

19 December 2023
L231219 ASDA Stevenage s73 Application



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SUBMITTED VIA PLANNING PORTAL PP-12687742

Dear Sir or Madam,

**SECTION 73 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
APPLICATION FOR THE REMOVAL OF CONDITION 1 OF PLANNING PERMISSION REFERENCE
06/00177/FP
ASDA STORE, MONKSWOOD WAY, STEVENAGE, SG1 1XP**

Introduction

We are instructed by Asda Stores Ltd ('Asda') to apply for planning permission to remove Condition 1 of Planning Permission Reference 06/00177/FP.

The application seeks planning permission to remove the restriction on servicing to allow Asda to make deliveries to and from the site 24 hours a day, seven days a week.

Asda operate approximately 650 stores across the UK, employing approximately 165,000 colleagues across their stores, logistics, industrial and administration businesses. The business currently serves approximately 18 million customers on a weekly basis, including over 700,000 home deliveries – a marked increase since the Covid 19 pandemic, and which resulted in a strain on the Company's supply chain. In response to the pandemic, the Government temporarily lifted restrictions on overnight servicing in an effort to enable retailers to keep stores stocked and fully operational in order to cope with the increased demand. This application is required in order to allow Asda to continue to effectively serve the residents of Stevenage.

In accordance with the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), we enclose the following documents which comprise the application:

- This covering letter
- The completed application forms and certificates

The application has been submitted electronically via the Planning Portal, and payment for the application fee of £293 has been made via the Portal.

The Application Site

The application site comprises the existing Asda Superstore, located on Monkswood Way in Stevenage. The store is located within the urban area of Stevenage, at the junction of a number of key roads in Stevenage, including Monkswood Way to the west, Six Hills Way to the north and off London Road to the east, which serves industrial and retail / commercial development. The service road to the store is located from London Road. Further east of London Road is a mainline railway line and industrial development on the opposite side of it.

Offices and associates throughout the Americas, Europe, Asia Pacific, Africa and the Middle East.

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The service yard is separated from residential properties by a significant acoustic barrier in the form of both an enclosed brick service yard wall, with servicing activities taking place behind the wall.

Relevant Planning History

The relevant planning permission is an appeal decision allowed on the 13 March 2008 under Reference 06/00177/FP (Appeal Reference APP/K1935/A/06/2031844).

The relevant condition restricting the hours of servicing is Condition 1. It states:

'No servicing of the retail units approved by application no 2/0176/98 shall take place other than between the hours of 07.00 – 21.00 Mondays to Saturdays and 07.00 – 15.00 on Sundays and Public or Bank Holidays.'

Relevant Governance Background

In March 2020, the Government announced plans to temporarily relax the enforcement of delivery hours restrictions for supermarkets and other food retailers to support the industry response to the spread of the coronavirus pandemic¹. Those measures were required in order to reflect the increased domestic demand for convenience retail goods, given the ensuing restrictions on individuals' movement throughout the U.K. which resulted in people spending much more time at home. The relaxation on delivery restrictions formally ended on 31 January 2022.

In order to ensure that its stores are able to operate efficiently, Asda took the opportunity to receive and send deliveries from its Stevenage store on a 24 hours a day, seven days a week basis during the pandemic. Whilst deliveries during the overnight period were irregular and occurred on an *ad hoc* basis, the lifting of restrictions eased the burden on Asda's supply chain by enabling deliveries of high demand products to be made without unnecessary delay. This has been important in order to meet both deliveries in store to ensure products can be maintained in stock for shoppers at the store, and the demand for home deliveries can be met.

One of the many long-term impacts of the coronavirus impacts has been the shift in the public's shopping habits. The demand for home deliveries has increased massively since the pandemic, and pressures on the Asda supply chain still remain incredibly high.

Relevant Planning Policy

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 (as amended) planning applications should be determined in accordance with the adopted Development Plan, unless material considerations indicate otherwise.

The Development Plan for Stevenage is the Stevenage Borough Local Plan 2011-2031 (adopted 22 May 2019) (the '**Local Plan**').

Policy FP7 of the Local Plan relates to noise matters.

The National Planning Policy Framework (the '**NPPF**'), is a material consideration in planning decisions and as Asda store is a large-scale employer in the town, Paragraph 81 of the NPPF, which relates to economic growth is considered to be of relevance and states:

'Planning 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...'

¹ <https://www.gov.uk/government/news/new-measures-on-night-time-deliveries-to-supermarkets-to-support-coronavirus-response>

The Proposed Development

This application seeks planning permission to remove Condition 1 of Planning Permission Reference 06/00177/FP, in order to allow Asda to make deliveries to and from the site 24 hours a day, seven days a week.

There are no proposed alterations to the current opening hours for the Asda store as a result of this application.

Justification for the Proposed Development

As provided above, Asda had operated deliveries to this store 24 hours a day, seven days a week, as required to meet the increased demands placed upon the operation of the store caused by the pandemic.

The strain that the coronavirus pandemic had on supply chains will continue to impact for years to come. Coupled with the cost of living crisis and the long term impact of Brexit, Asda is seeking to ensure its ability to provide sustainable stock levels for its customers.

In addition to the strain on the supply chain, overnight deliveries will help the store ensure that there is good availability of goods, particularly 'fresh items' like milk, for ecommerce customers and those visiting the store in the mornings. This is because these goods must be stocked in the store overnight to ensure their availability at these times. By ensuring that these items are available for ecommerce customers, the store will be able to better serve customers with accessibility issues and so are unable to visit a supermarket for their food shop.

The proposed application is therefore made to continue and formalise the arrangement in order to allow Asda to make deliveries to and from the store on an unrestricted basis, as was the case during the relaxations applied during the Covid 19 pandemic.

The proposed delivery hours are considered 'tried and tested' at the site, pursuant to the Government's directive lifting restrictions in 2020.

Policy FP7 confirms that planning permission will be granted where a proposal will not have unacceptable impacts. Whilst there is residential development located to the south of the site, this is some 30m away from the boundary wall of the service yard and even further from where the loading and unloading activities within the service yard take place. Further still, London Road that the service yard is located off is a busy commercial road that includes significant vehicular traffic including the Stevenage Royal Mail Delivery Office where commercial vehicle activities take directly outside those residential properties. It follows that the area is characterised by commercial activities. Any amendments to servicing at Asda will therefore be imperceptible, particularly in the light of the significantly low frequency of such deliveries to take place within hours beyond those already permitted by the condition. It follows that any impacts could therefore not be characterised as unacceptable and the proposal is not in conflict with either Policy FP7.

Summary and Conclusion

This application seeks planning permission to remove Condition 1 of Planning Permission Reference 06/00177/FP, in order to allow Asda to make deliveries to and from the site 24 hours a day, seven days a week.

It is not considered that there would be any unacceptable impacts arising from the proposal. Further, significant weight is required to be applied to a proposal such as this that supports economic growth and productivity.

It follows that when all planning considerations are weighed into the balance, the effects of the proposal are considered to be positive and the application should be approved and permission granted at the earliest opportunity.



We trust that the information provided above is sufficient for the Council to register and consider this application. Should you require any further information please contact Matthew Sobic or Katie Parfett.

Yours sincerely,

A handwritten signature in black ink, which appears to read "Savills".

Savills (UK) Limited
Planning

Enc.