

2.2 REFERENCE NO - 22/504598/FULL		
PROPOSAL Erection of Class E(a) retail store with associated parking, access, servicing and landscaping.		
SITE LOCATION Land At Queenborough Road Isle of Sheppey Kent ME12 3RJ		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions with further delegation to the Head of Planning) to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Large Major Retail Distribution/Servicing		
REASON FOR REFERRAL TO COMMITTEE - Sheerness TC Objects		
WARD Queenborough and Halfway.	PARISH/TOWN COUNCIL Queenborough	APPLICANT Lidl Great Britain Ltd AGENT Carney Sweeney
DATE REGISTERED 14/10/2022	TARGET DATE 30/01/2023 (EoT to 31/07/2023)	CASE OFFICER Simon Dunn-Lwin
BACKGROUND PAPERS AND INFORMATION: https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RIKFCRTYI4800		

1. BACKGROUND

- 1.1 Members may recall that this proposal was presented to the 17th July 2023 Planning Committee meeting. The report recommended approval for the scheme and Members resolved to grant planning permission subject to recommended conditions.
- 1.2 Following the issue of the decision notice the Council received legal representations from Tesco Stores Limited and Aldi Stores pursuant to the Pre-Action Protocol for Judicial Review, challenging the decision of the Council to grant planning permission. The challenge was submitted on 6 grounds by Aldi and 2 grounds by Tesco. The Aldi challenge can be summarised as 1) failed to apply the statutory test on the listed building nearby, 2) failed to take account of traffic counts, 3) took account of immaterial consideration relating to ‘non-existent fallback’ position, 4) took into account immaterial consideration relating to biodiversity net gain, 5) misapplied the Habitats Regulations, and 6) stipulated unlawful planning conditions. The Tesco challenge can be summarised as 1) did not take account of impacts if the Aldi store did not relocate from Sheerness Town Centre, and 2) failed to have regard to Paragraph 122 of the NPPF relating to alternative use.
- 1.3 The Council sought legal advice on the above challenges, and it was concluded that ground 1) of Aldi’s challenge would be difficult to defend. As a result, the Council conceded to Aldi’s challenge on ground 1). On 22nd November 2023 the High Court issued a Consent Order to quash the planning permission. The application is therefore brought back to the Committee with updated text in the report for redetermination.

2. SITE LOCATION AND DESCRIPTION

- 2.1 The application site measures 1.16 hectares and is comprised of undeveloped grassland. It is sandwiched between Queenborough Road and the A249, immediately

to the west of A2500 (Lower Road) roundabout and opposite Cowstead Cottages on Queenborough Road. The site is referred to in the planning history as Cowstead Corner. The site is largely flat and enclosed by a post and wire fence. There are no trees on the site. A ditch skirts the western perimeter fronting the main road.

- 2.2 The site is of an irregular shape, measuring 124m in width by 1120m in depth at its maximum. On the adjoining site is a battery storage facility.
- 2.3 The large Aldi regional distribution centre sits to the southwest along the A249 approach to the Thomsett Way roundabout and Neats Court Retail Park. The application site is set in open landscape south of Furze Hill in the north, with the conglomeration of Halfway and Minster-on-Sea lying on raised land beyond.
- 2.4 The site falls outside of the Queenborough & Rushenden regeneration area. It is located within the eastern edge of the Sheerness built up area confines. The site is currently allocated for a hotel. Neats Court, a Grade 2 Listed Building lies approximately 500m to the north-west of the site on Queenborough Road. Public Right of Way (PRoW ZS11) links Halfway Houses in the north over Furze Hill to Queenborough Road in the south, terminating opposite the site adjacent to 1 Cowstead Cottage.

3. PLANNING HISTORY

Application site

- 3.1 **23/502916/ENVSCR**, Environmental Screening Opinion for 22/504598/FULL, EIA not required
- 3.2 **SW/09/0185**, Trunk road service area, consisting of petrol filling station with petrol and heavy goods vehicle forecourts, carwash and single storey sales building, 44 bedroomed 2 storey hotel with restaurant. Car and heavy goods vehicle parking areas. Refused - Decision Date: 09.06.2009. Appeal dismissed on 29.09.2010.

Neighboring sites

- 3.3 **17/503032/FULL**, Installation of an electricity battery storage facility within a new steel framed portal building and ancillary infrastructure including surface water attenuation, Granted subject to conditions
- 3.4 **19/502969/FULL**, Erection of a new food store with associated parking, servicing, landscaping and new vehicular access (Aldi Store), Granted subject to conditions

4. PROPOSED DEVELOPMENT

- 4.1 This application seeks planning permission for a food store of 1,906sqm (GIA) comprising 1266 sqm sales area with a 423sqm warehouse (including freezers/chillers and storage) and 217sqm ancillary staff facilities including a bakery, entrance lobby and a disabled WC. It is roughly rectangular in shape. At its largest, the sales area of the store will measure 59m in length by 21m width.
- 4.2 The food store will feature both curved and flat roof elements, measuring 8.8m in height to the highest curved point of the roof and 7m to the lower flat part to the rear (north). The materials proposed are a mixture of facing brickwork, glazing and cladding. The food store entrance will be in the southern portion of the site with the car park to the east. In the eastern and southern area of the site landscaped buffer

areas are proposed to address ecological mitigation and provide habitat required to support the proposal.

- 4.3 A single vehicular access is proposed on Queenborough Road opposite Cowstead Cottages to the west of the A2500 (Lower Road) roundabout. The new junction proposed will enable customer and delivery access to the site. The car park will include a total of 119 parking spaces, 6 of which will be disabled spaces, 8 for parents with young children and 11 EV charging parking spaces with 7 motorcycle spaces and stands for 12 cycles. The delivery / service area is proposed to the rear (north) of the store elevation, facing the car park.
- 4.4 Off-site highway works to the shared cycle/footway from Cowstead Cottages up to Neats Court Cottages have been submitted and are to be carried out under a S.278 agreement.
- 4.5 In terms of landscaping and boundary treatment, tree planting and hedges are proposed on Queenborough Road and set within a linear lawn opposite Cowstead cottages with a 3m high acoustic timber fence behind to contain the delivery area. Tree planting is also proposed within the car park and landscaped buffer areas along the A249 main frontage in the south and to the east of the car park with wildflower seed beds in the landscaped buffer areas consisting primarily of wildflower meadow and bulb planting along the eastern and southern boundaries augmented by low level shrub/herbaceous borders. Hedging is also proposed to enclose the car park to the eastern edge and to the front of the store in the south.
- 4.6 Additional tree planting and low-level shrubs are proposed within the car park. A public art feature is also proposed to the front of the store adjacent to the A249 frontage. The proposed landscaping areas will be enclosed by a 1.1m high post and rail perimeter fence around most of the site on the main road frontages which will enable the landscaped areas to be visible from the A249 and Lower Road. A 2m high 'paladin' metal fencing borders the battery plant to the west.
- 4.7 The development will create a total of 40 jobs, which will be a mixture of full and part time roles, equating to approximately 23 full-time equivalent jobs.

