

Applicant: ALDI Stores Ltd

**Agent : Mr Rob Scadding
Planning Potential Ltd**

1-3 Hostmoor And 1 Martin Avenue, March, Cambridgeshire

Erect a retail food store (Class E(a)) with accompanying car park, formation of a new access and associated highway works, and landscaping scheme to include erecting 6 x 6.0m high column mounted lights; involving the demolition of existing storage buildings (Class B8)

Officer recommendation: Grant

Reason for Committee: Number of representations contrary to Officer recommendation

1 EXECUTIVE SUMMARY

- 1.1 The application seeks planning permission for the erection of a retail food store comprising 1,804sqm of gross internal floorspace, with a net sales area of 1,315sqm and associated car park. The development will require the demolition of the existing buildings on the site and a new access arrangement off Hostmoor Avenue, restricted to a left-turn only exit from the site (so traffic wishing to join the A141 will u-turn at the 'Tesco roundabout' on Hostmoor Avenue. Crossing points are being provided at the 'Tesco roundabout' (with refuges) and also at the store access on Hostmoor Avenue.
- 1.2 A signal-controlled arrangement at the A141/ Hostmoor Avenue junction is proposed, to mitigate the impacts of the development on the highway network. This follows prior engagement with the Local Highways Authority. This junction will provide for pedestrian crossing points. Subject to progress on the MATS A141 / Hostmoor junction scheme being prepared by CCC and the CPCA in relation to the implementation of the proposed store, it may be the case that a financial contribution (£250k) is made in lieu of the signalised scheme so that the former can be implemented (or a scheme similar to it).
- 1.3 In terms of the economic and social objectives of sustainable development, the proposal would contribute towards economic growth, including job creation through creating 40 to 50 posts, without undue adverse impacts upon vitality of March Town Centre. The proposal would also assist in retaining convenience expenditure within March, assisting the local economy, whilst providing consumers with increased shopping choice. As such, whilst the proposal would lead to a loss of a B class site, the site itself has been found less attractive for such uses given the changed character of the area and development of the site for the use proposed would bring forward economic, social and environmental benefits in accordance with the objectives of sustainable development as outlined within the NPPF, and the site is considered sequentially acceptable from the retail perspective.

- 1.4 In terms of the environmental dimension of sustainable development, the proposal offers opportunity for the incorporation of energy efficiency measures as well as the inclusion of ecological enhancement measures, with potential to deliver net gains in biodiversity. The visual impacts of the development are considered to be acceptable, and the proposal would make a positive contribution to character and appearance of the area. The residual cumulative impacts on the road network would not be severe, and the proposal would accommodate the use of sustainable transport modes. There are no other adverse environmental impacts arising which cannot be addressed, nor adverse impacts upon surrounding land uses and adequate drainage has been demonstrated.
- 1.5 In terms of the combined (comparison and convenience) retail impact of the proposal (in combination with the impact of the consented or yet to be determined Westry Retail scheme) it is not considered to be unacceptable.
- 1.6 The development provides the necessary car, cycle and servicing space. In relation to transportation impacts, with the proposed junction improvements, satisfactory provision has been made for pedestrians and whilst the traffic impacts are not completely mitigated, the impact will not be severe, and it will be no worse than with the present junction arrangement (if the development and the Westry Retail Park and McDonalds schemes did not go ahead).
- 1.7 The recommendation is therefore to grant the application.

2 SITE DESCRIPTION

- 2.1 The site comprises c.0.93Ha of brownfield land located at the north-west of March within the March Trading Estate area. The site is occupied within its southern half by 2 buildings used by Manor Packaging (formerly Brimur packaging) and is understood to have been mainly operating as warehousing for a number of years, with some office accommodation within the eastern building. The northern part of the site is occupied by a single building used for the storage of vehicles, machinery and plant equipment associated with a civil engineering company.
- 2.2 The site frontage is accessed via Hostmoor Avenue and is located approximately 100m east of the A141 highway. A separate access to the northern section of the site also exists off Martin Avenue, accessed by a roundabout on Hostmoor Avenue.
- 2.3 The site lies on the corner of Hostmoor Avenue and Martin Avenue and abuts land occupied by Cobblestones Public House and KFC restaurant and takeaway (west) and Alpine Health Club Fitness Centre (North). A Tesco petrol station occupies land directly south, accessed via a roundabout on Hostmoor Avenue, with further access from this to the associated supermarket. A B&M retail store is located due east along Martin Avenue and sits adjacent to a Ridgeons Builders' Merchants. To the west of the site, beyond the A141 an extant planning permission exists for a large retail park.
- 2.4 The site lies in Flood Zone 1 and outside of any identified surface water flood risk areas.

3 PROPOSAL

- 3.1 The application seeks planning permission for the erection of a retail food store comprising 1,804sqm of gross internal floorspace, with a net sales area of 1,315sqm and associated car park. The development will require the demolition of the existing buildings on the site and a new access arrangement off Hostmoor Avenue, restricted to a left-turn only exit from the site (so traffic wishing to join the A141 will u-turn at the 'Tesco roundabout' on Hostmoor Avenue. Crossing points are being provided at the 'Tesco roundabout' (with refuges) and also at the store access on Hostmoor Avenue.
- 3.2 A signal-controlled arrangement at the A141/ Hostmoor Avenue junction is proposed, to mitigate the impacts of the development on the highway network. This follows prior engagement with the Local Highways Authority. This junction will provide for pedestrian crossing points. Subject to progress on the MATS A141 / Hostmoor junction scheme being prepared by CCC and the CPCA in relation to the implementation of the proposed store, it may be the case that a financial contribution (£250k) is made in lieu of the signalised scheme so that the former can be implemented (or a scheme similar to it).
- 3.3 The store building occupies a footprint of 1,881 sqm and is proposed to be located along the eastern boundary, with its principal elevation facing westwards, back toward the A141, with the car park laid out in front and accessed directly via Hostmoor Avenue.
- 3.4 The store building measures c.8.4m from existing ground levels and includes a warehousing area, offices, toilets, meeting room and welfare area along the eastern side. The roof is mono-pitched and incorporates air intake and exhaust ducts at its north-eastern end. The building is proposed to be finished externally in a palette of materials typical of the brand of supermarket, comprising a mixture of grey cladding for the walls and roof, with high-level glazing across the frontage, with the exception of a glazed entrance lobby.
- 3.5 The car park will accommodate 102 parking spaces including 4 electric vehicle charging points, 6 disabled spaces and 10 parent and child spaces. Deliveries will take place at the northern end of the building where a loading ramp is proposed, adjacent to an external plant area and bin store.
- 3.6 The car park is proposed to be surfaced in black tarmac with parking spaces and pedestrian crossing points annotated with painted lines. Various trees and hedgerow are proposed to be removed around the perimeter of the site, mostly along the eastern and southern extents, with some localised removal of vegetation and a tree along the western boundary where it encroaches onto the proposed car park area. The remaining belt of trees along the western boundary is proposed to be retained, as are a number of more substantial trees around the aforementioned perimeters and these areas are proposed to be bolstered with additional formal hedge planting, maintained at 1.5m, with ornamental shrub planting along the site's northern boundary and site frontage.
- 3.7 Behind this frontage hedge, an area of wildflower is proposed which will also feature the surface water drainage swale. The swale is proposed to capture the run-off from the roof before discharging in the Anglian Water surface sewer, via an underground attenuation tank under the car park.

- 3.8 A signal-controlled arrangement at the A141/ Hostmoor Avenue junction is also proposed, to mitigate the impacts of the development on the highway network. This follows prior engagement with the Local Highways Authority. This junction will provide for pedestrian crossing points. Subject to progress on the MATS A141 / Hostmoor junction scheme being prepared by CCC and the CPCA in relation to the implementation of the proposed store, it may be the case that a cash contribution (£250k) is made in lieu of the signalised scheme so that the former can be implemented (or a scheme similar to it).
- 3.9 Full plans and associated documents for this application can be found at:

[F/YR21/0885/F | Erect a retail food store \(Class E\(a\)\) with accompanying car park, formation of a new access and associated highway works, and landscaping scheme to include erecting 6 x 6.0m high column mounted lights; involving the demolition of existing storage buildings \(Class B8\) | 1-3 Hostmoor And 1 Martin Avenue March Cambridgeshire \(fenland.gov.uk\)](https://fenland.gov.uk/planning/permissions/F/YR21/0885/F)

4 SITE PLANNING HISTORY

The site benefits from various planning permissions for industrial use dating back to the 1980's. The most recent, relevant history is as follows.

F/YR20/0920/SC	Screening opinion: Erect a food store involving the demolition of existing buildings	Considered not EIA development
F/YR16/0525/F	Erection of a building and refurbishment of building for B8 with trade/counter use and refurbishment of 1no building for use as builders' merchants and erection of a 2.4-metre-high fencing involving the demolition of 1no building; closure of existing vehicular access off Hostmoor Avenue and the upgrading of existing vehicular access from Martin Avenue with associated car parking, and secure storage area	Granted 9/9/2016
F/YR01/0589/F	Erection of extension	Granted 22/8/2001
F/95/0424/F	Erection of an industrial building for storage and distribution (B8) use	Granted 23/11/1995

5 CONSULTATIONS

5.1 March Town Council

Recommend approval subject to the following point: It is requested that that the entrance / exit features are installed prior to construction works commencing (or other measures are instituted) to ensure that no construction vehicles have to cross from one side of Hostmoor Avenue to the other.

5.2 FDC Environmental Health

The Environmental Health Team note and accept the submitted information and have 'No Objections' to the proposed scheme as it is unlikely to have a detrimental effect on local air quality or be affected by ground contamination.

With regard to noise, I acknowledge and am satisfied with the methodology and findings of the Environmental Noise Assessment undertaken by Sharps Redmore Acoustic Consultants as detailed in their report (Project No: 2019649).

With no specifics yet known on the exact fixed plant/machinery to be installed in the event that planning consent is granted, section 4.4 of the aforementioned report suggests a condition to ensure compliance with relevant standards as defined in section 4.3.

"No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 45 dBA between 0700 and 2300 hours and 34 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014."

I concur that the above would be a sensible condition to impose in the interests of protecting the amenity of the nearest noise sensitive dwellings, despite them being a considerable distance to the north-west.

The issue of potential disturbance to the nearest residents from delivery associated noise during anti-social hours remains a slight concern. That said, if a suitable and sufficient noise management plan is incorporated by the premises that includes factors such as those suggested in section 6.13 of the report, then this would likely mitigate the noise effectively enough so as to comply with the relevant standards at the nearest noise sensitive dwellings. The report does suggest that predicated levels will however comply with relevant World Health Organisation guidelines anyway.

Whilst I am satisfied with the details of the Geo-Environmental Assessment Report (AT/C4324/9589) provided by Brownfield Solutions Ltd that confirms amongst other conclusions that the risks to human health from the identified sources of contamination are considered to be low, it does give mention to the necessity for a demolition asbestos survey.

Given the scale of the proposed development, the issues that will be of primary concern to this service during the demolition and construction phases are the potential for noise and dust to adversely impact on the amenity of the occupiers at the nearest residential properties.

Therefore, a Construction Management Plan will be required (alongside a demolition asbestos survey) that considers the following: -

- Demolition phase (noise/control of dust/disposal of building materials by licensed contractors)*
- □ Site preparation (use of equipment and machinery including mobile plant/potential smoke pollution/general noise control)*

- Construction phase (noise control of vehicular activity, machinery and equipment/siting of skips and waste disposal arrangements/dust suppression)
- Complaint response and investigation procedures

I have observed the External Lighting Lux Levels plan (Drawing 2909-CHE-111E) provided by Building Management Technology and from data provided, this implies that the lighting scheme will comply with the relevant industry standards. In the event that complaints are subsequently received, this service does have the ability to investigate and determine whether the complaint is substantiated and thereby potentially constituting a statutory light nuisance.

5.3 FDC Business & Economy

The Business and Economy Team supports the proposed development as it provides a wider choice of retail opportunities for residents and employment opportunities.

5.4 FDC Arboricultural Officer

The application is to erect a food store (Class E(a)) with accompanying car park and associated infrastructure. The site is an existing commercial premises with boundary planting including shrubs and trees providing screening to the site.

The applicant has submitted an AIA/AMS detailing the condition of the trees on site, the likely impacts on the tree population from the proposed development and a methodology for the protection of retained trees throughout the construction phase.

The submitted arboricultural reports are comprehensive and are a fair representation of the tree population. I do not consider the trees noted for removal to be worthy of a TPO and their removal may allow for better development of the retained individuals.

Detail within the submitted 'Manual for Managing Trees on Development Sites' must be adhered to by the developer particularly the later phases i.e., Landscaping, as a number of operations will be carried out within the RPAs of the retained trees.

The applicant has submitted a Landscape Plan and I have no objection to the proposed species or size of plants as indicated on drawing 2909-VL L01 REV D.

5.5 PCC Wildlife Officer

Recommendation: No objection subject to conditions.

Pre-commencement conditions –

1. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Summary of potentially damaging activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided

as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.

- d) The location and timing of sensitive works to avoid harm to biodiversity features.*
- e) The times during construction when specialist ecologists need to be present on site to oversee works.*
- f) Responsible persons and lines of communication.*
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.*
- h) Use of protective fences, exclusion barriers and warning signs.*

- 2. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.*

Reason: To ensure that the recommended mitigation and compensation suggested in section 5 of the PEA (Ecology Solutions, 2020) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan.

- 3. The development hereby permitted shall not be occupied until at least 2 bird boxes and 2 bat boxes have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds and Bat Conservation Trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority.*

Reason: to secure the long-term protection of the nesting bird potential.

Compliance conditions –

- 4.. All ecological measures and/or works shall be carried out in accordance with the details contained in the PEA (Ecology Solutions, 2020) as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.*

Reason: Protected species are a material concern for Local Planning Authorities as per the National Planning Policy Framework and Fenland Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981.

