality of town centres”*
- 8.9 The applicants have carried out a sequential test and, although there is no national or Local Plan requirement to carry out a Retail Impact Assessment (as the site is significantly under the national threshold of 2,500sqm) they have also undertaken a Proportional Impact Assessment.
- 8.10 Firstly, for a site to be considered to be a genuinely alternative site for this specific proposal, the following set of criteria would need to be met:
- A medium sized unit (of between 558 -1,394 sq m gross floor area) with generous levels of surface level
 - Customer car parking to allow car borne customers to transport bulk shopping loads to their vehicles (NB:The availability of easily accessible parking is important for a specialist frozen food operator such as Farmfoods)
- 8.11 As part of the sequential test, the applicants have looked at the three local centres which fall within their intended Primary Catchment Area for the Farmfoods store: Queenborough, Minster on Sea and Halfway Houses.
- 8.12 However, their assessment concluded that these centres have no alternative sites because there is, currently, very low vacancy rates, and the retail units that are available, are not within the scale required (too small).

8.13 The outcome of this search then led the applicants to explore six alternative sites in Sheerness. Those sites were:

- Rose Street and Rose Street South Car Parks, Sheerness
- Cross Street Car Park, Victory Street, Sheerness
- Tesco Superstore Car Park, Sheerness
- Trinity Road, Sheerness
- Arriva Bus Depot, Bridge Road, Sheerness
- Proposed Aldi Foodstore, Sheerness

8.14 None of these sites are suitable for a Farmfoods store for the following reasons. The sites would:

- Result in the loss of town centre car parking spaces and not provide enough car parking for the proposed store (Rose Street and Rose Street South Car Parks & Cross Street Car Park, Victory Street)
- Undermine the efficiency of an existing Tesco (Tesco Superstore Car Park)
- The site is not available (Trinity Road, Sheerness)
- The site is not available and in use as a bus depot (Arriva Bus Depot, Bridge Road, Sheerness)
- The application for an Aldi Superstore (reference 19/502969/FULL) is pending, but, Aldi have confirmed that they would not be willing for part of the site to be given over to a Farmfoods Store (Proposed Aldi Foodstore, Sheerness).

8.15 I consulted the Council's Planning Policy department, who monitor the health of the town centres on the Isle of Sheppey, so that they could review the Sequential Test undertaken by the applicants. They are of the opinion that the applicants have satisfactorily demonstrated that there are no sequentially preferable sites at this time that would meet their operational requirements. I support that conclusion and it is therefore concluded that the proposal is consistent with Local Plan Policy DM2 and paragraph 87 of NPPF in terms of meeting the requirement of the sequential test.

8.16 As stated in paragraph 8.9 above, the proposal falls significantly below the threshold for a retail impact assessment (2,500sqm), but, nonetheless, the applicants have carried out a Proportionate Impact Assessment. In doing so, they used the following information to assess the impact of this proposal on the surrounding town centres:

- Baseline turnovers for Sheerness town centre and other convenience goods floorspace, which have been derived directly from WYG;
- Trade draw assumptions applied by WYG to the Aldi proposal (19/502969/FULL), which are replicated in the applicant's analysis; and

- Trade draw assumptions applied to the Farmfoods' net floorspace increase (182 sq. m.), which are also taken directly from WYG but modified in the cumulative scenario (on the basis of their "professional judgment") to allow for trade diversion from the new Aldi store in the event that it is granted planning permission.

8.17 The conclusions of the applicant's assessment are that the cumulative impact of the proposal (together with the replacement Aldi store (if granted permission) on Sheerness town centre and other stores in the locality, would be -3.0% in the year 2024. The highest predicted impact is -9.1% on the out-of-centre Morrisons and Iceland stores trading at the Neatscourt Retail Park, which are not protected by planning policy.

8.18 Moreover, the advice I have been given by my planning policy colleagues is that Sheerness town centre has a higher than average proportion of "service" and convenience retailing units and that the early indications are that Sheerness will have weathered the pandemic reasonably well.

8.19 In short, it is my opinion that the retail impact of this proposal on the surrounding town centres is likely to be marginal.

Highways

8.20 Policies DM6, DM7 and DM14 of the Local Plan requires all development proposals to achieve safe vehicular access, convenient routes and facilities for pedestrians and cyclists, enhanced public transport facilities and services. Additionally, the Council now has its own Parking Standards which were adopted in May 2020.

8.21 The scheme will not result in any changes to the existing access and parking arrangements on Phase 2 of Neatscourt Retail Park, and KCC Highways and Transportation have raised no objection to the proposal. Therefore, the proposal complies with Policy DM14 of the Local Plan.

9. CONCLUSION

9.1 I am of the view that the proposal would not conflict with adopted local or national policies. I am also of the opinion that the proposal would not adversely harm the vitality and viability of the local town centres, notably Sheerness, and Neatscourt Retail Park's. For these reasons, I recommend that planning permission is granted.

10. RECOMMENDATION

GRANT planning permission subject to the following conditions

- 1) The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted statements and drawings agreed under application reference SW/13/0117: 8568/E203/E; 8568/E204/D; 8568/P201/L; 8568/P202/L; 8568/P204/D; 8568/P205/D; 8568/P206/D; 8568/L012/C; 8568/L013 & 8568/P014; S201 B, 2289-GMP-02 D; 8568 E202 C, 9491 P 113 C, 9491 P 114 C & 8568 E201 L & 9491 SK-45 A.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2) The development shall proceed in accordance with the approved details as to how

the development will enhance the quality and quantity of biodiversity agreed under SW/13/0117 on 4th December 2013.