5. CONSULTATION

- 5.1 One round of consultation with neighbours has been undertaken in letters were sent to neighboring occupiers. Site notices were displayed twice at the site and the application has been advertised twice in the local press in accordance with statutory requirements. The application was advertised as constituting a departure from the Local Plan.
- 5.2 24 letters/online responses have been received to date. 16 are in support of the application and welcome Lidl providing retail choice. Full details of all comments are available online.
- 5.3 8 objections have been received, raising the following concerns: -
 - Traffic impact and road safety
 - A2500 should be made a dual carriageway
 - Aesthetic/visual impact – design is 'boring'
 - Pedestrian safety with limited footway in Queenborough Road
 - Traffic and collision data inadequate

- Non-car accessibility poor – insufficient footway
- Traffic assessment inadequate
- Retail impact on the town centre
- Conflict with site allocation
- Harm to heritage asset – Neats Court

5.4 **Minster-on-Sea Parish Council** acknowledge the benefits of the scheme and supports the creation of jobs. The full response is attached in Appendix 1. The Parish Council comments that: -

- They are keen to ensure that the proposal meets the strategy criteria laid down by Policy ST4 in terms of the retail impact on the vitality of Sheerness Town Centre and the design and landscaping creates a gateway site.
- The Parish Council insists that off-site improvement works also provide a safe environment for pedestrians and cyclists from nearby housing in Queenborough Road, Rushenden, Thistle Hill/Barton Hill Drive. A footpath on the north side of Queenborough Road from Cowstead Cottages to Neats Court Cottages (120m) should be carried out under a S278 Agreement.

5.5 **Sheerness Town Council** have objected to the application on the following grounds:

- Sheerness will lose out on job opportunities and low paid worker options.
- No benefit to the population with no proposed public transport.
- Contrary to site allocation.
- Traffic congestion and impact on highway safety
- No provision for active travel from Sheerness or Rushenden.
- No mitigation for social and economic impact on Sheerness.

The full response is attached in Appendix 2.

5.6 **Queenborough Parish Council** have been formally consulted but no reply has been received to date.

REPRESENTATIONS

5.7 **SBC Conservation Team**: No objection subject to conditions

5.8 **SBC Tree Officer (Landscaping)**: No objection.

5.9 **SBC Climate Change Officer**: No objection subject to a condition to achieving BREEAM 'very good' accreditation.

5.10 **Mid Kent Environmental Health**: No objection subject to conditions on land contamination, noise mitigation and construction method statement.

5.11 **KCC Ecology**: No objection subject to lighting condition.

5.12 **KCC SUDs**: No objection subject to conditions

5.13 **KCC Archaeology**: No objection subject to condition

5.14 **KCC Highways**: No objection subject to conditions

5.15 **National Highways**: No objection subject to conditions

5.16 **Natural England:** No objection

5.17 **Environment Agency:** No comments to make.

5.18 **Lower Medway Internal Drainage Board:** No objection to principle of discharging of both surface water and treated foul water into the LMIDB drainage district and to consent these discharges subject to further detail including the location of the discharge point. The developer will need to make an application for land drainage consent to the Board after the detailed drainage design has been undertaken and there is a high degree of certainty that the scheme will remain unchanged.

5.19 **Kent Police (Design Advisor):** No objection.

5.20 **Southern Water:** No objection.

6. DEVELOPMENT PLAN POLICIES

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

NATIONAL PLANNING POLICIES

National Planning Policy Framework (NPPF) and Planning Practice Guidance

- Paragraph 85: Policies and decisions should help create the conditions in which businesses can invest, expand and adapt. 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.
- Paragraph 89: Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Such an approach needs to be based on balanced judgements embracing sustainable development principles to avoid unacceptable impacts. The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.
- Paragraph 90: Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.
- Paragraph 91: Planning authorities should apply a sequential test to planning applications for main town centre uses
- Paragraph 92: Re edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Requirement for flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored
- Paragraph 94: Retail Impact Assessment (provided development is over a locally set threshold requirement) for assessing applications for retail and leisure

development outside town centres, which are not in accordance with an up-to-date plan,

- Paragraph 95: Failure to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph ~~90~~ 94, it should be refused.
- Paragraph 108: Consideration of transport issues
- Paragraph 115: Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Paragraph 116: Sets out highways and transport objectives
- Paragraph 127: Policies and decisions need to reflect changes in the demand for land and be informed by regular reviews of land allocations and availability. If there is no reasonable prospect of an application coming forward for the allocated use, as part of the plan update the land should be reallocated and, in the interim, support applications for alternative uses where the proposed use would contribute to meeting an unmet need for development in the area
- Paragraph 131: Seek high quality design
- Paragraph 136: Take opportunities to incorporate trees in new development
- Paragraph 158: Plans should mitigate and adapt to climate change
- Paragraph 164: Minimising energy consumption and use of decentralised energy supply
- Paragraph 167: Apply sequential test for flooding
- Paragraph 175: Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate
- Paragraph 180: Planning policies and decisions should contribute to and enhance the natural and local environment including valued landscapes and minimise impacts on and providing net gains for biodiversity
- Paragraphs 187 & 188: Protection of Designated Habitat Sites
- Paragraph 200: Local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting
- Paragraph 205: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).
- Paragraph 207: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification
- Paragraph 208: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be

weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use

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

- ST 1** (Delivering sustainable development);
- ST 2** (Development targets for jobs and homes 2014-2031);
- ST 3** (The Swale settlement strategy)
- ST 4** (Meeting the Local Plan development targets)
- ST 6** (The Isle of Sheppey area strategy);
- A4** (Land At Cowstead Corner, Queensborough)
- CP 1** (Building a strong, competitive economy);
- CP 4** (Requiring good design);
- CP 8** (Conserving and enhancing the historic environment);
- DM 1** (Maintaining and enhancing the vitality and viability of town centres and other areas)
- DM 2** (Proposals for main town centre uses);
- 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);
- DM24** (landscape)
- DM 28** (Biodiversity and geological conservation);
- DM 32** (Development involving listed buildings).
- DM 34** (Scheduled ancient monuments and archaeological sites)

OTHER POLICY DOCUMENTS

Swale Landscape Character and Biodiversity Appraisals SPD (2011)

Parking Standards SPD

7. ASSESSMENT

Principle of Development

- 7.1 The National Planning Policy Framework (NPPF) states that new applications should be considered in the context of the presumption of sustainable development. Section 7 of the NPPF seeks to ensure the vitality of town centres. Paragraphs 91-93 set out the requirements for both a sequential test and impact assessments where a main town centre use (such as food-retail) would be located out of centre and where the floorspace involved exceeds 2500 m² (the Council adopted a local threshold of 500 sqm on 20 March 2019 so this lower threshold is to be applied instead). The NPPF confirms that where an application fails to satisfy the sequential test or would likely have a significant adverse impact on investment or vitality and viability in nearby town centres, permission should be refused.
- 7.2 Paragraph 127 of the NPPF states that planning policies and decisions need to reflect changes in the demand for land and where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, applications for alternative uses on the land should be supported, where the

proposed use would contribute to meeting an unmet need for development in the area. It is therefore suggested that there is a public benefit in the scheme in terms of unmet retail demand.