Comment:

The Preliminary Ecological Appraisal provides suitable evidence that the material concerns of negative impacts on the protected species and biodiversity of the proposal can be discounted with the recommended mitigation and compensation.

The condition for the CEMP will provide assurances to the LPA that all recommendations made within the PEA will be competed and monitored by a competent person. The bird and bat boxes will compensate for any lost potential for the surrounding area to support bats and nesting birds.

Planning Policies/Legislation:

The Council is required to have regard to the safeguarding of species and habitats protected under UK, European and International legislation when determining all planning applications. The main legislation includes:

- the Wildlife and Countryside Act 1981 (as amended)*
- the Hedgerows Regulations 1997*
- the Conservation of Habitats & Species Regulations 2017 (The Habitats Regulations)*
- the Protection of Badgers Act 1992 and*
- Wild Mammals (Protection) Act 1996*

Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to take, damage or destroy the nest of any wild bird while that nest is in use or being built. Trees and scrub are likely to contain nesting birds between 1 March and 31 August. Trees within the application should be assumed to contain nesting birds between the above dates unless a survey has shown it is absolutely certain that nesting birds are not present.

Under the Wildlife and Countryside Act 1981 (as amended) it is an offence to intentionally kill, injure or take a great crested newt or intentionally or recklessly destroy or disturb a great crested newt breeding or resting place. Great crested newts are likely to be hibernating in tree root systems, underground crevices, mammal burrows, rubble piles or old walls between October and February. Great crested newts will become active both terrestrially and within ponds between March and the middle of June. Any works impacting aquatic and terrestrial breeding and resting places which is used by great crested newts at any time needs to be certain that great crested newts are not present before the works take place.

Government Circular ODPM 06/2005 Biodiversity & Geological Conservation:

The advice given above takes into account the following guidance:

Paragraph 98 states “the presence of a protected species is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat. Local authorities should consult Natural England before granting planning permission. They should consider attaching appropriate planning conditions or entering into planning obligations under which the developer would take steps to secure the long-term protection of the species. They should also advise developers that they must comply with any statutory species’ protection provisions affecting the site concerned. For European protected species (i.e., those species protected under the Habitats Regulations) further strict provisions apply, to which planning authorities must have regard”.

Paragraph 99 states “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted”.

The advice given above is in accordance with the policies in the adopted Fenland Local Plan. The Local Plan provides the framework of local planning policies with which to make planning decisions. These policies are in conformity with the National Planning Policy Framework.

The biodiversity policies relevant to the proposal are:

LP19 – The Natural Environment:

The Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the natural environment throughout Fenland.

Through the processes of development delivery (including the use of planning obligations), grant aid (where available), management agreements and positive initiatives, the Council will:

Protect and enhance sites which have been designated for their international, national or local importance to an extent that is commensurate with their status, in accordance with national policy in the National Planning Policy Framework.

Refuse permission for development that would cause demonstrable harm to a protected habitat or species, unless the need for and public benefits of the development clearly outweigh the harm and mitigation and/or compensation measures can be secured to offset the harm and achieve, where possible, a net gain for biodiversity.

Promote the preservation, restoration and re-creation of priority habitats, and the preservation and increase of priority species identified for Fenland in the Cambridgeshire and Peterborough Biodiversity Action Plans.

Ensure opportunities are taken to incorporate beneficial features for biodiversity in new developments, including, where possible, the creation of new habitats that will contribute to a viable ecological network extending beyond the district into the rest of Cambridgeshire and Peterborough, and other adjoining areas

5.6 CCC Highways (Development Management)

No objection raised. The proposed access with Hostmoor has satisfactory visibility and vehicle tracking is acceptable. The car park was changed, and this has overcome the risk of vehicles queuing onto the public highway. On site tracking is satisfactory. The Stage 1 Road Safety Audit has not raised any significant concerns that could not be resolved at the detailed design stage / through the Stage 2 Road Safety Audit. The junction improvements should be in place prior to store opening. Standard conditions relating to construction, drainage and gates are recommended together with the standard 'works in the public highway' informative'.

5.7 CCC Highways (Transport Assessment Team)

No objection raised subject to appropriate conditions and a Section 106 being in place to secure the provision of infrastructure improvements. The following elements of the TA were found to be acceptable:

- Trips in related from developments with planning permission*
- Signal LinSig models*
- Site access junction capacity*

- *Peas Hill roundabout capacity. Whilst it will operate over capacity in 2027 it will not cause severe detriment.*
- *The proposed signalled junction at A141 / Hostmoor Ave. Whilst it will operate above the normal 90% degree of saturation it will operate with more capacity when compared to the existing junction. Also, whilst there will be queue lengths along Hostmoor of 20 plus vehicles the junction will operate with greater capacity than would be the case with no development taking place.*
- *The proposed mitigation (signal-controlled junction with pedestrian crossing facility, access into site with pedestrian crossing facility) - to be secured by condition / Section 106 agreement.*

A travel plan should be secured by condition.

The Section 106 should make provision for the use of a cash contribution in lieu of the signalised junction to provide the proposed MATS roundabout scheme or alternative proposal as approved by CCC. [provided that the MATS scheme has an appropriate level of certainty to its implementation].

In relation to the financial contribution scenario, the County Council has stated that a period of up to 2 years of non-mitigated impact on the network from the scheduled opening of the Aldi store till the completion of the MATS scheme would be acceptable. Given the current programmes of the Aldi development and MATS scheme outlined above, the anticipated period of such impact is expected to be less than this. Consequently, the County Council considered that there would be more severe disruption to the travelling public and local residents of March if there were two sets of works to be undertaken in quick succession (to deliver the Aldi signal scheme and then the MATS scheme), than there would be should the County Council wait to install just the MATS scheme. It is the role of the Highway Authority to manage the road network as it sees fit and minimise disruption to the public as best possible.

5.8 CCC Archaeology

No comments received

5.9 CCC Lead Local Flood Authority

No objection. We have reviewed the following documents:

- *Sustainable Drainage Strategy, Stirling Maynard Consulting Engineers, 3272 313, November 2021*

The applicant has addressed all our previous concerns, and based on these, as Lead Local Flood Authority (LLFA) we have no objection in principle to the proposed development.

The above documents demonstrate that surface water from the proposed development can be managed through the use of a SuDS system, which connects into the existing surface water drainage network discharging to the Anglian Water public surface water sewer.

We request the imposition of the following standard conditions:

Condition

Prior to any site works, a drainage survey of the retained existing drainage network should be carried out to confirm its presence and suitability for use within the proposed drainage strategy. This should demonstrate the existing pipe network is

of suitable condition to continue accepting flows from the site and has a positive connection to the Anglian water public sewer.

Reason: To ensure that the proposed outfall connection has capacity and is of a suitable state to receive flows from the site without increasing the risk of flooding to any surrounding land or property.

Condition

No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Sustainable Drainage Strategy, Stirling Maynard Consulting Engineers, 3272 313, November 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to occupation of the first dwelling.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

Condition

Details for the long-term maintenance arrangements for the surface water drainage system (including all SuDS features) to be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any building. The submitted details should identify runoff sub-catchments, SuDS components, control structures, flow routes and outfalls. In addition, the plan must clarify the access that is required to each surface water management component for maintenance purposes. The maintenance plan shall be carried out in full thereafter.

Reason: To ensure the satisfactory maintenance of drainage systems that are not publicly adopted, in accordance with the requirements of paragraphs 163 and 165 of the National Planning Policy Framework.

Condition

No development, including preparatory works, shall commence until details of measures indicating how additional surface water run-off from the site will be avoided during the construction works have been submitted to and approved in writing by the Local Planning Authority. The applicant may be required to provide collection, balancing and/or settlement systems for these flows. The approved measures and systems shall be brought into operation before any works to create buildings or hard surfaces commence.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts.

Informatives:

Pollution Control

Surface water and groundwater bodies are highly vulnerable to pollution and the impact of construction activities. It is essential that the risk of pollution (particularly during the construction phase) is considered and mitigated appropriately. It is important to remember that flow within the watercourse is likely to vary by season and it could be dry at certain times throughout the year. Dry watercourses should not be overlooked as these watercourses may flow or even flood following heavy rainfall.

5.10 Anglian Water

Section 1 - Assets Affected

No objection. There are assets owned by Anglian Water or those subject to an adoption agreement within or close to the development boundary that may affect the layout of the site. Anglian Water would ask that the following text be included within your Notice should permission be granted.

Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore, the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.

WASTEWATER SERVICES

Section 2 - Wastewater Treatment

No objection. The foul drainage from this development is in the catchment of March Water Recycling Centre that will have available capacity for these flows.

Section 3 - Used Water Network

No objection. This response has been based on the following submitted documents: Sustainable Drainage Strategy April 2021. The sewerage system at present has available capacity for these flows. If the developer wishes to connect to our sewerage network, they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

(1) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(2) INFORMATIVE - Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.

(3) INFORMATIVE - Protection of existing assets - A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.

(4) INFORMATIVE - Building near to a public sewer - No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.

(5) INFORMATIVE: The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

Section 4 - Surface Water Disposal

No objection. The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

Anglian Water has reviewed the submitted documents (Sustainable Drainage Strategy April 2021) and can confirm that these are acceptable to us with discharge at a maximum of 5l/s. We require these documents to be listed as approved plans/documents if permission is granted.

5.11 Natural England

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species, or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision-making process.

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at:

<https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

5.12 Cambridgeshire Police – Designing Out Crime Team

Thank you for the opportunity to comment on this application. I have viewed the documents in relation to crime, disorder and the fear of crime.

I have no comment or objections at this time and support this application.

5.13 Local Residents/Interested Parties

Objectors

18 Objections (including those received during the most recent consultation) have been received from 13 individuals based on the following matters (summarised).

- Amenity
- Transport / Access:
- The proposed new signal junction at Hostmoor / A141 will be unsafe for vehicles leaving the 'old Wisbech Road'
- There is a Traffic Regulation Order that limits the ability to improve 'old Wisbech Road' to make the junction safe

- The swept path / tracking of vehicles does not appear to be safe
- The proposed pedestrian crossing facility at the signalised junction should be 'straight through' rather than 'staggered' in order to give priority and if the staggered design is to be retained it should not be a reverse stagger.
- Deflection on southbound carriageway at the proposed signalised junction is unsafe
- It is not evident that the access into the site from Hostmoor has passed the road safety audit or that it took into account the proposed McDonalds entrance. The junction design has not been drawn against a site survey base plan and so is inaccurate. Re the Hostmoor entrance into the site It is unclear whether or not the swept path of vehicles is safe and that the ghost islands and right turn pockets are not encroached upon during turning movements
- Regarding the signalled junction proposal, it is unclear whether this has been tracked to confirm the design is acceptable.
- Inconvenience during the junction works and having 2 sets of work at different times would worsen the issue.
- A common access solution would be preferable
- The size and design of the existing A141 roundabout was not designed for significant u-turn movements and the implications have not been considered
- Regarding the Tesco roundabout, this is being modified but it is unclear whether a swept path analysis has been undertaken (to cater for buses and petrol tankers) and also the roundabout was not design for U turns.
- The proposed crossing facilities for people moving between the Tesco Side of Hostmoor Ave and the Aldi side (and vice versa) are unsafe especially at night.
- With regard to base traffic flows:
 - Pre-pandemic flows have been used with only some post pandemic checks and there is doubt over whether the timing of these was appropriate and no data has been provided
 - Friday pm peak flows should have been used in order to give the worst-case position
 - Flows are 40% below expected and so not accurate
 - Queue length data should have been provided
- With regard to Forecast Flows:
 - Friday pm peak has not been assessed
 - Trip distribution is focussed on too lower proportion of new trips, it should be 30% rather than 10%
 - Trip rates and assignment to the network have been underestimated
 - County should not have accepted TRICS for factoring in McDonalds traffic
 - Future year selected for the assessment is inappropriate resulting in underestimate of impacts
 - Traffic flows from proposed McDonalds have been underestimated
- Pedestrian flows have been underestimated putting into question the appropriateness of the crossing design
- With regard to Committed Development Flows, the flow associated with the proposed McDonalds development have been underestimated.
- With regard to Capacity Analysis
 - The proposed Aldi access will have right turning traffic backing up blocking straight ahead movements

- With the proposed signalised junction, traffic queuing on Hostmoor join the A141 will back up and impact on right turning traffic into Aldi and go on as far as the Tesco roundabout
- The proposed traffic signals means that the junction will be over theoretical capacity and close to absolute capacity
- The proposed MATS roundabout will operate over capacity at an early stage in the lifetime of the junction
- With regard to the Peas Hill roundabout, queuing on the A141 and Wisbech Rd arms are not represented in the modelling
- The model has not been calibrated appropriately due to questions over the baseflows and queue lengths
- They are underestimates in the committed development flow and new trip figures and also in the primary and secondary trip generation & assignment which brings the capacity analysis into question
- If the multitude of identified errors are corrected, then the proposed junction will be significantly over capacity 5 years after store opening with severe impacts on the A141
- Impact on Peas Hill roundabout has been underestimated and there has been no assessment of whether mitigation there is required
- The A141 junction is free flowing for north / south traffic and the introduction of signals will change with contrary to national policy
- The applicant is wrong to suggest the signal junction is only temporary as there is no guarantee the MATS scheme will be implemented
- The existing congestion situation at the following junctions: Hostmoor/A141, Peas Hill Roundabout, Tesco/Hostmoor is classed as 'severe' by the County Council. Any new development should mitigate its own impact but in relation to the proposed development:
 - The improvement to the Hostmoor /A141 to the MATS scheme design would involve third party land.
 - There is little prospect of Aldi being able to contribute to the implementation of the Hostmoor/ A141 MATS scheme (as an alternative to doing their own lesser scheme) due to the third-party land and timing of the scheme in relation to the intended opening date of Aldi.
 - The extant Westry scheme only needs to build a 45m roundabout whereas County are now suggesting a 60m one is required so this impacts on design / costs etc.
 - The lesser improvement to the Hostmoor / A141 proposed by Aldi does not provide the Highway authority desired full MATS scheme as so is a wasted scheme which does not fully mitigate the impact of the scheme.
 - It is suggested that the CPCA forward funds the 60m junction improvement and that contributions are obtained from subsequent developments that benefit.
- The Section 106 proposal is unclear. Mention is made of the MATS roundabout being 3 arms, but it is 4 arms. If the Aldi scheme is to contribute to part of the cost of the MATS roundabout, then there is the risk of the store trading for a period with no highway improvements being in place. Therefore, Aldi should not be allowed to trade until the improvements are all operational.
- The possibility of the Aldi scheme making a cash contribution towards the implementation of the MATS junction improvement is not appropriate

because of the degree of doubt over its deliverability (design, third party land, safety, funding)

