

Our Ref: 2995/MR/LT20250303

3rd March 2025

James Freeman
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MRPP
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Via email: jamesfreeman@swale.gov.uk

Dear Mr Freeman,

**ITEM 5.2.1 PLANNING COMMITTEE THURSDAY 6TH MARCH 2024 7:00PM
PROPOSED OUT OF CENTRE FOODSTORE (LIDL) LAND AT QUEENBOROUGH
ROAD, ISLE OF SHEPPEY, KENT, ME12 3RJ – REFERENCE 22/504598/FULL**

We continue to act on behalf of Tesco Stores Limited in respect of the above application and made representations on the 12th of June and 14th of July. These remain relevant. We have now reviewed the Officer's Report to Thursday's Planning Committee and as a result, need to make further representations arising from its content:

We make representations on the following matters:

- Out-of-date sequential assessment
- Out-of-date household survey (2014)
- Out-of-date retail impact assessment data
- Out-of-date health assessment
- Risk of significant adverse impacts on designated centres

Out of Date Sequential Assessment

The sequential assessment is a critical function of the local and national planning policy, and it is reliant on up-to-date assessments of the local context to determine whether there are sequentially preferable sites located in the town centres. The availability of sites is constantly changing due to market conditions and other external factors. The application's sequential assessment should be updated to assess any sequentially preferable sites that have emerged since the Planning and Retail statement (PRS) (dated September 2022) was submitted, or since LHS undertook a review of such a document (dated April 2023). This amounts to a period of up to 2.5 years. The Officer's report seeks to rely on the LSH conclusions from April 2023 stating that their statement that there are no sequentially preferable opportunities “*remain[s] up-to-date and valid*” (paragraph 6.21). However, without such an update, the sequential assessment may be subject to fundamental omissions and inaccuracies and the test is failed. That would justify the refusal of planning permission in accordance with Development Plan Policy DM2 as supported by the NPPF's paragraph 95.

Out-of-date retail impact assessment data

Furthermore, there are additional out-of-date figures used as part of the applicant's agent's retail impact assessment. Primarily a base year of 2022 has been used, as well as population and projected turnover data from an 'Experian Retail Planner Briefing Note 19' dated February 2022. More up-to-date Experian data has since been released and should be utilised.

Additionally, the applicant has not commissioned an up-to-date household survey of shopping behaviour, instead relying upon a NEMS household survey conducted in February 2022 for the Aldi store application (19/502969/FULL).

In totality, the use of dated data from population assessment, projected turnovers and floorspace turnover represent serious inaccuracies in the retail impact assessment, coupled with the 'starting point' of out-of-date household survey data. The retail impact assessment cannot be considered accurate and should not be relied upon in decision making.

Out-of-date health assessment

The NPPG sets out the 'steps' that need to be taken in applying the impact test, the first of these steps is to "...*establish the state of existing centres and the nature of current shopping patterns...*" [our emphasis].

The Officer's report and the LSH Updated Retail Appraisal, which is relied upon by the Council, cite that an "*updated health check of Sheerness Town Centre,*" was provided by the applicant. We note that this health check was undertaken and submitted in April 2023, therefore in the redetermination of this application it can no longer be considered to be 'up-to-date.' It is therefore inappropriate to suggest that the impact on the town centre will not be 'significantly adverse' as this claim is unfounded in the absence of an up-to-date town centre health check. Furthermore, the submitted health check (April 23) only considers Sheerness Town Centre, with no regard for an assessment of local centres that will be impacted, as explored below.

Risk of significant adverse impacts on designated centres

Without the necessary updates to the sequential and retail impact assessment materials, the Council is not in a position to state that "*the proposed development is considered to have an acceptable impact on the vibrancy and vitality of Sheerness Town Centre*" (paragraph 6.26). The Officer's Report necessarily concludes that the cumulative impact from the Lidl and Aldi (now permitted) store would cause an impact. Indeed, the applicant's PRS concludes that the cumulative impact on the Sheerness Town Centre would be -15.93%, with a -16.61% impact on the town centre Tesco store. The LSH Updated Retail Appraisal affirms that this cumulative impact would be "*significantly adverse*" (paragraph 6.9).

However, the Officer's report incongruously concludes that "*given that the main impact relates to the already consented Aldi out-of-centre retail store, the proposed development is considered to have an acceptable impact*" (paragraph 6.26 of the OR).

The Aldi store (19/502969/FULL) was granted full permission in December 2022, despite the predicted impact to the Sheerness town centre, and considerable works have begun on site including the erection of the building. Given this, it is considered that nothing should be approved that would only further contribute to this “*significant adverse impact.*” Therefore, the additional -0.62% impact on the Sheerness town centre, as a result of the Lidl store. Even if this figure were correct, it should be seen in the context of an already approved impact that is inevitable and should not be exacerbated.

We note also that LSH’s Updated Retail Appraisal determines that the Lidl proposal will have a solus impact of -7.90% on the Halfway Houses Local Centre (page 10 of their report). As a local centre, it does not benefit from the provision of national retailers. Instead, a series of independent shops, restaurants and services make up the small centre and such businesses are particularly vulnerable to an impact such as this.

Again, in the absence of any relevant health check to the Halfway Houses Local Centre, the Council are not in a position to determine whether this impact would be significantly adverse. The retail impact assessment cannot be considered accurate and should not be relied upon in decision making, however, the impact as presented would be significantly adverse and thus should be refused in line with Development Plan Policy DM2 and the NPPF.

Conclusion

In summary, the submitted Planning and Retail Statement’s retail impact assessments cannot be relied upon in decision making as the material relied upon is out-of-date and conclusions drawn cannot be accurate.

The applicant should undertake an updated sequential assessment, household survey, town centre health check and resulting updated retail impact assessment as part of their application. Without such, it is not possible to come to a robust conclusion on the efficacy of the retail assessment provided. That should in itself be a ground to resist the grant of planning permission.

Regardless, the impact as presented as a result of the Lidl store would be significantly adverse on the Halfway Houses Local Centre and would be significantly adverse on the Sheerness Town Centre bearing in mind the cumulative effects with the proposed Aldi store.

Yours sincerely,



Martin Robeson

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