- 7.3 The site's location is acceptable in terms of the principle of development because it was accepted for the hotel allocation.

Local Allocation for Hotel Use

- 7.4 The application site lies outside but abuts the eastern boundary of the Queenborough and Rushenden regeneration area on land allocated for a hotel use (by Policy A4). The application has been advertised as a departure from the Local Plan. The main issue to consider is whether the proposed retail store is acceptable in this location. It is acknowledged that the proposed use conflicts with the Local Plan Policy A4 site allocation at Cowstead Corner for a hotel. The application has been advertised as a departure in accordance with statutory procedure.
- 7.5 In support of the application Lidl have submitted a hotel marketing assessment which surveyed 27 hotel operators. None of the major and minor operators expressed any interest for the site as they require town centre/more affluent locations or did not see there being demand for a hotel in this location, particularly given the limited number of bedrooms allowed for in the allocation. In light of the marketing survey of potential hotel operators undertaken, it is evident that there is no demand for a hotel in this location, notwithstanding the site's allocation.

Sequential Assessment and Retail Impact

Sequential Assessment

- 7.6 The NPPF requires the submission of a sequential test. National Planning Practice Guidance (the NPPG) sets out that a sequential test guides main town centre uses (such as retail) towards town centre locations first then, if no town centre locations are available, to edge of centre locations. If neither town centre nor edge of centre locations are available, then to out of centre locations. The NPPG states that it is for the applicant to demonstrate compliance with the sequential test.
- 7.7 When undertaking a sequential test, the applicant, and the Local Planning Authority (LPA) should be realistic and only consider sites 'suitable' for the development proposed. This is recognised by paragraph 92 of the NPPF which states that when considering out-of-centre proposals, applicants and LPAs 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.
- 7.8 Relevant case law as to the application of the sequential tests includes *Tesco vs Dundee City Council* [2012] UKSC 13 which considered the issue and definition of 'suitability', and the degree to which an application should demonstrate flexibility. The judgment held:
- The natural reading of each policy is that the word suitable, in the first criteria, refers to the suitability of the site for the proposed development – it is the proposed development which will only be acceptable if no suitable site is available more centrally; and
 - The application of the sequential approach requires flexibility and realism from developers and retailers, as well as LPAs.

- 7.9 The case of *Aldergate Properties v Mansfield District Council* [2016] EWHC 1670 (Admin) further clarified the context in which ‘suitability’ and ‘availability’ of sites should be considered:
- ‘Suitable’ and ‘available’ generally mean suitable and available for the broad type of development which is proposed in the application by approximate size, type and range of goods;
 - This incorporates the requirement for flexibility as set out in NPPF and NPPG, and excludes generally, the identity and personal or corporate attitudes of an individual retailer; and
 - Available must generally mean available for the type of retail use for which permission is being sought.
- 7.10 The submitted Planning and Retail Statement refers to a number of appeal decisions and legal judgements which relate the business model of the developer (Lidl) and the approach of sequential assessments and the matter of flexibility.
- 7.11 The application seeks consents for a retail food store which is a class E use under the Use Class Order in an out of centre location. Class E uses are considered a main town centre use through the NPPF and Local Plan. Within the Local Plan policies DM1 and DM2 sets out that such uses would be focused within the designated town, district, and local centres in order to safeguard and enhance the vitality and viability of the commercial centres.
- 7.12 The application has been accompanied by a Planning and Retail Statement prepared by the RPS Group which includes the sequential assessment. This document has been independently reviewed by an external consultant (Lambert Smith Hampton) on behalf of the Council.
- 7.13 The RPS Planning and Retail Assessment at paragraph 4.9 notes that the issue of availability of sites has already been addressed by Aldi as part of its own application at Queensborough Road and its accompanying “Planning, Economic and Retail Statement” dated June 2019 which identified and assessed several sites. Aldi’s sequential assessment was subsequently audited by White Young Green (WYG) for the Council, who concluded that the sequential approach to site selection had been met. This was reported to the planning committee who subsequently granted planning permission for Aldi’s relocation to Queenborough Road.
- 7.14 Paragraph 4.10 of the RPS Planning and Retail Assessment also states that, “While this decision was then challenged by Tesco it was not on the grounds of any failure in the sequential test, and while the decision was quashed by the High Court, again it was not on any failure to satisfactorily address the sequential test. In reappraising Aldi’s application, the Council instructed Lambert Smith Hampton (LSH) to advise on the retail planning merits of the application and in their advice letter of 10th December 2021 LSH concentrated on the issue of impact, saying that “LSH has not addressed the sequential assessment in support of the proposed scheme. No challenge was brought in respect of WYG’s conclusions of the applicant’s sequential assessment, and the Council are satisfied that the test has been passed. No new candidate sites have come forward since the original application was submitted that warrant the need for assessment”.
- 7.15 Ultimately, in the current application before the Committee, the sequential assessment has demonstrated that there are no sites vacant, suitable or available for the proposed development taking into account the development parameters. As a result, and in respect of sequential assessment the provision of a food retail store in an out of centre

location is acceptable in principle and accords with the NPPF and policies DM1 and DM2 of the Local Plan.

- 7.16 This context should include documents that have been submitted to support the application, as well as the consultation response criticising the assessments undertaken.

Retail Impact

- 7.17 Planning Policy requires the submission of a retail impact assessment. The NPPG states that the purpose of an impact test is to consider the impact over time of certain out-of-centre and edge-of-centre proposals on town centre vitality and viability, and investment.

- 7.18 The NPPF and Local Plan 2017 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 on the impact of the retail development on the vitality and viability of existing centres. Policy DM 2 requires a retail impact assessment for proposals elsewhere outside of the defined town centres. In the locally set threshold for an RIA is 500 sq.m as adopted by Cabinet in 2019 and set out in the July Tabled Update. The application proposal comprises 1906 sqm (GIA) of floorspace and requires an RIA. Any such assessment should consider:

- The impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres within the catchment area of the proposal; and
- The impact on town centre vitality and viability, including local consumer choice and trade in the centre and wider area.

- 7.19 The application proposes a retail use which would not accord with policy. The supporting text of the Local Plan recognises that recent development has seen the emergence of a retail centre that complements Sheerness Town centre at Neats Court Retail Park. However, it is important to ensure that future retail proposals do not undermine the role and retail function of Sheerness Town centre. This is an important factor in the consideration of this application, and it needs to be carefully considered whether the introduction of a retail use on this site would undermine the vitality and viability of existing retail centres.

- 7.20 A 'Planning and Retail Statement' (the Retail Impact Assessment (RIA)) was submitted in support of the proposal which includes the following: -

- Sequential test
- Retail impact assessment on Sheerness Town Centre, Neats Court Retail Park and wider catchment areas of Minster-on-Sea, Sittingbourne Town Centre, Halfway House and Iwade Local Centres.

- 7.21 The independent retail consultants Lambert Smith Hampton (LSH) were engaged to review the submitted RIA and advise the Council on the validity and robustness of the findings. They considered that the site search parameters in respect of Sheerness and the town centre were in line with the NPPF and Policy DM 2.