- Design/Appearance
- Environmental Concerns
- Local services/schools - unable to cope
- Parking arrangements
- Highway safety
- Fails to comply with the key retail tests of impact and sequential approach.
- Brewin Oak site closer to the town centre is of an appropriate size (sequentially preferable) and there is also the proposed local centre on the West March allocation. The consented Westry retail site has also been overlooked.
- The Aldi retail case relies on clawing back expenditure leaking from outside the district i.e. those that already shop at Aldi in Chatteris. This need is already met by the consented Westry scheme.
- The retail assessment fails to recognise the impact the proposed March store would have on the Chatteris Store (note the community consultation had 33% of respondents shopping at the Chatteris Aldi)
- Aldi's case is also about the delivery of more choice for North March, but the choice is already there in the committed Westry scheme
- Use was made of the retail base used by the Westry application and this is not appropriate, and a new household survey should have been undertaken
- The retail impact analysis information has used and presented conflicting and inconsistent figures
- Wisbech and Chatteris should have been included in the assessment
- The assessment has failed to present the impacts of the Aldi store in combination for both convenience & comparison and just convenience
- The 19.8% combined impact on March Town Centre is significant and double the impact of the Westry scheme
- Aldi should not have used the as yet undetermined revised Westry scheme when assessing the impact of the Aldi store. The consent scheme should have been used and it has a bigger convenience floor space and so the combined impact would be greater than Aldi are stating.
- Aldi have not factored in the proposed local centre for West March in its assessment and if they did the impacts would be even greater
- If the Aldi scheme is approved and implemented, then the Westry scheme will not be implemented and the delivery of the better roundabout junction on the A141 would be thwarted
- The FDC retail consultant is accepting of a cumulative 11.1% impact (based on the as yet unapproved revised Westry scheme) and a solus impact of 3.5%. based on both convenience and comparison goods. However, no advice is given on the scale of impact for convenience goods only. So, the consultant has not given full advice to the Council.
- Aldi has subsequently in 2023 produced an impact report which assesses the scheme in relation to BOTH the extant AND the as yet undetermined retail schemes at Westry. The company behind these latter schemes made the following objections (given in full in Appendix 1):
- A worse case impact of 19.5% is of concern.
- The impact is understated as it is for convenience impact only and should have included comparison goods too.
- Given the level of impact, the Council's consultant should not be advising the Council that the impact is acceptable.

- The extant permission at Westry is to be implemented and terms and leases have been drafted with operators and will lead to a proposed further planning application to expand the development. The as yet undetermined application at Westry will set a precedent for this.
- Legal advice is being taken on whether there would be a basis for challenging any decision to approve the Aldi application that Fenland Council may make.
- The number of retail units specified is not accurate.
- The fall in the number of vacant units is likely to be a result of changes of use to non-retail uses.
- No weight should be given to the possible implementation of the yet to be consented Westry retail scheme and the impact assessment should assume the consented scheme will be implemented.
- A recent nearby scheme was refused planning permission on the grounds of retail impact and so it should follow that the Aldi scheme should be refused.
- A retail scheme in Downham Market was successfully legally challenged on the basis of a 13.1% retail impact.
- Contrary to Policy LP6 – which seeks to protect employment land. Site has not appropriately marketed at a realistic price. Has been interest in it previously but excessive price has meant sale has not gone through

Cllr Count also objects to the proposed development. The increase in traffic on Peas Hill roundabout will be unacceptable as junction has existing issues. It would be better to have the proposed signalised MATS A141 / Hostmoor junction as it provides for right turning movements on to the A141 from Hostmoor Ave. However, the land for this is not within the control of the LHA.

Supporters

84 individual representations of support (including those received during the most recent consultation) received based on the following matters.

- Other supermarkets need competition
- Will generate employment
- Design/ Appearance
- Would reduce commuting for those that prefer to shop at Aldi
- Increase choice of goods
- Asset to the community
- Good location
- Will support the growth of March
- Will keep shoppers in March
- Regenerate a brownfield site
- Electric charging points are included
- Will improve the town
- Served by public transport
- May result in wider highway improvements
- Would offer little or no noise pollution to the surrounding area
- Will encourage investment in the town
- Close to other retailers
- Will not cause light pollution

Some letters of support did also raise concerns over the development as follows.

- Impact on highway and road surface due to additional vehicle movements
- Traffic management

6 STATUTORY DUTY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014) and the March Neighbourhood Plan (2017).

7 POLICY FRAMEWORK

National Planning Policy Framework (NPPF)

Chapter 6: Building a strong, competitive economy

Chapter 7: Ensuring the vitality of town centres

Chapter 9: Promoting sustainable transport

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding and coastal change

Chapter 15: Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

Determining a Planning Application

National Design Guide 2019

Context

Identity

Built Form

Movement

Nature

Public Spaces

Uses

Homes and Buildings

Resources

Lifespan

Fenland Local Plan 2014 ('FLP')

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP6 – Employment, Tourism, Community Facilities and Retail

LP9 – March

LP13 – Supporting and Managing the Impact of a Growing District

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

LP17 – Community Safety

LP19 – The Natural Environment

March Neighbourhood Plan 2017

TC1 – Primary Shopping Frontages

Supplementary Planning Documents/ Guidance:

- Delivering & Protecting High Quality Environments in Fenland SPD (2014)

- Cambridgeshire Flood & Water SPD (2016)

8 KEY ISSUES

- Principle of Development
- Highways
- Layout, Scale, Appearance, Trees and Landscaping
- Flood Risk and Drainage
- Biodiversity
- Amenity
- Crime and Disorder
- Environmental Impact Assessment

9 ASSESSMENT

Principle of Development

- 9.1 Policy LP3 sets out the spatial strategy for the district's growth and seeks to direct the majority of growth to the 4 market towns: March, Wisbech, Whittlesey and Chatteris, seen to be the most sustainable of all Fenland's settlements.
- 9.2 Policy LP6 sets out the strategy for increasing employment, tourism, community facilities and retail, identifying an ambition to achieve 85Ha of employment land within the plan period. The policy sets out a criteria-based approach to delivering employment proposals – setting out 9 criteria to ensure, amongst other matters that it; meets with the spatial strategy, can be sustainably accessed and served by necessary infrastructure, is suitable having regard to any site constraints and nearby heritage assets and would be compatible in its surroundings.
- 9.3 LP6 also sets out that it will seek to retain high quality land and premises for B1/B2/B8 employment purposes unless it can be demonstrated through a marketing exercise that there is no reasonable prospect of the site being used for these purposes.
- 9.4 Furthermore, in respect of retail development, LP6 sets out a strong 'town centre' first message, seeking to direct retail uses firstly to Primary Shopping Frontages and primary Shopping Areas, then to town centre locations before being required to then follow a sequential approach as set out in para. 87 of the NPPF - which sets out that only if there are no suitable sites available within the town centre or edge of centre, that out of centre sites can be considered. LP6 sets out that where retail development of over 500sq.m gross floor space is proposed out of town centre, an impact assessment will also be required to be undertaken, to ensure that the vitality and viability of the town centre is protected. This is also a requirement of policy TC1 of the March Neighbourhood Plan

Spatial Strategy & Site Constraints

- 9.5 As identified, the site lies within the settlement of March but is outside of the town centre. It is located within an established employment area, and within a Broad Location for Growth (March Trading Estate) as set out under FLP policy LP9, where future expansion to the north of Hostmoor Avenue and Thorby Avenue is targeted to be predominantly or entirely business uses.
- 9.6 The site lies in Flood Zone 1 and has no identified flood risk issues. Furthermore, there are no heritage assets adjacent or nearby, nor sites of significant biodiversity. The site is also well-connected to the existing highway network, with footpaths leading to the town centre and other services and facilities in March. It is considered that in the first instance, the site meets the spatial requirements set out under LP3 and LP6.

Loss of B Class Land

- 9.7 The site currently serves a B8 storage use, which has been established for around 40 years, albeit understood to have been a relatively low-level use in recent years. The applicant has not provided any sound evidence to demonstrate that any marketing exercise has been undertaken, to otherwise demonstrate that the site is no longer required for the B class use.
- 9.8 In this regard an objection has been received from Contour Planning - the agent acting on behalf of the Westry Retail Park scheme, on the basis that the site has not been appropriately marketed and that the company Screwfix still has a requirement for March.
- 9.9 Notwithstanding this however, the policy sets out that the requirement for such demonstration applies where the land / premises is considered to be 'high quality' B-class land, which is considered as follows.
- 9.10 As identified, the site lies amongst established retail, leisure and food and drink premises, with the only other sole B1/B2/B8 Class uses nearby being March Foods (c.140m north) and the DPD site (c.190m east). Whilst the Ridgeons Builders Merchants (c.50m northeast) can technically be classed as a B8 operation with ancillary retail, this now incorporates a showroom and caters for members of the public, thereby not solely a B-class use. These nearest B Class uses are separated by the aforementioned retail, leisure and food and drink businesses and the site is therefore isolated from other B Class uses and the site itself has no apparent ability to expand in the future due to the proximity of adjacent non-B class buildings. The site therefore is an island of B Class development in a pond of retail, food and drink and leisure uses. Furthermore, the character of the site – by virtue of its appearance (quality of the design and materials used for the buildings and quality of the landscape setting) and use is at odds with the surrounding developments and uses, notwithstanding the Retail Park permitted and implemented on the western side of the A141 opposite the Hostmoor Avenue junction. As a result, the site is no longer considered to be high quality B Class land / premises and therefore the requirements for the marketing exercise under LP6 do not apply.
- 9.11 Reference is made by an objector to Screwfix looking for a presence in March. The company now occupies a unit in the Meadowlands Retail Park, March. Whilst it is not considered that the site meets the criteria for needing to be marketed under Policy LP6 (because of its absence of sufficient quality as previously stated), the site / premises have obviously been marketed prior to Aldi's interest (albeit insufficient to satisfy policy LP6 were the site to require marketing under this policy) and there has been no take up, although it is recognised that the value of a retail interest in the site is likely to be greater than that of a class B user.
- 9.12 NPPF paragraph 122 gives advice to planning authorities considering applications for alternative uses on allocated sites. Where there is no reasonable prospect of an application coming forward for the use allocated in the plan, applications for alternative uses should be supported where they would contribute to meeting an unmet need for development in the area. The PPG gives guidance on the evidence to help determine whether land should be reallocated for a more deliverable use. This includes evidence of marketing. The PPG also states that where alternative uses for an allocated site are proposed, it will also be relevant to consider the extent to which the proposed use would meet an unmet need, and the

implications for the wider planning strategy for the area and other development plan policies. With regard to the question of unmet need, it could be said that the proposal would meet the quantitative need arising as result of planned increase in population of March - Strategic allocations for 3,100 new homes in March. Furthermore, the application has identified that 33% of respondents to Aldi's pre-app consultation are currently travelling out of March to shop at an Aldi store, with a high proportion of these travelling to Chatteris - an approx 24km round-trip. This identifies a qualitative deficiency, whilst the store has the potential to encourage more sustainable shopping trips - reduction in car miles / CO2 emissions.

- 9.13 Officers note that the NPPF and PPG do not include a requirement that land or premises be of high quality for marketing to be relevant evidence. It is also noted that policy LP6 could be interpreted as applying the "high quality" criterion to land only, rather than premises currently or last used for B1/B2/B8 purposes. If this interpretation were followed, then since the premises are currently in B class use, the policy would mean that the Council will seek to retain them for B1/B2/B8 purposes unless a marketing exercise demonstrated that there is no reasonable prospect of them being used for these purposes. On this interpretation the absence of adequate marketing would mean that the policy is breached.
- 9.14 The loss of this B8 site is not anticipated to significantly reduce the overall ability of the Council to achieve its employment land growth ambitions as set out under LP6, having regard to the FLP's strategic areas of employment land growth and committed developments. The site in question represents less than 2% of the area covered by the trading estate and so in the context of the district wide supply of employment land the loss would be negligible. In terms of the latter, it should be noted that the land identified north of the existing trading estate remains available for development as does much of the land at South Wisbech, Whittlesey and South Chatteris.
- 9.15 Notwithstanding this, the main driver under LP6 is to increase employment and the supporting Planning Statement indicates such stores typically employ around 40 to 50 staff. The East of England Forecasting Model 2015 (Oxford Economics – Table 7.2: Employment Densities – industry, warehousing and office (GIA)) sets out a predicted average of 1 full time employee per 67m² of B8 floor area. The cumulative footprint total of buildings on the site is approximately 2,000m², which equates to around 30 employees. As such, the proposal would likely generate a greater number of employees than the existing use which can be given positive weight, having regard to the key vision for Fenland under LP6. It should be noted however the situation described above does not equate to the proposal being compliant with Policy LP6 as the policy itself does not make any reference to employment generation from non-B class uses.
- 9.16 With regard to the Broad Location for Growth (BLG), this does not presume the redevelopment of the existing development to the north of Hostmoor Avenue nor does it safeguard any land for the purpose of implementing the allocation. As such the proposal does not prevent by default the realisation of the BLG.
- 9.17 In conclusion, the proposal is in accordance with Policy LP3 as it represents retail growth in the Primary Market Town of March. In relation to Policy LP6, it is considered the premises subject to the application does not represent a quality site and therefore is not subject to the requirement for marketing. Be that as it may, the site has been subject to some marketing in the past (prior to Aldi interest) without take up by an B class employment user. Whilst the proposal will not result

in 'class B' jobs as envisaged by the plan policy, the number of jobs created by the development would be significant. Whilst the proposal would result in the loss of premises with a lawful class B use, the quantum would not be significant either in the context of the trading estate or the wider district supply.

