

Our Ref: 2995/MR/LT20251201

1st December 2025

Alex Robinson
Assistant Director – Planning and Regulation
Stevenage Borough Council
Daneshill House
Danestrete
Stevenage
SG1 1HN

MRPP
MARTIN ROBESON
PLANNING PRACTICE

Town Planning Consultants
Development Advocacy

21 BUCKINGHAM STREET
LONDON WC2N 6EF
TELEPHONE: 020 7930 0007
FACSIMILE: 020 7930 4049

Via Email: [REDACTED]

Dear Alex,

AGENDA ITEM 3: PLANNING AND DEVELOPMENT COMMITTEE: CLASS E DISCOUNT FOOD STORE (LIDL), MAXWELL ROAD, STEVENAGE. APPLICATION 25/00400/FPM

On behalf of our client, Tesco Stores Limited, we make representations to the Officer's Report in how it addresses the determination of this planning application. Tesco trade from an Extra store located in the heart of the town centre.

Our representations focus on how the Report has brought together relevant up-to-date development plan policies (adopted in 2019) and other information to inform the Officer's Recommendation. It identifies that *"...the proposal falls to be assessed against a straightforward planning balance"* (paragraph 8.1). This arises from the statutory requirement (at s38(6) of the Planning and Compulsory Purchase Act 2004) that *"Planning applications be determined in accordance with the development plan unless material considerations indicate otherwise"*. We return to this below.

We note that the Report has helpfully sought to establish, *"The local plan policies most relevant to determining the application..."* (6.3.3 and 8.1). There are 26 specified.

The Report reviews **Main Issues** in its assessment of the application. We note that in the **Conclusion** dealing with the final 'planning balance', the focus is on the policies relating to the loss of designated employment land, retail sequential assessment, retail impact, harm to and loss of a heritage asset, and the lack of high-quality design and place making issues. We focus on these below. Potential policy breaches are otherwise managed through the use of conditions (8.8).

On the topic of **Loss of Employment Land**, the Report finds that, *"the proposal represents a conflict with Policy EC4 and is a clear departure from the local plan..."* (7.3.13).

In respect of **Retail Site Selection**, it finds that *"the application is not in accordance with the plan"* (7.4.2). But additionally, the Report fails to correctly interpret relevant policy in the NPPF. Land allocated for retail development must be regarded as being *"in*

accordance with an up-to-date plan” as set out by the NPPF and assessed on a par with town centre locations (paragraph 91). Thus, the Local Plan’s Site 10 (Graveley Road Allocated Site) which the Report identifies as being ‘suitable and available’ to accommodate the proposal, is preferable, rather than equal (as asserted by the Officer) to the ‘out of centre’, application site (7.4.50-53).

With regard to **Retail Impact** the Report admits that a *“...reduction in (town centre) linked trips is expected. This would have a corresponding impact on town centre vitality and viability which again carries limited weight against granting permission”* (8.7). However, the Report then misinterprets the requirement to assess cumulative impacts, i.e. where there is a committed or allocated (as here) proposal (Policy TC11: New Convenience Retail Provision) in the local area. But no cumulative impact assessment has been undertaken to include the Policy TC11 allocation. The Officer relies on assertions made by retailers promoting alternative opportunities to suggest that the Policy TC11 (Site 10 - Graveley Road) site is *“not commercially viable”* (7.5.47). However, as an allocation it cannot be so simply rejected. The NPPF’s paragraph 127 sets out the proper procedure to review such assertions. Furthermore, it is inappropriate for the Report to rely on the proposition that *“... should an application for a food store be submitted on the site [by 2029], that application would need to be accompanied by a retail impact assessment, which would allow for an assessment of cumulative impacts on the vitality and viability of centres at that time”* (7.5.48), i.e. ‘after the horse has bolted’. An effective cumulative impact assessment incorporating the Policy TC 11 site has not therefore been undertaken. As a consequence of these failings, the Report has not made any assessment of impact on the planned investment in the Policy TC 11, Graveley Road allocation. The NPPG confirms that *“failure to undertake an impact test could in itself constitute a reason for refusing permission”* (paragraph 2b-017-20190722).

In terms of **Visual Amenities**, the Report confirms that the *“...development would not deliver all of the design principles sought by Policy EC5 (Active Frontages and Gateways”, specifically being “...contrary to criteria (a) and (c)...” and in “...conflict with criterion (d)”* (7.8.7). It is also recorded that *“...the proposal is contrary to Policy GD1 (High Quality Design) in certain respects...”*.

On **Heritage Assets** it identifies that *“The proposed store building would... be detrimental to the setting of the listed building, thereby harming its significance”* (7.7.16). The harm is assessed as being *“...less than substantial”* (7.7.18). It finds that *“The proposed development would result in the FIRA building being demolished in its entirety. The scale of harm would therefore be absolute, and the significance of the building would be lost”* (7.7.19). Heritage assets are assessed in the context of the Planning (Listed Buildings and Conservation Areas) Act 1990. *“Great weight”* is to be given to the asset’s conservation reflecting the statutory duty in the Act.

We therefore apply the above review of the Report to how the **Conclusion** seeks to strike a ‘straightforward planning balance’. We are concerned that the starting point has not been to establish the key development plan policies against which other material considerations could be weighed. But the Officer has focused on what are described as *“a number of clear public benefits”*. However, these are limited to the provision of approximately 40 full-time equivalent jobs and meeting an identified need for convenience retailing in the borough. On the former, the Officer’s Report has, however,

explained that the site “...could, in principle, accommodate a modern employment development within the use classes supported by Policy EC4. A mix of light industrial and small-scale research and development could potentially deliver a higher level of employment than the proposed food retail store, both in terms of job numbers and the range of employment types” (7.3.10). Jobs arising from the new development cannot therefore be treated as a benefit. They would arise from the outcome of a breach of a key development plan policy. On the identified need for convenience retailing, the adopted Local Plan has made an allocation consistent with the approach advocated by paragraph 90 of the NPPF. That is therefore the identified, available resource. The proposed development cannot thus constitute a benefit to be weighed in support. Any additional jobs from a construction phase of the proposal fail to be a benefit since they are likewise connected to the policy breach. The achievement of an energy efficient design is a policy expectation to be met and cannot be considered a benefit.

We note that the same non-benefits are put up to be weighed against the “*great weight*” to be given to the heritage assets conservation. There can be no outcome from such weighing other than that the harm prevails.

The Report underscores the harms and failures but even if they were left as having either moderate weight (the loss of the FIRA building and loss of designated employment land), or limited weight (the poor design and layout of the store and the impact on the town centre (and we would add failure of the sequential test and impact of planned investment)) the final planning balance could not be other than to refuse planning permission consistent with the weight of development plan policy breaches.

Yours sincerely,
Martin Robeson



CC: Thomas.Frankland@stevenage.gov.uk