- 7.22 LSH conclusions are summarised below with additional updated text since the July committee report.

- 7.22 The application site is sequentially preferable and passes the sequential test in line with para. 91 of the NPPF and Policy DM 2 of the Local Plan.
- 7.23 The impact assessment against the two impact tests set out in NPPF para.94 also passed on: -
- 1) Existing and planned public and private investment in a town centre or centres in the catchment area (para.94 (a)); and
 - 2) Town centre vitality and viability including local consumer choice and trade in the town centre and wider catchment (as applicable to the scale and nature of the scheme) (para. 94(b))
- 7.24 The Lidl RIA, prepared by the RPS Group, considered two scenarios for trade diversion;
1. The new Aldi store at Queenborough Road is refused (The RIA was prepared before the Aldi approval at Queenborough Road in December 2022), and they continued to trade in the existing unit in the town centre;
 2. The new Aldi store at Queenborough Road is given planning permission and the existing town centre store is reoccupied by Home Bargains (Aldi confirmed at the time that terms had been agreed with Home Bargains).
- 7.25 Paragraph 4.32 of the Lidl RIA explained that in the first scenario, there would be a diversion of £7.4m from the Aldi in Sheerness Town Centre to the proposed Lidl store (since Aldi is Lidl's closest competitor). This level of trade diversion results in an impact of -32%, which is a significant amount. However, the household survey shows that the Aldi is currently trading well above its benchmark level (£23.2m compared to its company average of £11.9m), so while the impact on the store would be large it will still be left trading almost £4m above its benchmark level. The continued viability of the store would not be threatened.
- 7.26 In relation to the second scenario, the conclusion of the Lidl RIA at paragraphs 4.37 and 4.38 is as follows;
- “4.37 . . . it is assumed that Aldi will secure permission and relocate to their new store on Queenborough Road. In such a circumstance the cumulative impact on Sheerness Town Centre can be seen to be circa -16%. However, it is evident that the majority of that is a result of Aldi having relocated and not from any expenditure being taken by Lidl – looking at Lidl on its own, the solus impact on the centre as a whole can be seen to be less than 1% and so de minimis. This is because the largest trade diversion (£7.6m) is still being taken from Aldi, only now that is an out-of-centre store. The impact on the Aldi would be -33% however that is not material as it is an out-of-centre store. Notwithstanding that, post-impact the new Aldi would be left with a turnover of £15.3m; since their new store will extend to 1,315sq m net sales, if we assume 80% convenience and Aldi's benchmark convenience sales density then at 2027 the benchmark convenience turnover of the replacement store will be £13.94m. That means that despite the large impact, the Aldi would still be left trading above its benchmark level.
- 7.27 Again, it can be seen that the proposed Lidl would have no significant impact on the town centre (the impact already having happened with the assumed relocation of the Aldi), and so should be acceptable in impact terms.”

- 7.28 In its independent review of the Lidl RIA, LSH noted the two scenarios put forward in the Lidl RIA, but stated that, “Given that Aldi now has planning consent the appraisal only considers Scenario 2.”
- 7.29 LSH accept the trade diversion estimates put forward by Lidl results in a low percentage ‘solus’ (single) impact on Sheerness Town Centre, with a negligible impact on other defined town centres in Swale. However, the cumulative impact remains a concern due to the loss of retail turnover from the town centre associated with the Aldi store.
- 7.30 An updated health check of Sheerness Town Centre confirms that the town is vital and viable although certain indicators point to vulnerabilities. However, we consider the town centre can absorb the ‘solus’ impact associated with the Lidl store which will mainly draw trade from the relocated Aldi store.
- 7.31 For cumulative impact, whilst the impact is significantly adverse on Sheerness Town Centre, the impact principally relates to the Aldi scheme rather than the uplift in cumulative impact associated with the proposed Lidl. Therefore, LSH consider that an exception can be made and that the proposed Lidl passes the impact test in respect to para. 94(b) of the NPPF and Policy DM2 of the Adopted Swale Local Plan.
- 7.32 The Council has received representations from Tesco to the effect that the first scenario remains relevant (even though Aldi has been granted planning permission for its out of centre store) because of the following;
- (i) the Aldi store may not come forward at all,
 - (ii) the Aldi scheme may come forward but after the Lidl scheme and
 - (iii) the Aldi scheme may come forward but without reoccupation of its town centre store by a comparison goods retailer.
- 7.33 For the following reasons, the scenarios raised by Tesco are considered unlikely; (i) the Aldi scheme was granted permission on 22 December 2022 and there is a considerable “head start” in terms of its development going ahead, (ii) Aldi has already submitted seven separate applications to discharge conditions and have done so even after the Lidle store was approved in July 2023 (albeit this approval was subsequently quashed with consent), (iii) Aldi have made representations that due to the inadequacies of the existing store, they intend to close the existing store come what may (iv) Aldi has already agreed terms that its existing town centre location will be occupied by Home Bargains
- 7.34 If the Council are minded granting planning permission LSH strongly advise that appropriate planning conditions are put in place that restricts the occupation of the food store for a LAD (Limited Assortment Discounter), as this is basis of the appraisal of the retail planning merits of the proposal. The store size, including the split between convenience and comparison goods sales area proposed should be conditioned.
- 7.35 It is acknowledged that a retail store would be a departure from the Local Plan allocation for the site and alternative deliverable uses warrant under paragraph 122 of the NPPF. Land at Cowstead Corner to the north and south of the A249 is allocated under Local Plan Policy ST 4 for employment use for up to 5600 sq.m of industrial/office floorspace. Footnote 3 of Policy ST 4 excludes the quantum of floorspace from hotel use (the application site). LP Policy A4 specifically on Land at Cowstead Corner states that ‘permission will be granted for employment uses on sites to the north and south of the A249’ acknowledging that the northern site is allocated

for a hotel while the southern site for B1 (now Class E)/B2 or B8 uses. The policy requires employment uses on both sites. The proposal would provide 40 jobs at the store with associated additional employment generation. e.g., delivery drivers, cleaners, building and grounds maintenance. The proposal as an alternative employment use for the site is considered policy and NPPF compliant.

- 7.36 Officers are satisfied that a robust marketing assessment has been undertaken to demonstrate that there is no demand for a hotel on this site. It is accepted that the prospect of a hotel coming forward in the foreseeable future since the Local Plan allocation in 2017 is virtually nil. Furthermore, following the independent assessment of the Planning and Retail Assessment, it has been successfully demonstrated that the introduction of a retail use in this location will not undermine the vitality and viability of the nearby town centers.
- 7.37 The overall retail assessment demonstrates that the proposal would accord with the tests in the NPPF (paragraphs 7 and 127 in particular) and is compliant with Local Plan Policies DM 1 and DM 2 in relation to trade impact on the vitality and viability of the town centre.
- 7.38 Although the policy does not wholly accord with Policy A 4 of the Local Plan, it has been independently identified that there is no reasonable prospect of the allocated use coming forward. Paragraph 127 of the NPPF states that where there is no reasonable prospect of an allocated use, applications for alternative uses on the land should be supported where the proposed use would contribute to meeting an unmet need for development in the area.
- 7.39 Policy A 4 of the Local Plan allocates the site for hotel development; however it also supports employment generating uses. The proposal before Committee will generate up to 40 new jobs. Furthermore, the lack of demand for the allocated hotel use must be weighed alongside the benefits the proposed alternative retail use will bring to the site. This includes job creation, a substantial net gain in biodiversity, increased choice and competition in discount food retailing at a time when the cost of living is rising. All of these factors indicate that the “unmet needs” test in paragraph 127 of the NPPF is satisfied.
- 7.40 The departure from the Local Plan is acknowledged, however, Officers consider there are public benefits of the proposed development to justify departure from the allocated hotel use. Furthermore, the economic, social and environmental benefits of the proposal as set out in the report outweigh the conflict. On balance the proposal should be supported.