- 9.18 In the context of the above, and even if marketing were required by policy LP6 for this site, because it is currently in B class use, it could not be said that the development would result in harm to any policy objectives. In officers' view, even if this part of the policy is breached the factors referred to above would mean that the breach was acceptable.

The Sequential Test

- 9.19 Paragraph 87 of the NPPF advises that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. This is echoed in FLP policy LP6.

- 9.20 The sequential test sets out that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. In summary, the Sequential Approach test gives strong preference to locating new main town centre / retail uses within town centres, but if no suitable sites are available, it then allows consideration of such development firstly on edge of centre sites, and then - in sequence - on out of centre sites that are, or can be made, accessible and well connected to the town centre.

The sequential approach is intended to achieve two important outcomes:

- To locate main town centre uses generating many trips inside centres (or failing that well connected edge of centre sites). These locations are likely to be the easiest locations to access by non-car means of transport and will be centrally located to the catchments established centres serve, thereby reducing the need to travel.
- To accommodate these uses in centres whenever possible in order to enable people to undertake linked trips, which enable increased competition and customer choice.

- 9.21 The applicant undertook a review of available sites which may otherwise accommodate the development (including the operational requirements) within the town centre or edge of centre as part of the (see Planning, Retail & Economic Statement (July 2021)). The scope agreed by the Local Planning Authority captured the urban area of March and the surrounding area and considered the following sites.

Land West of High Street

- 9.22 The applicant had regard to the proposal under March Neighbourhood Plan to redevelop this area for a retail-led mixed use scheme and to the Fenland District Retail Study Update (2009), and considered that the site constraints which includes historic buildings making it difficult to tie the site into the High Street frontage, and businesses (and possibly some residential) may need to relocate to accommodate the redevelopment, notwithstanding access constraints and that the site is in multiple ownership.

Land south of Station Road

- 9.23 The applicant concluded that the site at 0.07Ha was too small to accommodate the proposal, notwithstanding an extant permission for a mixed-use scheme.

Land North of Centenary Church

- 9.24 The applicant concluded that the site at 0.12Ha was too small to accommodate the proposal, notwithstanding an extant permission for a dwelling on part of the site which would further reduce the site area.

West March Strategic Allocation

- 9.25 The applicant also considered the West March Strategic allocation which is proposed to accommodate around 2,000 homes and a local centre with retail offering (it was not envisaged that a main food store operator would occupy the space on the development). However, this was discounted on the basis that the timing for it to come forward is not yet known – with no planning permission yet secured for the local centre and it being identified to be only 0.5Ha in area which would not accommodate the store.

Westry Retail Park

- 9.26 The Westry Retail Park was also considered, as this benefits from an extant permission (Ref: F/YR15/0640/F) and includes 1,719 sqm Gross internal area for a convenience food store. However, the applicant has questioned the timing of delivery of this site, which relies on substantial transport mitigation. Furthermore, this site is also subject to a revised planning application (Ref: F/YR18/0566/F) which proposes a smaller convenience food store (697sqm) and therefore considers that there are doubts over its ability to come forward in a reasonable period of time, referring to paragraph 87 of the NPPF which requires that sites are available (or expected to become available within reasonable period). This is also notwithstanding the site is close to the application site and is also an out of centre site in any case.

Other Sites

- 9.27 The applicant also advises that they undertook a further desk-top review in early 2021 – however identified that the largest available site was only around 280sqm of floorspace and therefore not suitable in scale.

Review of the sequential assessment

- 9.28 The Council commissioned a review of the assessment – undertaken by Stantec. In respect of the scope of the sequential test, Stantec concurred that given the location of the application site, to the northwest of March town centre, they agree that the majority of the food store's trade will be drawn from residents in and around March, with trade beyond this area more limited due to the proximity of other food stores.
- 9.29 In respect of the sites identified by the applicant, Stantec concludes that they are not aware of any other sites available. They did however comment that the applicant's key considerations for site suitability should be more flexible, for example, by willing to accommodate car parking on levels other than 'at grade' and that a visible location should be a 'nice to have' rather than a 'must have', as the majority of the food store's trade will likely be drawn from local residents who know the location of the store rather than 'passers-by'. Notwithstanding this, Stantec concurs with the applicant's assessment in respect of site suitability of the sites identified.

9.30 Following this, an objection was raised by Contour Planning, the agent acting on behalf of Brossman Mills Ltd, the applicant for the Westry Retail Park application. Within the objection was a challenge to the scope of the sequential test which they considered failed to include some other key sites which they consider would be sequentially preferable as follows.

- □Brewin Oaks – 1.67acres which benefits from outline permission for 8 dwellings. Edge of centre.
- □The local centre under the West March strategic allocation which they consider will be bought forward in a reasonable period of time.
- □Westry Retail Park

9.31 The applicant sought to address these concerns through an update to the sequential assessment and considered the sites identified by Contour planning as follows.

Brewin Oaks

9.32 The applicant considers this site is unsuitable as it is c 20% smaller than the application site and has access constraints and conflicts with existing users of the access. They also consider it is unlikely to be available for the proposed use.

Local Centre – West March Strategic Allocation

9.33 The applicant points out that this was already considered in their initial assessment.

Westry Retail Park

9.34 The applicant points out that this was already considered in their initial assessment.

9.35 The Local Planning Authority again sought advice from Stantec on this. Stantec concluded in their opinion that the above three sites are not suitable and / or available for the development proposed for the reasons as set out by the applicant, and therefore that the sequential test is passed. Having regard to this advice, it is considered that the requirements of NPPF paragraph 87 and the relevant part of FLP policy LP6 have been satisfied.

Retail Impact Assessment

9.36 Paragraph 90 of the NPPF advises that applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, should be subject to an impact assessment. It states that:

"When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme)".

- 9.37 In the case of the Local Plan, this threshold is set to 500sqm and therefore the impact test is required. The application is accompanied by a retail impact assessment as part of the Planning, Retail & Economic Statement (July 2021).
- 9.38 The Local Planning Authority appointed Stantec to also undertake a review of this assessment and provide advice on the predicted impacts of the proposal having regard to the criterion under NPPF paragraph 90. Their advice had regard to the following:

- The suitability of the catchment area identified by the applicant, taking account of the retail uses proposed.
- The robustness of the applicant's estimated retail turnover of the application scheme.
- An assessment of the assumed patterns of trade diversion and estimated levels of impact.
- The significance of estimated trade impacts on the vitality and viability of town centres within the catchment area of the proposed development, and in-centre investment.
- Conclusions in terms of compliance with relevant local and national planning policies specifically in relation to the retail impact test.

In summary, Stantec concluded the following.

Household Survey

- 9.39 Objectors thought that new surveys should have been undertaken in order to assess trade draw. The FDC retail consultant stated that whilst the survey used is old, shopping patterns have been and continue to be in state of considerable flux and so undertaking a new survey would not have been advantageous.

Retail Turnover of the Proposed Food store

- 9.40 The FDC retail consultant advised that the sales density, turnover assumptions and convenience / comparison split is acceptable and appropriate. The comparison retail floorspace of the proposed food store comprises a small proportion of the proposed food store's total floorspace. Because the comparison goods turnover of the food store is so low relative to the size of the food store, the impact of the comparison goods element of the food store is not considered any further, as its impact on March town centre will be de minimis.

Trade Diversion / Impact

- 9.41 March town centre is the main centre within the defined catchment area that will be impacted by the proposed food store. Appendix 7 ('March Town Centre Health Check') provides a basic health check assessment of March town centre. Whilst the applicant did not originally reach any conclusions re the overall health of March Town Centre, the FDC retail consultant advised that it appears that March town centre is performing reasonably well, and it is on this basis that the consultant has formed the opinion on retail impact.
- 9.42 The FDC retail consultant noted that the health check was updated in April 2022 commenting that:
- The signs are positive re post pandemic improvement
 - Declining vacancies
 - Good representation of convenience outlets
 - Lower than average national outlet comparison representation but a good mix of multiples and independents

- 9.43 The FDC consultant advised that whilst the applicant may have overstated the inflow assumptions, this does not impact on the trade diversions figures to any significant degree.
- 9.44 The applicant's trade diversion figures are broadly agreed - that the proposed food store will divert the majority of its trade from the Tesco food store at Hostmoor Avenue, due to its location, close to the application site and its scale, then secondly the Lidl store at Dartford Road, thirdly the Sainsbury's store at Mill View.
- 9.45 The applicant has over-estimated the likely impact as they have included the Lidl store which is not located in the town centre to be consistent with the analysis undertaken in respect of the Westry Retail Park applications.
- 9.46 There was criticism that the catchment area assessed was too small. The FDC retail consultant advised that the assessed area was appropriate given the proximity of other food stores.
- 9.47 There was criticism by objectors that the consented Westry Retail Park scheme should have been used in the assessment of impact rather than the as yet unconsented revised scheme. It is the view of the FDC retail consultant that the undetermined scheme is the one more likely to be implemented as the applicant would not have sought to make the application if it was intended to implement the consented scheme. In any event, and despite this advice, the impact of the Aldi application in combination with the approved Westry development and the currently unconsented revised scheme has been assessed (see below).
- 9.48 There was criticism that the impact of the Aldi scheme on the Westry development proposals and the emerging West March scheme should have been assessed. The retail consultant for FDC advised that the NPPF does not require this.
- 9.49 In their updated May 2022 analysis, the applicant has forecast that, combined, £1.7m of trade will be diverted from town centre convenience destinations to the proposed food store. This means that the proposed food store will lead to a solus convenience impact of 7.8 per cent on March town centre in 2024. When the overall impact (convenience and comparison) on March town centre is considered, the applicant has forecast a 3.5% solus impact figure. Assuming that March town centre is performing reasonably well, it is considered a solus impact of 3.5% on the town centre is unlikely to constitute a significant adverse impact. As such, this element of the impact test is passed.
- 9.50 In terms of cumulative impact with the Westry retail park development, the applicant's May 2022 analysis identified a 11.1% overall impact figure on March town centre.

Impact on Centres and In-Centre Investment

- 9.51 Noting that Fenland District Council has been successful in receiving £6.5m to improve the high street in March town centre, via the Future High Streets Fund ('FHSF') which includes the following proposals:
- Transforming Broad Street to include much more pedestrian space and reduce traffic and opening up the underused riverside areas, providing improved access and seating.

- Redeveloping the historic Market Place to make it more of a community space.
- Regenerating the Acre Road area.
- Bringing vacant buildings back into use.

9.52 It is considered the development of an out-of-centre Aldi food store will not have a significant adverse impact on the FHSF proposals in March town centre and it is expected that the FHSF proposals would take place in the event that the Aldi food store is approved and implemented. There is no information on of any other investment in March town centre. As such, Stantec (the Council's retail consultant) was satisfied that the proposed food store would not have a significant adverse impact on any existing, committed and planned public and private investment in March.

Updated impact assessment

9.53 In January 2023 the applicant submitted updated impact tables containing a sensitivity analysis which assesses cumulative retail impacts of the proposed Aldi store in combination with the retail park scheme approved in 2016 (LPA ref. F/YR15/0640/F). In addition, an updated town centre health check was submitted. This was in recognition that the health check information was getting old and that the applicant for the Westry retail development was concerned about the impact of the Aldi not being tested against the 2015 Westry application which it said was going to be implemented instead of the as yet undetermined 2018 Westry application (members are referred to the representation reproduced at appendix 1 to this report). The updated applicant's retail impact table is below:

Table 8A: Overall March Town Centre Impact

Location	2026 Turnover (£m)	Westry RP Diversion (£m)	Westry Park Impact (%)	Aldi Diversion (£m)	Aldi Impact (%)	Combined Diversion (£m)	Combined Impact (%)
<u>March Town Centre</u>							
Convenience	19.8	2.1	10.8	1.7	8.7	3.9	19.5
Comparison	57.4	1.4	2.5	0.4	0.6	1.8	3.1
Total	77.3	3.6	4.6	2.1	2.7	5.7	7.3

9.54 When the proposed impact of the store was assessed in combination with the as yet undetermined Westry development, the combined impact was assessed as being 13.7% but if it is assumed the smaller 2015 Westry scheme is implemented, the estimated overall impact on March town centre impact falls to 7.3%.

9.55 With regard to the updated Health Check this is reproduced in full in Appendix 2, but in summary it was reported that:

- There are fewer vacancies than before
- The vacancy rate is below the national average
- There is a good mix of independent and chain stores
- There is a diversity to the offer

And on this basis, it was concluded that the town centre was in a healthy condition.

9.56 The Council's retail consultant reviewed the material and advised as follows:

a) *Impact Test*

The applicant's updated impact tables contain a sensitivity analysis which assesses cumulative retail impacts of the proposed Aldi store in combination with the retail park scheme approved in 2016 (LPA ref. F/YR15/0640/F). There is disagreement between the applicant's and an objector's retail consultant regarding the likelihood of the 2016 permission being delivered. For ease of reference this is what we said in our advice dated 27 September 2022:

'As previously advised by Stantec, one can consider the Westry Retail Park figures in two ways. Firstly, that the committed scheme has planning permission and can be built out. Secondly, that the current application at Westry Retail Park does not currently have planning permission, but is more likely to be built out, otherwise why make such an application in the first place. On the basis that the current Westry Retail Park planning application is the one more likely to be built out (assuming planning permission is granted), we are comfortable with the applicant using the figures from the current Westry Retail Park planning application.'