Reason: To ensure the development promotes on-site biodiversity.

- 3) The development shall proceed in accordance with the approved details of measures to promote safety and security of the development agreed under SW/13/0117 on 4th December 2013.

Reason: To ensure the development is designed to prevent as practicably as possible potential terrorism attack.

- 4) The development shall proceed in accordance with the approved hard and soft landscape works agreed under SW/13/0117 on 4th December 2013.

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

- 5) The development shall proceed in accordance with the approved details of the footpath connection to link the development site and existing Public Right of Way to the residential properties to the north in the vicinity of Borough Road, Stanley Avenue and Harold Street under SW/13/0117 on 4th December 2013.

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

- 6) No air conditioning, ventilation or refrigeration equipment shall be installed until full details of its design, siting, discharge points and acoustic performance have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with those approved details.

Reason: To ensure the development does not prejudice conditions of residential amenity through adverse levels of noise and disturbance.

- 7) The details of the flood response plan approved under 15/502686/SUB shall be implemented upon receipt of a severe flood warning (or a lesser flood warning to be agreed with the Local Planning Authority).

Reason: To ensure the development has contingency measures in the event of flooding.

- 8) The area shown on the approved plans under SW/13/0117 as vehicle parking space shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure the development adequately provides for vehicle parking in connection with the use so that it does not prejudice the free flow of the highway.

- 9) The area shown on the approved plan under SW/13/0117 as vehicle loading, off-loading and turning space, shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area

of land or in such a position as to preclude its use.

Reason: To ensure the development adequately provides for vehicle loading, off-loading and turning space in connection with the use so that it does not prejudice the free flow of the highway.

- 10) A 'safe refuge' shall be provided and clearly identified to the development's users, and the agreed refuge should also have a clearly identified and easily accessible unobstructed means of escape/rescue.

Reason: To ensure the development has contingency measures in the event of flooding.

- 11) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

- 12) The application site shall not be used for the overnight parking of lorries running refrigeration or charging units.

Reason: To ensure the development does not prejudice conditions of residential amenity through adverse levels of noise and disturbance.

- 13) The use of audible reverse warning signals shall be prohibited between the hours of 23:00 and 07:00.

Reason: To ensure the development does not prejudice conditions of residential amenity through adverse levels of noise and disturbance.

- 14) Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) (or an Order revoking or re-enacting that Order) no more than one unit shall be used for Use Class D2, no more than two units comprising no more than 1,719 sqm of the total net sales area of the retail terrace hereby approved shall be used for the sale of clothing and footwear, and no more than one unit comprising no more than 527 sqm of the total net sale area of the retail terrace hereby approved shall be used for the sale of sporting goods including sports equipment; bags and holdalls; sports nutrition; sunglasses; water bottles; umbrellas and sports accessories.

Reason: To protect the viability and vitality of Sheerness town centre and other centres.

- 15) The retail terrace hereby approved shall not be sub-divided into more than 8 individual units. Each unit within the retail terrace hereby approved shall be restricted to a minimum of 464 sqm gross floorspace.

Reason: To protect the viability and vitality of Sheerness town centre and other centres.

- 16) Notwithstanding the provisions of the Town & Country Planning (Use Classes)

Order 1987 (as amended) (or an Order revoking or re-enacting that Order) no more than one unit and comprising no more than 553 sqm of the total net sales area of the retail terrace hereby approved, shall be used for the sale of open comparison sales and no more than one unit and comprising no more than 1,041 sqm of total net sales area of the retail terrace hereby approved, shall be used for convenience sales.

Reason: To protect the viability and vitality of Sheerness town centre and other centres.

- 17) Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended) (or an Order revoking or re-enacting that Order) not less than 2,018 sqm of the net sales area of the retail terrace hereby approved, shall be used for the sale of the following goods: furniture; carpet and flooring coverings; DIY; gardening and leisure; car and cycle products and accessories; pets and pet accessories; homeware and soft furnishings; home textiles; glassware, tableware; household utensils; electrical goods and domestic appliances.

Reason: To protect the viability and vitality of Sheerness town centre and other centres.

- 18) Ancillary or concessionary units independent of the operator of the permitted foodstore including post office, pharmacy, dry cleaners, photo-processing or retail concessions shall not be introduced within the store without the prior written approval of the Local Planning Authority.

Reason: To protect the viability and vitality of Sheerness town centre and other centres.

- 19) A maximum of 70% of the gross internal floorspace of each retail unit, with the exception of one unit which may have a maximum of 80% of the gross internal floorspace, shall be for the sale of goods.

Reason: To ensure that the total amount of floorspace given over to the sale of goods does not prejudice the viability and vitality of Sheerness town centre and other centres.

- 20) The Class A1 units hereby permitted shall not be open to customers outside the following times: 0700 to 2300 Monday to Saturday and 1000 to 1700 on Sundays. The Class D2 unit hereby permitted is permitted to be open to customers 24 hours.

Reason: To ensure the operation of the retail and food terrace does not prejudice conditions of residential amenity at night time hours.

- 21) The units hereby permitted shall not receive deliveries outside the following times: 0600 to 2300 Monday to Saturday and 0900 to 1700 on Sundays.

Reason: To ensure the operation of the retail and food terrace does not prejudice conditions of residential amenity at night time hours.

- 22) Any external doors and windows on the north-western elevation of any unit used for D2 purposes shall remain closed during the hours that unit is open to the public, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise noise and disturbance to neighbouring residential properties.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