Design

- 7.41 Policy CP 4 and DM 14 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. Paragraph 131 of 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. Policy A 4 requires the Council to be satisfied that the design and landscape framework for the site and buildings reflect their prominent gateway location and does not include facilities associated with roadside services.
- 7.42 The site is prominent in views from public vantage points and of a scale that will be

visible in the public domain. It was initially considered that the proposal fell short of the overarching aims of policy CP 4 and the NPPF. The concerns related to the architectural detailing, the use of materials, and how the site responded to the local landscape character. It was also considered that in lieu of a bespoke building design for the site, a unique design element could be a public art feature adjacent to the south elevation of the building or in the eastern landscaped area adjacent the roundabout junction.

- 7.43 A series of design discussions took place with the applicant to refine the proposal resulting in the introduction of brick piers in a contrasting engineering brick to provide texture and profile to the elevations, larger window openings to the staff facilities facing the car park to the east, with additional planting within the car park and frontages and appropriate boundary treatment which can be seen in the final design before the committee. In brief, the while the massing and scale remains as described above under paragraphs 3.1 and 3.2, the changes to the elevational treatment and extensive landscape buffers to the east and south have been materially improved and are now considered fully acceptable. A public art feature has also been agreed to the front of the store facing the A249 which should complement the appearance of the store. Details of the public art feature is recommended to be dealt with by means of a planning condition.
- 7.44 Several amendments have also been made to the landscaping proposals and the Swale Tree Officer and KCC Ecology concerns for native planting have been addressed satisfactorily. The soft landscaping details are covered under paragraph 3.3 and 3.4 above. The planting in many parts of the site has been well considered and will provide benefits in respect of both visual amenity and biodiversity.
- 7.45 Overall, it is considered that the design of the building in the final form achieves a sufficiently high standard which is compliant with the requirements of Policies A 4 and DM 14 and Chapter 12 of the NPPF.

Landscape Impact

- 7.46 The application site is not located within or immediately adjacent to any designated landscape of national or local importance. It is, however, within the countryside on the edge of Queenborough and Minster-on -Sea and forms part of the low-lying landscape character area 'LCA Central Sheppey Farmlands,' on the western fringe as defined within the Swale Landscape Character and Biodiversity Appraisal SPD (2011). Due to the proximity of the existing and proposed commercial development it has a closer relationship with the urban LCA with a stronger visual connection.
- 7.47 In terms of the impact of the proposed development, it is a matter of planning judgement that the proposal would have a low to medium impact on the LCA given the setting and commercial context. It is also a planning judgement that would therefore have a neutral impact upon the sensitivities of the LCA, consistent with the provisions of Policy DM24 of the Local Plan 2017.
- 7.48 Paragraph 180 of the National Planning Policy Framework advises that planning policies and decisions should contribute to and enhance the natural and local environment by, inter alia,
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider

benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

7.49 It is the planning judgment that these proposals would have a low to medium impact upon the landscape character locally, and a neutral impact upon its sensitivities. The proposal is therefore considered consistent with the provisions of paragraph 180 of the National Planning Policy Framework.

Living conditions

7.50 As set out above, the site sits opposite Cowstead Cottages on the north side of Queenborough Road which are the nearest neighbours located approximately 25m from the site boundary (56m from the nearest point to the rear of the store). Neats Court to the west at approximately 500m away and as such considering the distance of separation would not be negatively impacted by the proposal. While residents of Cowstead Cottages would be impacted on their outlook it is considered that an allocated development for a hotel on the site would also have the same or a greater impact.

7.51 Concern was raised by the Environmental Health Officer (EHO) on potential noise impacts from the Lidl Store, particularly deliveries to the rear servicing yard close to Cowstead Cottages. A noise report has been submitted in support of the proposal and reviewed by the EHO. The proposed mitigation measures include a 3-meter-high wooden acoustic fence along the northern boundary of the site opposite the cottages with a landscaping strip along the road edge.

7.52 The EHO recommends that any permission granted should be subject to conditions. This will enable the noise elements of the development to be regulated. The conditions relate to construction hours and acoustic measures set out in the submission. It is also considered that delivery hours, details of mechanical ventilation and a Delivery Management Plan to include specific measures to ensure deliveries and noise generating plant are strictly controlled.

7.53 The applicant has set the store opening hours as 07:00-22:00 Monday to Saturday and Bank Holidays, and either 10:00-16:00 or 11:00-17:00 on Sundays. The EHO considers that this would be acceptable.

7.54 In view of the above, it is considered that the proposal, would not give rise to significant harm to living conditions of nearby dwellings, by way of noise, and delivery hours, and as such would accord with Policy DM14 and Chapter 12 of the NPPF

Highway Impacts

7.55 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 more than 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.

7.56 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. The applicant has submitted a Transport Assessment with a Travel Plan and updated

technical notes for additional clarification to both KCC and National Highways.

- 7.57 The application proposes that vehicular access to the site is provided by a new access to the west of the Lower Road (A2500) roundabout on Queenborough Road. Due to the location of the site, there are potential impacts upon both the local and strategic highway network. As a result, both KCC Highways and National Highways (NH) have been consulted. Both authorities have considered the proposal and additional information submitted by the applicant to KCC and NH to address concerns.
- 7.58 In terms of the local road network, KCC Highways consider that the net effect of the development on the assessed junctions is marginal compared with background growth and committed development. KCC have sought off-site improvements to extend the footway on Queenborough Road from Cowstead Cottages to Neats Court. Approximately 190m in length of new or improved footway on the north side of Queenborough Road is to be secured via a S278 agreement. The applicant has agreed to the off-site works and confirmed with KCC Highways to be delivered before first occupation. This would address the concerns expressed by Minster-on-Sea Town Council as referred above and accessibility concerns raised by Sheerness Town Council, Tesco and Aldi representations.
- 7.59 Aldi are critical of the conflicting traffic data between their own surveys in 2018 and that of Lidl's in 2021 for the current proposal. The Lidl Transport Assessment (TA) included traffic surveys in November 2021 which showed substantially lower flows during all peaks in the post-pandemic era to the pre-pandemic Aldi surveys in 2018 for the Aldi store proposal. The simple explanation is the empirical evidence shows less traffic flows in the post-pandemic era. Lidl have also pointed out that data collected for the same junctions for residential development applications in February 2022 is almost identical to the traffic counts of 2021. KCC Highways have been requested to reconsider the traffic data submitted by Lidl. They have and confirm that the methodology and data gathering used within the Lidl TA is representative of the highway conditions and suitable for the use in the assessment. Furthermore, the data provided is 'robust and appropriate.'
- 7.60 KCC Highways have also confirmed that the additional information submitted by the applicant, including revised plans to demonstrate turning areas and provision of 11 EV charging parking spaces are satisfactory and would not cause an adverse impact on the highway. No objection is raised to the proposal subject to conditions which are set out below.
- 7.61 National Highway (NH) have also considered the transport and highway impact of the proposal wider network. NH assessment of the submissions confirm the following conclusions: -
- *“the A249/A2500 junctions are close to but not quite yet at a state of capacity where we could confidently recommend a refusal per se.*
 - *the likely trip generation/distribution from the proposed Lidl is unlikely to tip the junction into definite over capacity.*
 - *therefore, these proposals of themselves do not warrant the need for a specified form of mitigation, subject to the successful implementation of a C1/22 compliant Travel Plan covering staff, visitors/customers and deliveries.*
 - *given the site's location adjacent to the SRN various other conditions are required to avoid the risk of unacceptable impacts on the safety, reliability and/or operational efficiency of the SRN.”*