Against the background outlined above, whilst the applicant identifies a worst-case combined convenience impact on March Town Centre of 19.5 per cent – higher than the corresponding impact figure of 15.2 per cent which was previously identified in May 2022 – that is based on delivery of the 2015 application as envisaged at the time of that application. For the reasons that we have already outlined, we regard such an outcome as unlikely.

b) *Health Check*

The Applicant's updated health check suggests that there has been a reduction in the town centre's vacancy rate, from 18.1 per cent in October 2021, to 14.5 per cent in April 2022 and to 12.9 per cent in January 2023. Coupled with the good representation of convenience retailers, the applicant concludes that the town centre is vital and viable. The objector takes issue with the applicant's updated health check and questions the claimed vacancy rate on the basis that the town centre contains two units fewer than the 179 suggested by the applicant. We note that if the number of units within the town centre was 177, the 23 vacant units stated by the applicant would equate to a vacancy rate of around 13 per cent, which is still below the UK average for all centres. The applicant refers to proposals for food stores in other parts of the country. As we have previously advised, however, the Council needs to consider the impact of the current application proposal on the health of March Town Centre. Furthermore, the objector comments that there has been no known increase in national multiples within the town centre for several years, but that is the same for most town centres and does not mean that March Town Centre is unhealthy.

c) *Conclusion*

Overall, we conclude that, assuming March Town Centre is performing reasonably well, the solus impact calculated on the town centre cannot, in our professional opinion, be described as a significant adverse impact.

The combined convenience retail impact figure of 19.5 per cent is ostensibly of concern, but we regard that outcome as unlikely, for the reasons we have outlined. We therefore remain of the view that the impact test in relation to town centre vitality and viability is passed. Other matters Contour Planning refers to a recent application (LPA ref. F/YR22/0337/F) for seven commercial units in March, which was refused in January 2023, and asserts that ‘the Council’s retail consultants have taken a contradictory view of the Aldi application.’ In response, we note that the officer report (dated 21 December 2022) to the Planning Committee advised that the applicant in that case had failed to provide information/evidence in relation to the impact and sequential tests. The officer report recommended refusal on that basis, and various other reasons including inadequate car parking provision and loss of employment land. In conclusion we remain satisfied that the application proposals have passed the sequential and impact retail tests and that there is no retail planning reason to refuse the application.

9.57 Whilst the points raised within the letters of objection received on behalf of Brossman Mills, with regards to the impacts the development would have upon town centre vitality and viability are noted, independent retail advice on behalf of the Council has been sought from Stantec and the impacts arising from the development fully assessed.

9.58 The overall impact of the proposed Aldi store is lower in the situation in which the F/YR15/0640/F Westry permission is taken into account (7.3%) compared to if the yet to be determined alternative F/YR18/0566/F Westry scheme is taken into account (11.1%).

	Convenience Impact	Comparison Impact	Combined Impact
When the 2015 Consented Westry Scheme is accounted for	19.5%	3.1 %	7.3 %
When the undetermined 2018 Westry proposal is accounted for	15.2%	9.4 %	11.1%

9.59 The objector associated with the Westry retail development has stated that it is the 2015 application which is going to be implemented and not the 2018 application (if approved). However, there must be some doubt about this as:

1. this 'news' seems only to have come about following the receipt of the Aldi planning application.
2. the 2018 Westry application was submitted for the following reason stated by the applicant:

“The proposal is seeking an additional quantum of retail floorspace from that previously granted planning permission, in a format and configuration that is agreeable to the proposed occupiers. It is of sufficient quality and size to encourage these national multiple retailers to the Town Centre of March, with the express purposes of retaining expenditure and stemming the outflow of trade currently leaking from the town and outside of the district”.

and the applicant has not advised that the needs / desires of the proposed occupiers have now reverted to the consented scheme.

3. the 2018 application has not been withdrawn and the applicant is continuing to invest in progressing the application. The Council's retail consultant expresses doubt that the 2015 Westry permission will be implemented.

9.60 Notwithstanding the lack of certainty over which Westry application will be implemented, the Aldi application should be determined with the consented scheme in mind. The combined convenience retail impact of 19.5% is recognised as being high and of potential concern. However, it is recognised that there is no defined threshold figure above which there would be a certain tipping point and that the 19.5% impact relates to the impact on convenience only and that when the impact on convenience and comparison is taken together, the impact is only 7.3 %. In the context of this wider consideration of retail impact, there being no evidence that the proposal would impact on any Town Centre investment (it should be noted that the town centre future high street improvements have commenced) and there being no current concerns as to the health of March Town Centre, it is not considered the impact of the development would be unacceptable. It would be the same situation if it were assumed the undetermined 2018 Westry application was approved and implemented. In this case the impact on convenience would be less (15.2% instead of 19.5%), the impact on comparison would be greater (9.4 % instead of 3.1%) and the combined impact would be 11.1% rather than 7.3%. This overall impact (11.1%) is considered (for the same reasons as per the 7.3% combined impact situation) to be within acceptable limits.

9.61 It is arguable that the location of the proposed Aldi store is more accessible than if it were located on the Westry site given the additional distance that it is from the majority of built development in March and the 'barrier to access' that the A141 represents to cyclists and pedestrians.

9.62 It has been demonstrated that the proposed development would satisfy each of the criterion of Adopted Local Plan Policies LP3 and LP6 (retail) of the Fenland Local Plan, as well as Chapter 7 of the NPPF. In addition, the proposal would not be contrary to the March Neighbourhood Plan Policy TC1. As such, 'in principle' support for the proposed development is acknowledged.

Highways

9.63 The development proposes a new access arrangement off Hostmoor Avenue, restricted to a left-turn only exit from the site (so traffic wishing to join the A141 will u-turn at the 'Tesco roundabout' on Hostmoor Avenue). Crossing points are being provided at the 'Tesco roundabout' (with refuges) and also at the store access on Hostmoor Avenue.

9.64 A signal-controlled arrangement at the A141/ Hostmoor Avenue junction is proposed, to mitigate the impacts of the development on the highway network. This follows prior engagement with the Local Highways Authority. This junction will provide for pedestrian crossing points. Subject to progress on the MATS A141 / Hostmoor junction scheme being prepared by CCC and the CPCA in relation to the implementation of the proposed store, it may be the case that a cash contribution (£250k) is made in lieu of the signalised scheme so that the former can be implemented (or a scheme similar to it).

9.65 Objectors have stated that there is a lack of certainty regarding the implementation of the MATS scheme variously due to some of the land being in third party ownership and uncertainty as to when the scheme might be implemented. And so, this points to either:

a) The £250k contribution being paid, the MATS scheme not being implemented in a timely way and so the Aldi Store impacting unreasonably on the road network making the existing congestion worse OR

b) The lesser signal control junction improvement being implemented which would represent a wasted opportunity in the event that the MATS scheme does get implemented.

[the term 'lesser' relates to the proposed Aldi signalised junction but it should be noted that this DOES mitigate the traffic impacts of the proposed scheme]

9.66 In terms of the circumstances in which Aldi is requested to pay £250k towards the MATS scheme in lieu of the implementation of the lesser signalised junction, it will be necessary for the County to demonstrate that there is certainty of delivery of MATS in terms of land, design, budget and timescale. Whilst the lesser scheme would represent a 'wasted' investment in the event that the MATS scheme is eventually implemented, this would not be a reasonable reason for refusing the planning application as the MATS scheme is not a committed one.

9.67 The County Council has confirmed the following:

1. *That the transportation assessment has taken into consideration all the relevant committed developments*
2. *That the design of the proposed signalised junctions is appropriate*
3. *That LinSig traffic modelling has been used to assess the capacity of proposed signalised junction and the design has been shown to be appropriate*
4. *The proposed Hostmoor junction into the application site has been shown to operate appropriately into the future*
5. *The Tesco roundabout has been shown to operate appropriately into the future*
6. *Whilst the Peas Hill roundabout will be over capacity in 2027 it is not anticipated that there will be severe detriment to capacity at the junction as the increase in the Ratio of Flow to Capacity (RFC) values and queue lengths will be a maximum 0.3 RFC and 4 vehicles on the Retail Park arm and by 0.04 RFC and 2 vehicles on the A141 (S) arm between the 2027 Base (No Westry Retail Park) and the 2027 Base (No Westry Retail Park) + Aldi + McDonald's future year scenarios, and by 0.3 RFC and 2 vehicles on the Retail Park arm and by 0.03 RFC and 7 vehicles on the A141 (S) arm between the 2027 Base + Westry Retail Park and the 2027 Base + Westry Retail Park + Aldi + McDonald's future year scenarios.*
7. *With regard to the proposed signal scheme at A141 / Hostmoor, the junction capacity assessments for the Weekday AM, PM, and Saturday peaks show that whilst the A141/Hostmoor Avenue signal junction scheme is anticipated to operate at 97.7 % saturation (so above the usual 90% standard) on the A141 Southbound Ahead/Left arm in the Weekday PM peak, the A141/Hostmoor Avenue junction as a signal junction is anticipated to operate with more available capacity in the 2027 Base (No Westry Retail Park) + Aldi + McDonald's scenario compared to the existing layout of the junction in the 2027 Base (No Westry Retail Park) scenario.[and so the impact is deemed not to be severe]*

8. *During the Weekday PM and Saturday peaks of the 2027 Base (No Westry RP) + Aldi + McDonald's scenario, it is noted worst-case queues comprising 20+ vehicles are anticipated to extend backwards from the Hostmoor Avenue approach of the signal junction. Given the length of a typical car is c6m and the stretch of Hostmoor Avenue between the proposed signal junction and the Tesco Access roundabout is c130m in length, the signal junction with development traffic is anticipated to result in vehicles backing up onto the Tesco Access roundabout. This in turn will cause capacity pressures at the Tesco Access roundabout which would not have been picked up in the modelling as the junctions have been modelled separately. That said, comparison of the proposed signal scheme during the 2027 Base (No Westry RP) + Aldi + McDonald's scenario in comparison to the 2027 Base (No Westry RP) scenario demonstrates that the Hostmoor Avenue approach with the Aldi development and signal scheme in place will operate with much greater capacity than the existing junction layout with no development. The proposed signal scheme is therefore anticipated to perform better than the existing junction layout.*

- 9.68 In the instance where rather than implement the Aldi signalised junction, the County requests the contribution, it would be the case that the MATS scheme would be completed within 2 years for the retail store opening. The County Council has looked at the implications of this on the highway network and consider the impacts would be acceptable as if the Aldi junction was installed and then the MATS scheme was then implemented, the network would be disrupted by 2 sets of highways works within a short space of time.
- 9.69 In summary the County Council has concluded that in terms of the proposed lesser signalised highway improvement, the access to/from the site from Hostmoor Avenue and the revisions to the Tesco roundabout adequately mitigates the traffic impacts of the proposed retail store. The impacts of the development on the network cannot be said to be severe.
- 9.70 If the Westry Retail Park scheme progresses then the design of the A141 / Hostmoor Ave junction would have to be altered to a roundabout design (as approved in principle under the planning permission for the Retail Park development).
- 9.71 With regard to the turning movements from Old Wisbech Rd at the proposed signalised junction, whilst the arrangement is not ideal, tracking has shown that it is sufficiently adequate and an objection highway safety could not be sustained. The County Council is satisfied.
- 9.72 In respect of the development contributing towards the MATS roundabout in lieu of the proposed signalised junction, the County Council would only request this contribution in the event that it was satisfied that the roundabout would be delivered with certainty and in a timely way. This being so, although the retail store would be trading prior to the junction improvement being in place, the impact on the network would only be temporary and relatively short lived. It should also be noted that the installation works associated with the MATS junction would themselves impact on the operation of the network.
- 9.73 The proposal is therefore in accordance with Adopted Local Plan Policy LP15 and NPPF Paragraph 88 of the NPPF sets out that:

"When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre".

- 9.74 Likewise, a criterion of FLP policy LP6 is that employment proposals should be accessible by public transport services and policy LP15 seeks to increase options for modes of travel – in particular non-car modes of travel. This is consistent with the aims of NPPF Chapter in promoting sustainable transport.
- 9.75 In terms of accessibility and connections to March Town Centre, the application site is located in an area with good pedestrian and cycle links to the town in southerly and easterly directions, with the town centre approximately 1.8km southeast of the site. The north of March is accessible via a footpath from Hostmoor Avenue approximately 950m east of the proposed site access.
- 9.76 Pedestrian access into the site will be from the existing footway on the north side of Hostmoor Avenue via the proposed access junction. As part of proposals, the existing traffic island on the Hostmoor Avenue (west) arm of the Tesco Access Roundabout will be upgraded to a pedestrian refuge island with dropped kerbs and tactile paving.
- 9.77 Hostmoor Avenue is flanked on both sides by continuous footways and can be crossed via a refuge island with dropped kerbs on the A141 / Hostmoor Avenue Priority Junction approximately 80m west of the proposed site access junction. As part of proposals, the existing pedestrian facilities on Hostmoor Avenue at the A141 / Hostmoor Avenue Priority Junction will be improved with staggered signal-controlled crossings and tactile paving.
- 9.78 With regards to cycle routes, the site lies within a 5km cycle catchment of the main built-up area of March. This also captures the northern parts of Wimblington, and southern extent of Westry. Precise details of cycle parking are required and can be reasonably secured via planning condition.
- 9.79 The nearest bus stop to the site is located in the forecourt of the Tesco Superstore approximately 260m walking distance from the southern boundary of the proposal site. The bus stop benefits from a shelter with timetable information. This is served by good pedestrian infrastructure including crossing points at the east of the site on Hostmoor Avenue. The bus stop serves the 33 routes, providing northbound and southbound services between March and Peterborough every two hours on weekdays and Saturdays. As well as March and Peterborough, other destinations on the 33 routes include Whittlesey, Chatteris, Doddington, and Wimblington. An additional bus stop exists, c.400m north of the site, adjacent to St Marys Church along the A141, which serves southbound services of the 33 and 46 routes. The 46 route provides weekday and Saturday services every 1.5 hours between Wisbech and Town End. Other destinations include March, Guyhirn and Murrow. A local charity run transport service, FACT also operates in the area covering surrounding villages and the main area of March.
- 9.80 Overall, whilst the site constitutes an out of centre location, in the context of paragraph 87 of the NPPF (2018), the site is considered to be relatively well connected to the town centre with opportunities for the site to be accessed by residents of March on foot, by cycle or using public transport.

