

Our Ref: 2995/MR/LT20251117

19 November 2025

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Dear Dave,

**ITEM 7, PLANNING COMMITTEE, 19 NOVEMBER 2025; NEW FOOD STORE (ALDI),
ST JOHN FISHER SCHOOL, MAIDSTONE ROAD, CHATHAM**

As you will be aware, we act for Tesco Stores Limited and have previously made representations to the above application by letters of 27th August and 13th November 2025. The content of those letters remain relevant. We now respond to matters raised by the publication of the Officer's Report to Planning Committee.

The lack of a complete sequential test assessment

Retail development applications located away from town centres are required to be subject to a “*sequential test*”. The applicant's agent has identified that no suitable or available sites exist within town centres or on their edge. However, assessment does not end there. The application site can only be given preference if there are no more appropriate sites that are ‘*accessible to and well connected to the town centre*’. This step of the important national and local policy process has not been carried out. The National Planning Policy Guidance explains that “...*failure to undertake a sequential assessment could in itself constitute a reason for refusing permission*” (paragraph 2b–011–20190722).

Failure to undertake a full and robust retail impact assessment

Our letters of 27th August and 13th November set out a detailed explanation of this failure. The threshold below which retail impact assessment might not be undertaken is not a requirement of policy. The NPPF requires it only to be “*locally set*”. Advice has been given to the Council by its experts as to the fragility of many retail centres in the area and why a particularly low threshold should be applied. With impacts on town and local centres more carefully reviewed, the risk of adverse harm can be avoided. Because of the complex hierarchy of retail centres in Medway and the vulnerability of many, the absence of a robust retail impact analysis is a significant omission justifying refusal of planning permission.

The need for impacts on heritage assets to be correctly addressed in decision-making

Part of the site is located within a Conservation Area; the whole of the site adjoins that Conservation Area and the development will be within the setting of a Listed Building. Whilst the demolition of existing buildings on the site might be welcomed, the outcome of the assessment of heritage impact is that, *"The proposed development would result in less than substantial harm to designated heritage assets..."*. Whilst harm to heritage assets can be weighed with public benefits, the Officer's Report appears to have asked the wrong question. The test must relate to whether there is harm arising from the proposed new development notwithstanding that the removal of existing buildings might on their own be seen as beneficial. And the relevance of that asserted benefit must be considered, and rejected, in the context that the assessment finds the proposed new development itself causing harm to heritage assets. This harm is then a matter that must weigh in the planning balance in final decision making. However, assessment of 'clear and convincing reasons' arising from the *"great weight"* that is to be applied to decision making, arising from sections 66 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990, are lacking in the section headed *"Conclusions and Reasons for Approval"*.

Lack of resolution with regard to the provision of offsite biodiversity net gain

The Conclusions and Reasons for Approval suggest that *"Ecology, lighting and BNG have been adequately addressed subject to conditions to secure suitable detailing"*. However, the Officer's Report explains that offsite gains or purchases of biodiversity units may need to be the subject of a covenant or section 106 agreement. It is suggested that *"...this would be secured post-decision, the method depending on exactly what is proposed at that time"*. Whilst the Report may state that (at that time) there were no objections from a BNG perspective, that is not a reason for leaving this important matter unresolved. Permission should not be granted without a mechanism being in place to secure satisfactory resolution.

Conclusions

The sequential assessment has not been completed in accordance with national and local policy. A full retail impact assessment should have been undertaken bearing in mind the advice already given to the Council and that the imposition of the necessary, locally set threshold is not a matter to await the emerging Local Plan being adopted. That the suggested thresholds are low is indicative of nearby centres being fragile. The proposed development causes heritage harm and this has not been correctly addressed in terms of the weight that should be applied in decision-making. BNG considerations have not been finally resolved. It is inappropriate to leave them unresolved if a decision were made to approve this application.

These matters are all substantive, development plan led, reasons to justify refusal of the application. When assessment is made against plan policies as a whole and having regard to the paucity of material planning benefits, permission should be refused.

Yours sincerely,

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