- 7.62 NH also considered the Travel Plan and acknowledge the target of 10% modal shift from single occupancy private cars. The TP includes monitoring to be undertaken annually, together with setting targets and identifying the needs for additional measures to be considered. However, there is a need for firm financial commitments to support its objectives and this needs to be provided within the document.
- 7.63 NH have also added an advisory note to the Council that all other applicants in the area that this is likely to be the last set of proposals capable of being accommodated ahead of improvements to the A249/A2500 junction(s) to be promoted via applications and/or the emerging Local Plan. NH confirm that “*we are content to recommend No Objection subject to the imposition of the following conditions on any consent granted.*” The conditions are set out below within the recommendation.
- 7.64 The total parking provision of 119 spaces, including 8 dedicated parent and child spaces, with 6 DDA compliant spaces, 7 motorcycle spaces and 12 bike stands are considered compliant with the parking standards SPD (2020) for mixed convenience(food)/comparison (non-food) store based on the proposed floor space split of 80%/20% respectively of internal sales area. 11 EV charging points are also provided which is considered by the Climate Change Officer to be acceptable.
- 7.65 In view of the above, the proposal is considered acceptable in terms of local and national highway network impacts to accord with Chapter 9 of the NPPF and Local Plan Policies DM6, DM7 and DM14.

Heritage Assets

- 7.66 The Council is required to give effect to several statutory requirements in respect of listed buildings and land in Conservation Areas. Any planning application for development which affects a listed building must be assessed in accordance with section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.67 Section 66(1) states the following, “In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority . . . shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 7.68 The NPPF gives guidance as to the identification of impacts and how to weigh them in the balance against public benefit. National policy on “conserving and enhancing the historic environment in Chapter 16 of the NPPF is to be interpreted and applied consistently with the statutory duties under the Planning (Listed Building and Conservation Areas) Act 1990.
- 7.69 The most relevant paragraphs of the NPPF in relation to heritage assets are set out as follows:

“205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional
207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

7.70 The Planning Practice Guidance (“PPG”) advises that the degree of harm within “less than substantial harm” should be identified;

“Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.”

Listed Building

7.71 The application site is situated approximately 500m from the Grade II Listed Neats Court (also known as Neat Court Manor) which is a combination of a designated heritage asset, and non-designated heritage asset – the former applying to the farmhouse, and the latter referencing the associated farm buildings. The farm buildings may also be required to be treated as curtilage listed buildings/structures in relation to the adjacent grade II listed farmhouse, although the position on this is not entirely clear based on current available information. The Heritage Statement provided in support of the application in accordance with paragraph 194 of the NPPF nevertheless treats the farm buildings as being curtilage listed. The farm buildings are redundant, and it is understood that the farmhouse no longer has a functional link with

the adjacent agricultural land. Referencing the farmhouse and associated farm buildings, as Neats Court Farm, this is actually positioned closer to the approved Aldi store site, which is approximately 900m to the NW from the application site and 400m from Neats Court. 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 to preserve the setting of the listed building which is also reflected in local and national policies.

- 7.72 A detailed Heritage Statement has been submitted in support of the application which concludes that *“due to the eroded contribution of the site to the significance of Neats Court, the much altered setting of the listed buildings, and the scale and form of the proposals, the proposed development would have no impact on the significance of the Grade II listed Neats Court. The proposals would therefore preserve the special architectural and historic interest of the listed and curtilage listed buildings.”* The submission has been considered by the Council’s Conservation & Design Manager who broadly concurs with the findings.
- 7.73 Aldi’s legal challenge was particularly critical of the Council’s heritage assessment in relation to Neat’s Court. Members were informed in the Tabled Update to Committee in July that ‘the development would not cause significant harm to the significance of the grade II listed Neats Court. It should be clarified that any harm will therefore amount to the lower level of ‘less than substantial harm’ in the context of the guidance set out in Chapter 16 of the NPPF. Para 202 of the NPPF states ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’ In this case the public benefit as referred in paragraphs 7.40 of this report clearly outweigh the less than substantial harm.
- 7.74 The Committee is asked to note in this context, that the site is allocated for development in the Local Plan, and as such, consideration was given to heritage impact at the allocation stage. In light of this allocation, substantial new commercial development has, and continues to take place between the Lidl application site and Neats Court Farm is such that the intervisibility between the two sites (i.e., Neats Ct. Farm and the application site) is virtually nil. This scenario of course takes place in the critically important context of the Aldi regional distribution centre development which was completed in 2018 (Ref: 14/506802/FULL) to the southwest of the Lidl application site, on the opposite (southern) side of the A249 trunk road, on land which also formed part of an employment land allocation carried over from the previous Local Plan. In light of the significant visual impact of the regional distribution centre and the aforementioned development on the northernmost section of the allocated employment land, it is not therefore the case that the setting of Neat Court Farm has already, and will continue to be materially affected, but it is the case that any further material harm arising could not reasonably be attributed to the Lidl store proposal, principally given the proposed store’s significant distance from Neat’s Court, but also taking into account the siting and design of the building on the application site, and the landscaping proposed in association with it.
- 7.75 In considering the impact of the proposal, Officers have also necessarily had regard to the stronger material planning consideration in the form of the statutory duty imposed by s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, namely ‘to have special regard to the desirability of preserving the setting of a

listed building'. In this regard, Officers consider the proposal would preserve the setting of Neats Court, notwithstanding the negative changes to its setting which have already taken place.

7.76 In view of the above, it is considered that the proposal would have a neutral impact on Neats Court. As such the proposed development would not conflict with the requirements set out in Local Plan Policy DM 32, the guidance set out in Chapter 16 of the NPPF (notably paragraphs 205, 207 and 208), nor with the statutory duty set out at s66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990.