- 9.81 In conclusion, whilst the site constitutes an out of centre location, it is well-served by multiple transport options, with opportunities for the site to be accessed on foot, by cycle or using public transport, incorporating the potential for linked trips with the town centre and providing opportunities to encourage non-car modes of travel in-line with the aims of FLP policy LP15 and NPPF Chapter 9.
- 9.82 The transport mitigation proposed – mainly the signalised junction arrangement has been reviewed and safety audited by the Local Highways Authority and considered to be satisfactory in mitigating the impacts of the development, also having regard to the existing committed and proposed developments in the locality. Whilst concerns raised in respect of the access arrangements and general transport impacts have been considered, these concerns are not reflected in the LHA's assessment of the proposal and therefore a refusal on this basis could not be sustained having regard to the tests laid out under NPPF paragraph 111.

Layout, Scale, Appearance, Trees & and Landscaping

- 9.83 The food store building proposed is a modern single-storey rectangular building with mono-pitch roof which also incorporates solar PV panels having regard to the aims of FLP policy LP14. The elevations of the building are consistent with similar food stores found elsewhere in the district (Chatteris and Wisbech) and would not look out of character with the surroundings, given the mixture of styles and scales of built form in the vicinity. It is considered that a consolidated building on the site with the additional landscaping proposed would enhance the physical appearance of the site and would assist in distinguishing this part of Hostmoor Avenue, with the more generic industrial type buildings further on – where the main employment land growth is allocated. Therefore, the appearance would add to the distinctiveness (retail, leisure and dining) of this part of Hostmoor Avenue.
- 9.84 As such, in visual impact terms, the overall appearance of the development would comply with the aims of Adopted Local Plan Policies FLP policy LP6 and LP16(d).
- 9.85 The layout again is consistent with similar convenience food stores in the area and includes adequate circulation for shoppers and delivery vehicles. Above policy-levels of car parking is proposed (having regard to Appendix A of the FLP which indicates 93 spaces for this scheme) and includes 4No. electric vehicle charging points, again having regard to the aims of FLP policy LP14. The scheme would also incorporate 8 cycle parking spaces close to the entrance of the store and demonstrates the inclusion of appropriate footways within the site, such to link with the existing footpaths along Hostmoor Avenue and then the A141, or eastwards toward Hundred Road.
- 9.86 The tree survey has shown that there are only 2 trees of significant quality on the site, and these are being incorporated into the scheme. Whilst the remainder of the trees are not of significant quality, a good proportion of these are being retained and incorporated into the development.
- 9.87 The landscaping scheme has been designed to complement and strengthen the existing landscaping, including the retention of trees (as previously mentioned), along the eastern and western boundary of the site. The new landscaping consists of additional shrub and tree planting around the perimeters of the site which would soften the overall appearance of the development and align with the landscaping to other commercial sites within the area. It is considered that the proposed soft landscaping scheme is acceptable, and the mix of plant species identified would provide sufficient visual interest and be appropriate to the planting locations

proposed. It is however considered that a landscape management plan should be secured by condition; such to satisfactorily accommodate the planting proposed and support the long-term maintenance of the soft landscaping proposed. A condition is also recommended requiring the existing trees to be protected during the construction process; in accordance with the submitted Arboricultural Assessment & Method Statement and Manual for Managing Trees on Development Sites by Barrell Tree Consultancy.

- 9.88 Overall, subject to the imposition of conditions, it is considered that the proposed development would not have a significant detrimental impact upon visual amenity but would make a positive contribution towards the character of the area through the development of this site. In this regard, the proposed development is considered to be compliant with Policy LP16 of the Adopted Local Plan with the aims of the NPPF and the FLP.

Flood Risk and Drainage

- 9.89 The site lies in Flood Zone 1 and not within an area known to be at risk of surface water flooding. As such it is considered to be at low risk of flooding. Notwithstanding, the application is supported by a flood risk assessment and surface water drainage strategy, the latter of which has undergone revision following discussions with the Lead Local Flood Authority. It sets out that the development is proposed to utilise the existing connections into the public sewers for both foul and surface water.
- 9.90 It is understood that the site currently discharges surface water unattenuated and unrestricted, into the Anglian Water surface water sewer system at a predicted rate of 127l/s in a 1 in 100-year rainfall event. The proposed scheme, which incorporates filter drains and a SuDS feature (swale) at the front of the site then to an underground attenuation tank before discharging into the same sewer, is anticipated to reduce this rate to 5l/s. The majority of the car park will be drained via permeable paving located with parking bays.
- 9.91 Anglian Water has confirmed that they will have capacity to accept the proposed flows for the development. The Lead Local Flood Authority has agreed the principles of the drainage strategy and seek confirmation that it is deliverable through a drainage survey of the retained existing drainage network which should demonstrate the existing pipe network is of a suitable condition to continue to accept flows from the site and has a positive connection to the Anglian water public sewer. A final detailed drainage surface water strategy is required thereafter. Details of how the Suds will be maintained for the lifetime of the development and how surface water flows during the construction period will be managed is also required, to ensure that adequate drainage measures are in place at the start of the development. It is considered that the above requirements are necessary to make the development acceptable and can be reasonably secured via planning conditions.
- 9.92 In summary and subject to the acceptable details of the future drainage measures, the development is not expected to result in unacceptable impacts in terms of flooding and can be served by a suitable drainage network in accordance with FLP Policy LP14 and NPPF Chapter 14

Biodiversity

- 9.93 The proposal was supported by a preliminary ecological appraisal (PEA) which assessed the ecological interest of the site as a whole and evaluated the

importance of the habitats within it. This was updated in May 2023 with the original assessment's conclusions still accurate. The site is not part of or adjacent to a statutory nature conservation designation. The closest such sites are Rings End Local Nature Reserve (c.2.7Km north), Nene Washes SAC, SPA, Ramsar and SSSI (c. 4.3km north-west). In view of the latter, the site does fall within a SSSI Impact Risk Zone.

- 9.94 In respect of the risk of impact to the SSSI, the appraisal concludes that given the scale and type of the development and their location within an existing urban area, it is not considered likely that any direct or indirect effects would occur.
- 9.95 The appraisal assesses the likely habitats and impacts of the development on Bats, Badgers, Hedgehogs, Birds, Reptiles, Amphibians and Invertebrates. It also assesses the presence of invasive species, identifying 2 species present on the site which need to be managed to prevent further spread.
- 9.96 The PEA concludes that *“the majority of the habitats present on site are of limited intrinsic nature conservation value, including the buildings, hardstanding and amenity grassland. The trees and areas of scrub are considered to be of some ecological interest for the foraging and nest-building opportunities they offer faunal species, as opposed to any significant intrinsic ecological value.”*, and *“subject to appropriate mitigation, there is not considered to be any insurmountable ecological reasons the site could not come forward for development.”*
- 9.97 The Council's Wildlife Officer has assessed the proposal and PEA and has concluded that it provides suitable evidence that the material concerns of negative impacts on the protected species and biodiversity of the proposal can be discounted with the recommended mitigation and compensation. In order to ensure that the mitigation is secured, the Wildlife Officer has recommended planning conditions to secure a Construction Environmental Management Plan (CEMP: Biodiversity); the inclusion of Bird and Bat boxes within the development; and, that all works follow the recommendations as laid out within the PEA. It is considered that the above requirements are necessary to make the development acceptable and can be reasonably secured via planning conditions.
- 9.98 In summary and subject to acceptable mitigation measures coming forward the development is not expected to result in unacceptable impacts on biodiversity in accordance with Adopted Local Plan FLP Policy LP16(b) and LP19 and NPPF Chapter 15.

Amenity

- 9.99 The site's position within an established employment area is not anticipated to result in any severe harm to amenity. It is recognised that the nearest dwellings are c.110m northwest of the site, with views partially interrupted by the KFC outlet. Therefore, given the separation distances to neighbouring properties and based on the proposed layout of the proposed food store and various associated ancillary structures, it is considered that the proposed development would not have an unacceptably overbearing or oppressive effect on neighbouring properties. In addition, given the layout and scale of the development it considered that the proposed development would not have a significant detrimental impact upon the amenities of neighbouring properties through overshadowing or loss of light. In terms of light impacts, the Council's Environmental Health (EH) Team has reviewed the submitted 'External Lighting Lux Levels' plan (Drawing 2909-CHE-111E) and raises no objection – acknowledging that notwithstanding that the plan

indicates that lighting levels will comply with industry standards, they still have powers to investigate and intervene where statutory light nuisance is concerned.

- 9.100 The EH team has advised that the potential for disturbance to the nearest dwellings from deliveries to the store is a slight concern. In this regard however, they consider that a suitable noise management plan may overcome these concerns. This could be reasonably secured via planning condition. In addition, the applicant has suggested a planning condition which secures specific details of the fixed plant and/or machinery associated with the development, to be agreed with the Local Planning Authority and which is restricted to specific noise levels at certain periods of the day. The EH team has indicated their agreement with this approach.
- 9.101 The matter of construction impacts is also considered necessary to mitigate – in particular noise and dust arising through the demolition element and site preparation. In this regard, it is considered necessary to secure a Construction Management Plan via planning condition. This should also address concerns raised by the Town Council in respect of construction access.
- 9.102 The EH team has also suggested that a demolition asbestos survey is also secured, given that the demolition element will involve removal of buildings which may incorporate asbestos. In this regard, the removal of such material is controlled under license via the Health and Safety Executive and the developer would be expected to contract specialists in its removal. Therefore, as this is regulated under separate legislation, this is not a matter that the planning system should seek control.
- 9.103 The proposal is in accordance with Adopted Local Plan Policy LP2 and LP16.

Crime & Disorder

- 9.104 The development will not create an unsafe environment or increase the risk of crime and disorder and so has been found to comply with the Adopted Local Plan Policy LP17

Environmental Impact Assessment

- 9.105 The application was preceded by a request to assess the Environmental impacts of the development (application ref: F/YR20/0920/SC) whereupon the Council considered that the proposal would not constitute EIA development. Having regard to the proposal in comparison to the EIA enquiry, it is concluded that the Council's opinion is that the development is not EIA development.

10 CONCLUSIONS

- 10.1 The NPPF (2018) has at its heart the presumption in favour of sustainable development. To be sustainable, development must, as noted in paragraph 8 of the NPPF, strike a satisfactory balance between the economic, environmental and social considerations.
- 10.2 In terms of the economic and social objectives of sustainable development, the proposal would contribute towards economic growth, including job creation through creating 40 to 50 posts, without undue adverse impacts upon vitality of March Town Centre. The proposal would also assist in retaining convenience expenditure within March, assisting the local economy, whilst providing consumers with increased shopping choice. As such, whilst the proposal would lead to a loss of a B class site, the site itself has been found less attractive for such uses given the

changed character of the area and development of the site for the use proposed would bring forward economic, social and environmental benefits in accordance with the objectives of sustainable development as outlined within the NPPF.

- 10.3 In terms of the environmental dimension of sustainable development, the proposal offers opportunity for the incorporation of energy efficiency measures as well as the inclusion of ecological enhancement measures, with potential to deliver net gains in biodiversity. The visual impacts of the development are considered to be acceptable, and the proposal would make a positive contribution to character and appearance of the area. The residual cumulative impacts on the road network would not be severe, and the proposal would accommodate the use of sustainable transport modes. Impacts arising from the development could be made acceptable through the imposition of construction management and noise management plans.
- 10.4 With regard to whether there are sites better located in or adjacent to March Town Centre where the development could be located, it has been demonstrated that there are no suitable sites available. The sequential test has therefore been passed.
- 10.5 In terms of the combined (comparison and convenience) retail impact of the proposal (in combination with the impact of the consented or yet to be determined Westry Retail scheme) it is not considered to be unacceptable.
- 10.6 The development provides the necessary car, cycle and servicing space. In relation to transportation impacts, with the proposed junction improvements, satisfactory provision has been made for pedestrians and whilst the traffic impacts are not completely mitigated, the impact will not be severe, and it will be no worse than with the present junction arrangement (if the development and the Westry Retail Park and McDonalds schemes did not go ahead).
- 10.7 The site is not at flood risk, and it has been demonstrated that the development can be adequately drained.
- 10.8 The proposed development will not result in the loss of significant biodiversity and some satisfactory safeguards / enhancements are proposed.
- 10.9 The trees of significant quality are being retained by the scheme as are a good number of other lower quality trees. The retained trees are being supplemented by additional tree and landscape planting (controlled by condition).
- 10.10 The site has a low risk in relation to contaminated land and the impacts of demolition in respect of any onsite asbestos can be controlled by condition.
- 10.11 The development has some potential to cause noise impact (from the service yard) on a nearby residential property, but this can be adequately mitigated through a management condition.
- 10.12 The proposed lighting scheme has been demonstrated not to be detrimental to residential amenity.
- 10.13 The building itself is of a satisfactory and appropriate design for its setting and will not result in a loss of amenity for any adjacent land uses.

- 10.14 For these reasons, when considered in the round, the proposal would contribute significantly to the economic, environmental and social dimensions of sustainability. As such the proposal is considered to constitute sustainable development and accords with the Development Plan.

11 RECOMMENDATION

Grant subject to the following conditions and the signing of a S106 legal agreement in respect of the £250 k contribution towards the implementation of the MATS junction [in the event that there is demonstrable certainty that it will be completed within 2 years of store opening] as an alternative to the implementation of Aldi's own signalised junction design;

1. The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to any site works, a drainage survey of the retained existing drainage network should be carried out to confirm its presence and suitability for use within the proposed drainage strategy. This should demonstrate the existing pipe network is of suitable condition to continue accepting flows from the site and has a positive connection to the Anglian Water public sewer. If the flows cannot be accepted, then an alternative scheme shall be submitted to and approved by the LPA and the development shall be implemented in accordance with it.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

3. No laying of services, creation of hard surfaces or erection of a building shall commence until a detailed surface water drainage scheme for the site, based on the agreed Sustainable Drainage Strategy, Stirling Maynard Consulting Engineers, 3272 313, November 2021 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in full accordance with the approved details prior to first occupation.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity.

4. Measures to deal with any additional surface water run-off from the site during the construction works shall be implemented so as to prevent any surface water flooding off site.

Reason: To ensure surface water is managed appropriately during the construction phase of the development, so as not to increase the flood risk to adjacent land/properties or occupied properties within the development itself; recognising that initial works to prepare the site could bring about unacceptable impacts. To accord with Adopted Local Plan Policy LP14.

5. Prior to occupation of the development, the developer shall deliver the improved access into the site including the provision of the pedestrian refuge

island with dropped kerbs and tactile paving across the site access junction as shown indicatively in drawing no. 19126-010 Rev C.

Reason: In the interest of highway safety in accordance with Adopted Local Plan Policy LP15.

Note: The identified plan is indicative only and a detailed scheme will have to be submitted to and approved by the highway authority under a Section 278 agreement and it is this design that must be implemented.

6. Prior to occupation of the development, the developer shall upgrade the existing traffic island on the Hostmoor Avenue (west) arm of the Tesco Access roundabout to comprise a pedestrian refuge island with dropped kerbs and tactile paving as shown in principle in drawing no. 19126-010 Rev C.

Reason: In the interest of highway safety in accordance with Adopted Local Plan Policy LP15.

Note: The identified plan is indicative only and a detailed scheme will have to be submitted to and approved by the highway authority under a Section 278 agreement and it is this design that must be implemented.

7. Prior to occupation of the development, the developer shall be responsible for the provision and implementation of a Travel Plan to be agreed in writing with the Local Planning Authority. The Travel Plan shall include suitable measures and incentives to promote sustainable travel to the site. The development shall be implemented in accordance with the approved Travel Plan.

Reason: In the interest of sustainable travel in accordance with Adopted Local Plan Policy LP15.

8. No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the sound emitted from the site shall not exceed 45 dBA between 0700 and 2300 hours and 34 dBA at all other times. The sound levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014

Reason: To ensure that the development complies with approved details in the interests of the protection of human health and the environment.

9. Prior to commencement of development, a Construction Management Plan (CMP) shall be submitted to and approved by the LPA. The CPM will be required to address the following:
 - Site preparation (use of equipment and machinery including mobile plant/potential smoke & dust pollution/general noise control)
 - Construction phase (noise control of vehicular activity, machinery and equipment/siting of skips and waste disposal arrangements/dust suppression)
 - Complaint response and investigation procedures
 - Hours of construction

- Measures to keep the highway free of mud and debris which would otherwise make the highway unsafe.
- The method to be used to remove any asbestos from the site.
- Site compounds for parking, storage / delivery of materials

and the CMP shall be implemented as approved.

Reason: In the interests of safe operation of the highway and protection of general residential amenity in accordance with policy LP15 and LP16 of the Fenland Local Plan.

10. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
 - a) Summary of potentially damaging activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements) including ensuring no Non-Native Invasive Species are spread across the site.
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the recommended mitigation and compensation suggested in section 5 of the PEA (Ecology Solutions, 2020) are followed correctly. This will ensure that the development aligns with the National Planning Policy Framework and Fenland Local Plan.

11. The development shall only be carried out in accordance with all of the ecological measures and/or works shall be carried out in accordance with the details contained in the PEA (Ecology Solutions, 2023) and the invasive species present on site should be eradicated in accordance with best practice.

Reason: In the interest of the protection and enhancement of ecology / biodiversity in accordance with Adopted Local Plan Policy LP16.

12. The development hereby permitted shall not be occupied until at least 2 bird boxes and 2 bat boxes have been suitably designed into the scheme in accordance with best practice methodology as set out by the Royal Society for the Protection for Birds and the Bat Conservation Trust, evidence of the inclusion of these boxes should be provided to the Local Planning Authority.

Reason: To secure the provision of long-term nesting / roosting opportunities.

13. No removal of nests in building, hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or building disturbed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Protected species are a material concern for Local Planning Authorities as per the National Planning Policy Framework and Fenland Local Policy. The disturbance of protected species may be an infraction as described within the Wildlife and Countryside Act 1981 20 The development hereby permitted shall be carried out in accordance with the following approved plans and documents.

14. The landscaping scheme as listed below, shall be implemented in full within 6 months of the store hereby approved first trading.

Reason: In the interest of the appearance of the development and to accord with Adopted Local Plan Policy LP16.

15. Prior to the commencement of development, the tree protection measures as given in the tree protection plan shall be in situ and shall remain in place until all construction works on the site have been completed.

Reason: In the interest of the appearance of the development and to accord with Adopted Local Plan Policy LP16.

16. Approved Plans

APPENDIX 1 – 9TH March Objection from Cambridge Property Group

I am writing further to your recent exchange of emails with Bernard Greep, of Stantec and his letter to you of 2nd March, where he is further advising your Council on the Aldi application (LPA ref: F/YR21/0885/F). This further advice addressed Contour Planning's challenge that the Stantec's advice was fundamentally flawed because they had not previously undertaken a 'combined convenience only' and 'combined convenience and comparison' retail impact assessment. We acknowledge that this has now been undertaken, by Aldi's consultant, Planning Potential.

However, this assessment shows a combined convenience only retail impact on March Town Centre of 19.5%, which would be an unacceptable, significantly adverse retail impact on the vitality and viability of March Town Centre.

In his email of 20th February at 7:00pm, Bernard Greep wrote:

"Planning Potential's submissions do not necessarily present the strongest case that could have been presented, and the 19.5 per cent convenience retail impact is a concern."

In his letter of 2nd March Bernard Greep made the following comment:

"There is a disagreement between Planning Potential [agent for Aldi] and Contour Planning [agent for CPG] regarding the likelihood of the 2016 permission being delivered as anticipated at the time of that application."

For ease of reference this is what we said in our advice of 27 September 2022:

As previously advised by Stantec, one can consider the Westry Retail Park figures in two ways. Firstly, that the committed scheme has planning permission and can be built out. Secondly, that the current application at Westry Retail Park does not currently have planning permission, but is more likely to be built out, otherwise why make such an application in the first place. On the basis that the current Westry Retail Park planning application is the more likely to be built out (assuming planning permission is granted), we are comfortable with the applicant using the figures from the current Westry Retail Park application."

Against the background outlined above, whilst Planning Potential identifies a worst-case convenience impact on March Town Centre of 19.5% per cent higher than the corresponding impact figure of 15.2 per cent which Planning Potential identified in May 2022 – that is based on delivery of the 2016

permission as envisaged at the time of that application. For the reasons that we have already outlined, we regard such an outcome unlikely."

It is therefore staggering that the Council could still support this application on retail impact grounds, particularly when their own retail consultants confirm that the combined convenience retail impact of 19.5% is "ostensibly of concern". Particularly when we have confirmed the intention to progress with the 2016 permission.

Tesco's consultant's objection letter of 1st March 2022 said:

"It is not appropriate for the Council's advisor, Stantec, to second guess whether the revised scheme might be approved, or to assume that the consented proposals will not proceed. Taking a worst-case approach is on any event, a usual and sensible convention that should be adopted in this case."

This is the view of an independent, professional third party. This is further substantiated within the letter to the Council dated 3rd October 2022 in which CPG's agent confirmed terms had been agreed with operators and provided a letter from their lawyer confirming leases were currently being drafted for the scheme permitted under F/YR15/0640/F. I would also like to remind you of the email exchanges that place between us, where CPG stated in their email to you of 17th June 2022 timed at 12:15, that

" I would like to confirm, for any avoidance of doubt, that it is the committed development planning reference F/YR15/0640/F which will be built out."

and in your email from you to me dated 1st August 2022 you confirmed:

"Please note that in terms of retail impact we not made any assumptions in relation to either of the Westry schemes other than to assume that one or the other may come forward."

Let me unequivocally state to you again that CPG will be building out the committed development F/YR15/0640/F. Contour Planning reiterated this in their letter to the Council of 13 February 2023 stating:

"The 2016 planning permission has not come forward earlier due to the three and a half years it taken the Council to determine the reserved matters application, which was only granted planning permission on 01.12.2022."

In relation to the 2018 application, a lot has changed in the retail markets since the revised larger scheme was submitted in 2018 due to Covid and the current cost of living' crisis, consequently the 2015 scheme is the most commercially appropriate scheme to bring forward at this time. The main anchor tenant on the 2018 scheme withdrew, meaning a reduction in footfall, thus lessening the demand for the larger scheme. Whereas CPG has been able to secure an anchor tenant for the food store permitted under the 2015 scheme which has resulted in agreements being reached with other multiple comparison goods

operators. It is for these very sound commercial reasons that F/YR15/0640/F will be built out.

It is CPG's intention is to build out F/YR15/0640/F as a first phase and then apply for an enlargement of the retail park at the appropriate time. This is the only reason that F/YR18/0566/F remains a 'live' application, as providing that this application obtains a planning permission it will set a precedent for a larger retail park and hopefully make the path easier when the time comes to apply for an expansion of F/YR15/0640/F. In addition, a lot of time, resources and funds have been afforded on the 2018 application, so even though it is not commercially appropriate to deliver this development at this time, it is better for the application to run its course for the reasons set out above.

However, given the content of Stantec's letter of 2nd March 2023, despite having categorically set out to you that we will not be bringing forward the 2018 application and will be delivering the 2015 scheme as well as providing our reasoning for doing so, CPG are currently seeking an opinion from King's Counsel as to whether the 'live' application, LPA ref: F/YR18/0566/F should be withdrawn and whether the acknowledgement by Stantec of their concerns over the level of combined convenience impact should be sufficient grounds to challenge this decision, should the Council still be considering supporting this development on retail grounds.

It is clear that too much weight is been given to an assumption and there appears to be very little consideration of the fact that the 2015 scheme is permitted and therefore capable of coming forward, as opposed to the 2018 scheme which is does not even have a planning consent therefore currently not capable of coming forward.

Stantec have advised the worst-case scenario, but this is the only scenario. However, at a 19.5% convenience retail impact on March's Town Centre, Stantec have already confirmed this "is a concern". This significant adverse impact on March Town Centre's vitality and viability is the reason this application fails the retail impact test required by Para. 90 of the NPPF, and in accordance with Para. 91 of the NPPF, should be refused planning permission.

APPENDIX 2 – APPLICANT’S 2023 TOWN CENTRE HEALTH CHECK

Aldi Stores Ltd.

January 2023

March Town Centre Health Check Assessment



Introduction

The town of March is a historic market town, which is well-connected by road and benefits from a railway station with direct links to Cambridge and East Anglia, Peterborough and the Midlands. The 2014 Local Plan described March *‘as a relatively healthy town centre which has an historic urban form and attractive riverside setting’*. The town is centrally located in the Fenland district and is the second largest town after Wisbech.

This January 2023 Health Check represents an update to two previous assessments undertaken by Planning Potential in order Fenland District Council have an up-to-date assessment in respect of March town centre’s vitality and viability. The first health check was undertaken in February 2021 (undertaken during the pandemic) and was included within our Planning & Retail Statement (July 2021) submitted in support of Aldi’s planning application. For robustness, and to provide an update to the original Health Check we visited the town centre and provided a second Health Check in April 2022.

A list of criteria to be used to assess the health of a centre is not provided in the National Planning Policy Framework (NPPF), however indicators for such an assessment can be found in the Government’s Planning Practice Guidance (PPG).

The Health Check outlined below ensures that the information presented on the vitality and viability of March Town Centre provides a full and robust assessment, in order to inform the assessment of retail impact and assist the Council in their decision making.

The town centre for the purpose of this Health Check is that defined by Experian Goad Ltd. Whilst the Goad plan for the town is largely reflective of area defined by the town centre boundary in the adopted Local Plan, it is noted that the Lidl store and its surrounds are identified as being outside of the town centre in terms of policy.

Health Check Assessment

Centre	March Town Centre
--------	-------------------

Example Images of the
Town Centre



Diversity of Uses	The National Planning Practice Guidance (NPPG) recognises that diversity of uses within a centre makes an important contribution to overall vitality and viability, ensuring that town centres are attractive destinations throughout the day and evening.
-------------------	--

Figure 1 below utilises both the latest Experian Goad Ltd data and the findings of Planning Potentials site visits from April 2022 and January 2023; we provide a breakdown of the diversity of uses in March town centre at these times, and set against the national average.

Sector	Goad (Surveyed October 2021)		Planning Potential (April 2022)		Planning Potential (January 2023)		UK Average
	No. of Units	%	No. of Units	%	No. of Units	%	%
Convenience	14	7.9	13	7.3	14	7.8	9.2
Comparison	35	19.8	40	22.3	41	22.9	27.1
Retail Services	38	21.5	43	24.0	42	23.5	15.6
Professional Services	17	9.6	17	9.5	19	10.6	9.1
Leisure Services	41	23.2	40	22.3	40	22.3	24.6
Vacant	32	18.1	26	14.5	23	12.9	14.2
Total	177	-	179	-	179	-	-

Source: Experian Goad Ltd and Planning Potential Research

Retailer Representation and Intentions to Change Representation The current number of convenience units (14 no.) is lower than the UK national average, but the town centre is relatively well represented with a range of different convenience retailers.