Archaeology

7.77 The site is located within an area of archaeological potential wherein Policies CP 8 DM 34 applies. KCC Archaeology were consulted. KCC Archaeology have considered the proposal and comment as follows: -

- The application has not included a supporting assessment of the archaeological potential, but we have provided advice on adjacent sites for the development related to the Neats Court distribution centre, the Aldi development, Medicham and the adjacent generating site.
- As advised previously, 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 Neats Court to the south and southeast 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. The present site is close to the focus of the clusters of Iron Age and Roman cremations at Cowstead Corner.
- A staged programme of archaeological investigation is an appropriate response and that can be secured through an appropriate condition. The archaeological programme should commence with a stage of trial trenching which would inform subsequent stages of the programme of mitigation.

7.78 KCC Archaeology recommend a similar condition to that on the approved Aldi development nearby for intrusive field investigation and evaluation which is set out below.

7.79 In view of the above, it is considered that the proposal is acceptable in terms of heritage impacts to accord with Local Plan Policies CP8 and DM 34, and Chapter 16 of the NPPF.

Biodiversity

7.80 As described above, the application site is comprised of undeveloped rough grassland, with ditches passing around the site outside the site perimeter boundary. The applicant's Preliminary Ecological Appraisal (PEA) demonstrates that there is little protected species interest. KCC Ecology have considered the PEA and concur with its findings.

7.81 A BNG assessment and Defra Metric 3 has also been submitted to demonstrate an overall net gain of 10.93% or 0.36 biodiversity units and an estimated net gain of 13.81% habitat gain. The pre-development score for hedgerows is 0. The post development score for hedgerows is a gain of 100% 0.37 units. The PEA also

recommends a Landscape and Ecological Management Plan to cover 25-30 years as well as a recommended external low lighting to mitigate the impact on foraging Bats. Both are secured recommended conditions below.

- 7.82 KCC Ecology questioned the evidence presented within the BNG Metric. However, the KCC Ecologist acknowledge that “in the absence of more evidence, we would be willing to accept that a net-gain is achievable if the landscaping is altered to feature native species-only (as specified in our previous response) and that glyphosate use is omitted from the submitted landscape plan (we cannot support a plan that uses glyphosate herbicide as this actively harms biodiversity and is unnecessary most of the time). The applicant has submitted amended plans and a planting schedule to address KCC Ecology’s concerns for native plans and omission of the use of glyphosate herbicide. KCC also requested a sensitive lighting design and, importantly, ensure that the development is not illuminated throughout the entire night. Lighting details will be secured by condition as above.
- 7.83 KCC Ecology’s final confirmation on inclusion of native planting and omission of the use of glyphosate is awaited at the time of finalising the report. Any adverse comments will be reported verbally.
- 7.84 Regarding a Habitats Regulations Assessment (HRA) Natural England (NE) have considered the proposal and confirm that the proposed development will not have a significant adverse impact on statutorily protected nature conservation sites or landscapes. However, to meet the requirements of the Habitats Regulations NE advise that the LPA record a decision that a likely significant effect can be ruled out.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017

- 7.85 The application site is located within the 6km buffer of (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations) and Wetland of International Importance under the Ramsar Convention.
- 7.86 SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, as far as these would be significant having regard to the objectives of this Article.
- 7.87 The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Modifications stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£275.88 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are ecologically sound.
- 7.88 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein from recreational use. However, the proposal here is for a retail store where recreational pressure is absent and does not have the potential to affect said site’s features of interest, although NE advises an Appropriate Assessment to establish the likely impacts of the development.

- 7.89 In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment (HRA).
- 7.90 Given the nature of the proposed development for a retail store which is absent of recreational pressures, a likely significant effect on European sites can be ruled out. Furthermore, NE also confirm that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. Standard guidance is provided on SSSI Impact Risk Zones, but they are not considered material to this proposal.
- 7.91 In view of the above, it is considered that the biodiversity and HRA impacts of the proposal are considered acceptable to accord with LP Policy DM 28 and Chapter 15 of the NPPF.

Drainage

- 7.92 Local Plan as Policy DM21 sets out a raft of criteria aimed at preventing or reducing flood risk. The revised NPPF at chapter 14 sets out government views on how the planning system should consider the risks caused by flooding. The planning practice guidance under the chapter titled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process. Local Plan Policy CP7 requires new development to be supported by the timely delivery of green infrastructure, including SuDS.
- 7.93 The site is in a low-risk Flood Zone 1. The application is supported by a Flood Risk Assessment and Drainage Strategy. The Environment Agency confirm they have no comments to make on the proposal and delegated the matter to KCC Flood and Water Management as Lead Local Flood Authority (LLFA).
- 7.94 The KCC Flood and Water Management (LLFA) have considered the proposed drainage scheme and raise no objection, subject to the imposition of conditions. The same is true of the Lower Medway Internal Drainage Board (LMIDB), whose comments are set out under paragraph 4.18. The LMIDB has agreed in principle to the discharge of both surface water and treated foul water into the LMIDB drainage district and to consent these discharges subject to further detail including the location of the discharge point. The applicant has applied for the license separately with further details to comply with the LMIDB's requirement.
- 7.95 Southern Water have also not raised an objection. Technical drainage matters are a matter for the applicant to resolve directly with Southern Water's interest and coordinate with the LMIDB.
- 7.96 The imposition of the LLFA requested conditions will ensure that the scheme can meet the requirements of Policies DM21 and CP7 of the Local Plan. On this basis drainage is, considered to be satisfactorily addressed.

Sustainable design and construction

- 7.97 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."*
- 7.98 The applicant's BREEAM Pre-Assessment Report and Energy Strategy supports the

proposal which set out several ways, including building fabric performance (passive design); air permeability; ventilation; heating; lighting; re-usable energy and efficient refrigeration as to how a BREEAM 'very good' rating can be achieved. A roof top solar array consisting of 303 panels (circa 606 sqm or 121kWp) is integrated into the design for on-site renewable energy generation, together with heat pumps for both heating and cooling. Sustainability measures are projected to provide 177% on-site renewable energy and 133% CO2 emissions reduction.

7.99 The Council's Climate Change Officer supports the sustainability/renewable energy measures subject to a condition on BREEAM 'very good' rating compliance. On this basis it considered that the application is compliant with Policy DM 19 and the NPPF Chapter 14 on Climate Change.

8.0 CONCLUSION

8.1 For the reasons outlined above, the proposal is considered acceptable.

8.2 In view of the relevant material considerations set out above, no significant harm in respect of the impact of the development on the vitality and viability of Sheerness Town Centre is identified.

8.3 However, the proposal is acknowledged to be a departure from the Local Plan allocation for a hotel as set out in Policy A 4. Furthermore, less than substantial harm will arise to the setting of Neat's Court in heritage terms. The economic, social, and environmental benefits of the proposal, including BNG of 10.93%, carbon emissions reduction of 133%, job creation for up to 40 jobs and offsite improvements for active travel with a footway/cycleway extension of 190m along the north side of Queenborough Road to Neats Court are considered to outweigh the policy conflict with the Local Plan 2017 and the less than substantial harm to the designated heritage asset at Neats Court.