The main store within the town centre is a Sainsbury's supermarket, with Lidl representing an edge of centre location outside of the defined town centre boundary and primary shopping area. The centre is also served by several smaller stores in the form of Tesco Express, Iceland and a Heron Food. The town has a local butchers, bakers and newsagent as well as several smaller convenience offerings, including a health food shop.

The Sainsbury's is the largest single retail unit in the town centre. The store has a net area of 1,858 sqm and sells a wider of convenience and comparison goods. When visited in January 2023 the store was trading well.

March town centre has a relatively small comparison retail offer and these are mainly independent businesses, with only a limited range of national multiple retailers. The largest sector representation of multiple retailers are charity shops, Clarks, M&Co, WH Smith, Boots, Superdrug and Specsavers are also represented.

Balance Between Independent and Multiple Stores During the site visit it was noted that March town centre has a mix of multiple national retailers and independent operators. With the exception of the national convenience retailers on the edge of the centre, many national multiple stores are focused on Broad Street, the centre's main shopping street, examples of which include Holland & Barrett, Boots, Nationwide, Dominios.

Whilst Broad Street also has a mix of independent businesses, these are more prevalent in the secondary areas of High Street and Station Road.

Proportion of Vacant Street Level Property Vacancy rates provide a useful indicator of the relative health of a town centre and should be taken into account when assessing vitality and viability of a town centre. It should be noted that a small level of vacant units is considered appropriate as it allows for natural change in retailers and availability of floorspace for new entries.

As can be seen in the table above, our visit to March in January 2023 identified 23 vacant units. This is below the current national average, and also shows an improvement when compared to the figure following our visit in April

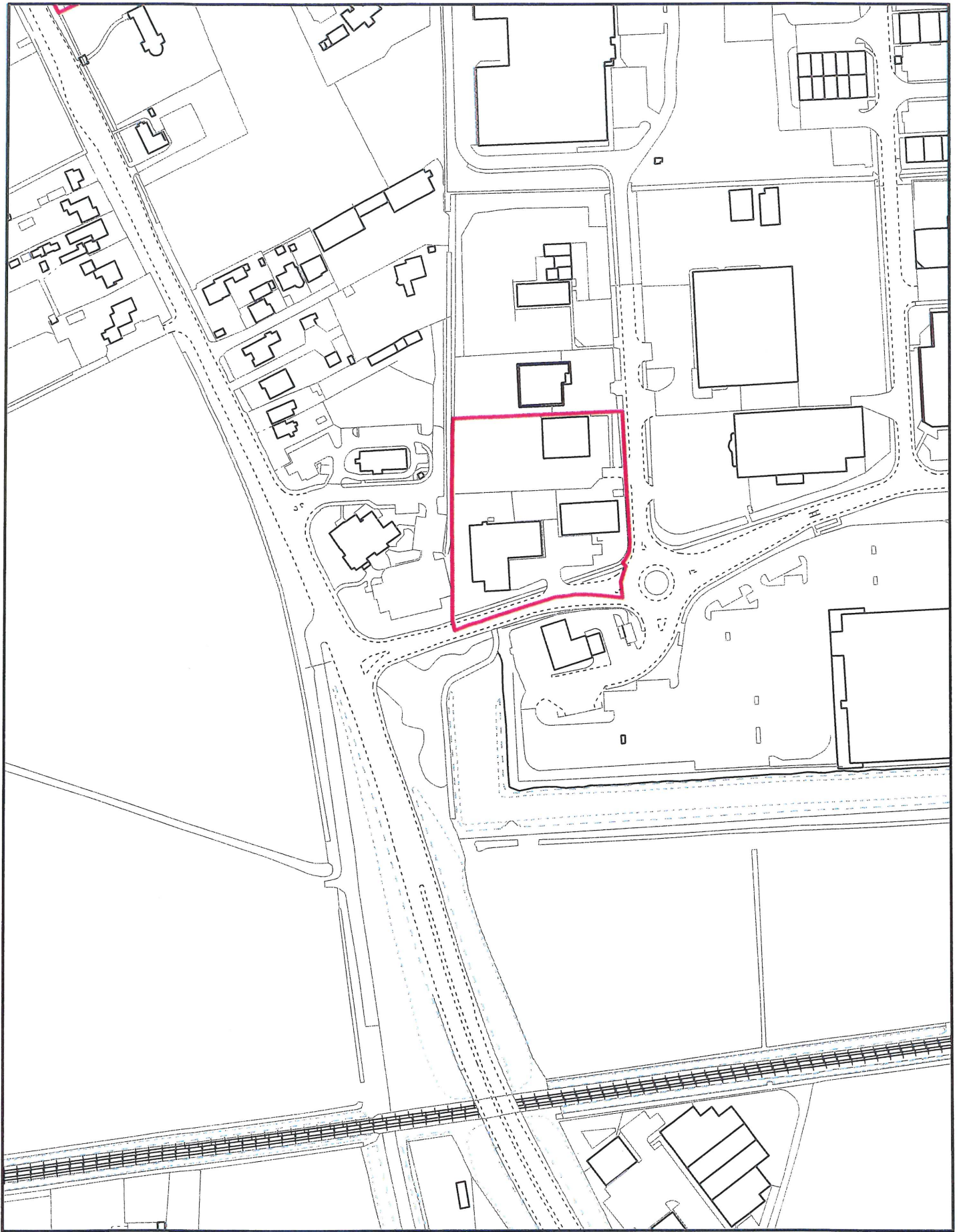
	2022. This decrease is most likely attributed to continued post pandemic recovery and indicates the centre is improving.
Extent to which there is Evidence of Barriers to New Businesses Opening and Existing Businesses Expanding	There are several vacant units throughout the centre which were noted as being advertised as either to let or for sale. From this assessment there does not appear to be any evidence of significant barriers to new business opening and existing business expanding, particularly due to the observed variety of vacant units available and the evident reduction in vacant units since our last assessment.
Opening Hours / Availability / Extent to Which There is an Evening and Night Time Economy Offer	As recorded by the GOAD assessment in 2021 and Planning Potential's subsequent updates, March town centre contains a a broad range of leisure services. Although Planning Potential's survey was conducted in the daytime (12:00-15:00), there appeared to be evidence of an evening economy offering in the centre, including a selection of public houses and restaurants located on the Primary Shopping Frontage, however the proportion of leisure services is lower than the national average.
Pedestrian Flows	<p>During Planning Potential's visit in January 2023, the footfall and pedestrian activity across the town centre was observed. Pedestrian flows were considered to be relatively busy at the time of Planning Potential's visit, with the greatest flows being at the High Street and Market Place and along Broad Street.</p> <p>The town centre suffers from traffic congestion, particularly at the north of the High Street and along Broad Street, with most issues occurring at the traffic light junction at the north of the High Street. The on-street car parking at Market Street creates additional traffic congestion, impacting on safe and convenient pedestrian access around this part of the centre, one of March's prime retail areas.</p> <p>Further, pathways are relatively narrow along the High Street which has high traffic flows. Also, pedestrian access to both the town centre's main car parks to the High Street are not well defined and of limited environmental quality.</p>
Accessibility	<p>March town centre is accessible by a range of means of transport, including public transport, private car and also by pedestrians. Whilst not within the town centre, the train station is within walking distance and has regular services to a number of towns within the region.</p> <p>The bus links from the town centre are good with regular buses providing access from the town centre to the wider urban area and surrounding towns, including Chatteris and Wisbech.</p> <p>There is an on-road cycle route that runs through the town centre which provides a link to the surrounding residential areas.</p> <p>Further details of the accessibility of the town are provided within the accompanying Transport Assessment.</p>
Perception of Safety and Occurrence of Crime	<p>The centre appeared to give an overall sense of safety. Throughout the Primary Shopping Frontage there were fairly consistent pedestrian flows, supported by retail units in the centre having active frontages. All this contributed to positive surveillance giving an impression of safety. Certain areas were, however, noted to have in-active frontages where natural surveillance was poor, which was due to derelict / underutilised land to the west of the High Street.</p> <p>There was no obvious indication of anti-social behaviour in the centre such as graffiti or littering further supporting that the centre gave an overall impression of safety.</p>
State of Town Centre Environmental Quality	<p>Most of the defined town centre is designated as a Conservation Area reflecting the market town history. The centre is overall a pleasant environment and has the benefit of the river setting which flows through the town centre.</p> <p>The adopted Local Plan does not identify any development sites in the town centre, but there has been relatively recent development and investment in the form of the library scheme to the west of High Street and the West End DIY/garden centre at the southern end of the High Street.</p> <p>However, the March Neighbourhood Plan recognises that a large part of the town centre has derelict and underutilised backland that could be regenerated to the wider benefit of the town centre. There is therefore potential within the town centre to improve its overall offer and appearance in the future. Given the lower representation of</p>

comparison shopping, this would potentially represent a suitable retail use to improve the town's retail offer in this respect.

Summary

As with previous assessments, our January 2023 Health Check Assessment identifies March Town Centre as a vital and viable town centre. The centre continues to have a good retail offering and diversity of uses, with a large proportion of independent alongside a selection of multiple national retailers. The number of vacant units in the centre has reduced since our last visit in April 2022 and is now comfortably below the UK national average, indicating continued recovery and improvement the local economy post-Covid19.

Our survey also identified healthy pedestrian flows and activity in central areas, with low instances of anti-social behaviour and an overall pleasant town centre environment.



Created on: 10/08/2021

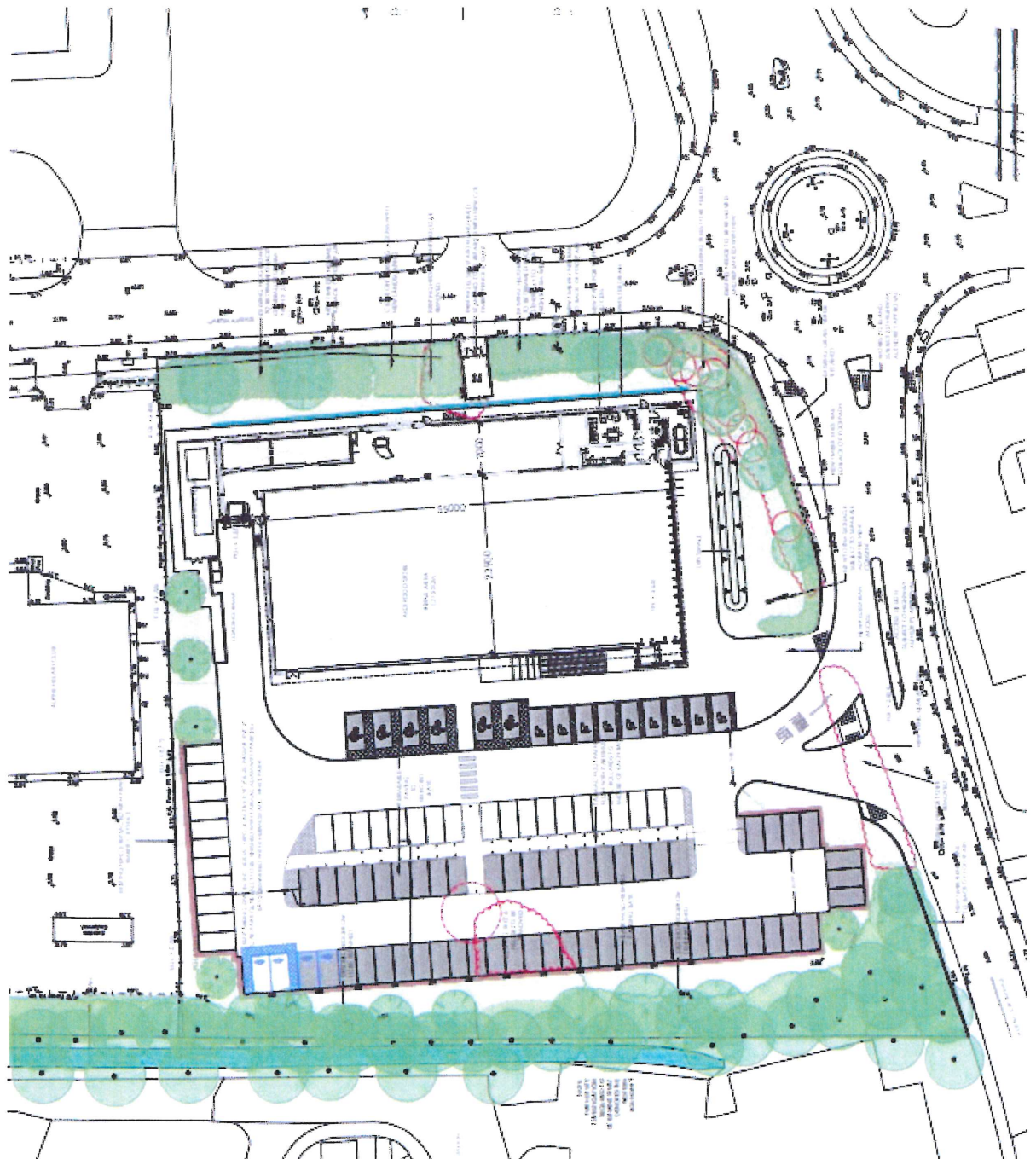
© Crown Copyright and database
rights 2021 Ordnance Survey 10023778

F/YR21/0885/F

Scale = 1:2,649



PROPOSED LAYOUT



VISUALISATIONS



PROPOSED JUNCTION IMPROVEMENT A141 / HOSTMOOR AVE JUNCTION