8.4 Furthermore, there is not any unacceptable harm to highway safety and access or neighboring living conditions. The proposal does not give rise to conflict with the Local Plan in relation to other technical considerations including drainage, energy, and ecological impacts. On balance when all material considerations are taken into account, it is considered that proposal constitutes sustainable development and as such accords with the Local Plan 2017 and the NPPF.

8.5 It is therefore considered that the development complies with the development plan read for the purposes of section 38(6) of the Planning & Compulsory Purchase Act 2004. None of the matters raised in response to the publicity and consultation processes amount to material considerations of sufficient weight to indicate a determination other than in accordance with the development plan, noting that conditions are recommended where meeting the tests for their imposition.

8.6 Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town & Country Planning Act 1990 (as amended).

8.7 It is recommended that planning permission be granted subject to safeguarding conditions.

9 RECOMMENDATION

Delegate to the Head of Planning to **grant planning permission** subject to the conditions set out below with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.

CONDITIONS

- (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: AD100, AD110 rev G, AD111 rev B, AD112 rev A, AD113 rev H, AD114 rev H, AD115 rev E, AD118 rev G, AD119 rev A, 600 rev C, 601 rev C, 9003-P06 and 9004-P06.

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

- (3) Prior to commencement of the development above ground level, the following stated junction details between the key architectural elements of the building shall first have been submitted to and approved in writing by the Local Planning Authority:

- (i) 1:5 vertical section showing the roof/wall junction detailing;
- (ii) 1:5 vertical section showing cladding/brickwork junction detailing; and
- (iii) 1:5 vertical section showing external reveals to glazed areas and the associated glazing and brickwork or cladding junction detailing

The approved details shall be implemented in strict accordance with the details approved in relation to this planning condition, and thereafter and maintained as such in perpetuity.

Reason: In the interest of visual amenity.

- (4) The building hereby approved shall be constructed to achieve a minimum of BREEAM 'Very Good' rating. Within 6 months of the store first opening to the public, written documentary evidence proving that the development has achieved a minimum 'Very Good' rating against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of promoting energy efficiency and sustainable development.

- (5) Prior to the commencement of development, a Construction Management Plan 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

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

- (6) Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The construction of the development shall then be carried out in accordance with the approved methodology.

Reason: In the interest of residential amenity.

- (7) No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Traffic Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Traffic Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: To ensure that the A249 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 and paragraph 111 of the National Planning Policy Framework (2021).

- (8) No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a scheme to safeguard and maintain the geotechnical stability of, and safety of the travelling public on, the A249 during construction, occupation and maintenance of the site have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction, occupation and maintenance of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: To ensure that the A249 continue 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 and paragraph 111 of the National Planning Policy Framework (2021).

- (9) No occupation of the site hereby permitted shall occur until the details of the scheme of external lighting (covering all land and works capable of being seen from the A249) have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways and KCC Ecology). Thereafter the construction, occupation and maintenance of the development shall be in strict accordance with the approved scheme unless otherwise agreed in

writing by the local planning authority (who shall consult National Highways).

Reason: To ensure that the A249 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 and paragraph 111 of the National Planning Policy Framework (2021) and in the interest of ecology.

- (10) The site preparation, construction, use and/or maintenance of the development hereby permitted shall be managed in order to ensure that no surface water runs off on to the highway or into any drainage system connected to the Strategic Road Network. No drainage connections from the development hereby permitted shall be made to any Strategic Road Network drainage systems.

Reason: To ensure that the A249 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 and paragraph 111 of the National Planning Policy Framework (2021)

- (11) No part of the development hereby permitted shall be occupied until a detailed Travel Plan, has been approved in writing by the local planning authority (who shall consult with National Highways) and implemented. The Travel Plan shall include such details as required by DfT Circular 01/2022, particularly paragraph 44. The Travel Plan shall also include details regarding responsibilities and arrangements for monitoring, review, amendment and effective enforcement in perpetuity.

Reason: To minimize traffic generated by the development and to ensure that the A249 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.

- (12) 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.

- (13) 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.

- (14) The provision for delivery vehicle loading, unloading, and turning within the development hereby permitted shall be provided as shown on drawing SCP/210746/ATR04_1 Rev A and ATR04_2 rev A prior to the first opening of the development to the public and retained and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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

- (15) The provision and permanent retention of the cycle parking facilities shown on the submitted plans (23007_ AD_110 REV G) prior to the use of the site commencing.

Reason: In the interests of promoting active sustainable travel and highway safety.

- (16) Prior to the use hereby permitted commencing, details of electric vehicle charging points, to serve 11 car parking spaces, to include the provision of at least 5no. ultra-rapid charging points with 150-350 kw chargers, 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.

- (17) The Provision of the off-site highway works to construct a footway/cycleway along Queenborough Road as indicated on drawings SCP/210746/D05 in accordance with technical details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of sustainable travel and highway safety.

- (18) The landscaping scheme and planting specification shown on drawing nos. JSL4227-RPS-XX-EX-DR-L-9003_P06 and JSL4227-RPS-XX-EX-DR-L-9004_P06 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.

- (19) Details of the design, materials and scale of the public art feature shown on drawing no. 230613_23007_AD 110 rev G, including CGIs from long distance views, shall be submitted to and approved in writing by the Local Planning Authority within 12months of the date of this planning permission. The approved scheme shall be implemented prior to the opening of the store.

Reason: To ensure the design of the approved development befits the gateway location in the interest of the visual amenities of the area.

- (20) 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 approval has been given by the LPA. Upon approval, the system shall be installed, maintained, and operated to prevent the emission of odours, fumes, noise and vibration to neighbouring properties.

Reason: In the interest of residential amenities.

- (21) The proposed mitigation measures detailed in the Noise Impact Assessment

9314/RD revision 6 including the acoustic fencing opposite Cowstead Cottages shown on drawing no, 230613_23007_AD 114 Rev H shall be implemented fully prior to the first use of the development. The mitigation measures shall be maintained and operated in accordance with the approved report unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of residential amenity.

- (22) 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.

- (23) 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 Flood Risk Assessment and Drainage Strategy dated September 2022 prepared by Mayer Brown Ltd. 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.

- (24) The development hereby permitted shall not 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.

(25) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved, in writing, by the local planning authority:

- 1) A site investigation, based on the Phase 1 site investigation and preliminary risk assessment 892.01.03 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interest of public health.

(26) Prior to any development works the applicant (or their agents or successors in title shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved in writing by the local planning authority.

- 1) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in

accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

- 2) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
- 3) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include
 - a) a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
 - b) an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
 - c) a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.
- 4) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the Swale Borough Local Plan and the National Planning Policy Framework.

- (27) 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.

- (28) 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 3,500 individual product lines.

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

- (29) The total Class E(a) (retail) floorspace hereby permitted shall not exceed 1,906 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 1,266 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.

- (30) 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 253 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.

- (31) 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.

- (32) 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.

- (33) 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.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), September 2023 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. Interested third parties were also provided with an opportunity to speak to the committee at the meeting held on the 20th July 2023.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

