

**APPLICATION NO: F/YR21/0885/F**

**SITE LOCATION: 1-3 Hostmoor And 1 Martin Avenue, March**

**UPDATE**

**1) Revised Situation Regarding the Proposed Westry Retail Park**

The committee report refers to the extant planning permission for the Westry Retail Park and also the 'newer' application F/YR18/0566/F (undetermined) which sought to revise the proposal in a number of ways including a reduction in the amount of 'convenience' floorspace. The 'newer' application has now been withdrawn.

As a consequence of this, when reading the committee report, the impact of the proposed Aldi scheme should be considered against the extant Westry scheme. It is no longer relevant to consider the proposed revisions to the Westry scheme as the application F/YR18/0566/F has been withdrawn.

**2) MATS transport improvements project**

The County Council has recently considered an Environmental Impact Assessment (EIA) Screening Opinion application in relation to the Peas Hill roundabout and Hostmoor Ave / A141 junction improvements. The decision was that the proposals did not constitute EIA development. It should be noted that the design in the Screening Opinion application was for a light controlled junction and no longer a roundabout (the committee report refers to the MATS scheme as a roundabout which appears to be no longer the case. In addition, it should be noted that the scheme no longer makes provision for an access in to the consented Westry retail scheme.

**3) Relevant Plan Policies**

Policy TC 2 of the March Neighbourhood Plan was not referred to the Committee Report.

Policy TC2 – Regeneration Sites

The Plan identifies three sites where it is felt that there is an opportunity to improve the physical appearance of the town centre and enhance the quality of the environment. These include the sites listed below:

- Land to the west of the High Street Site
- Land to the south of Station Road Site
- Land to the north of Centenary Church

These locations do not provide are not able to provide for the proposed Aldi development.

**4) Cllr Count – Revised Comments on the Application**

I wish to withdraw my earlier objection (680099) to this scheme, which was solely based on highways grounds. The latest correspondence regarding this is in the files from CCC highways, with extract in paragraph below. As part of the March Area Transport Strategy group, I have been involved in discussions and now believe that the current position is acceptable from a highway's perspective. The solution needed (including a right turn onto A141) is designed for future growth and the delay in implementation (before all of that growth arrives) is acceptable, balanced against all of the other works already disrupting and those in planning stage. Apart from earlier highways objection I remain neutral for the planning committee to decide on balance

whether the benefits of an additional out of town facility overly impacts Town centre shopping. With full regard to planning constraints.

In the County Council's view, looking at both the current Aldi and MATs build programmes, we believe that if things continue as expected, there will likely be a maximum of one year between the Aldi signal scheme being delivered and the MATS scheme being delivered. Following internal discussions, it has been determined that we could accept 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. 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. In light of this, we therefore consider that there will be more severe disruption to the travelling public and local residents of March 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.

## **5) Additional Public Comments**

### **Support**

#### Number 1

March most certainly needs an Aldi supermarket to prevent many hundreds of shoppers either going to Chatteris or Wisbech to shop at an alternative major discount supermarket in these difficult financial times.

#### Number 2

Support for proposal, reasons unspecified.

#### Number 3

I believe more competition will keep prices lower. Creates local jobs. The existing road layout does not need to be changed to accommodate the new store. So limited disruption whilst the work is being done.

#### Number 4

I think it will be an asset to the town and perhaps reduce the carbon footprint when doing the weekly shop by not having to drive to Chatteris or Wisbech.

### **Objections**

#### Number 1

We are extremely concerned with the current plan to access the store and parking directly off Hostmoor Avenue. This is a very busy road with both private and substantial commercial traffic flowing 24/7. Given the Aldi store would be receiving deliveries via trucks etc the entrance into the proposed car park could cause major backups of traffic back to the A141/Wisbech Road. This would be a major safety issue and also impact on the current traffic flow to the likes of B&M, Ridgeons, Tesco and the commercial businesses further down Hostmoor Avenue. Currently traffic flow out of Tesco and also down Hostmoor Avenue toward and entering the left turn onto the A141 quite regularly backs up beyond the current round-about. This would make it virtually impossible for traffic to exit the car park onto Hostmoor Avenue. We would recommend that the plan is "flipped" with the store sitting at the rear (where the car park is) and the car park be placed parallel to Martin Avenue. The access to the car park and store should be from Martin Avenue which would provide a buffer for traffic entering the car park and store. As indicated if the proposal went to Fenland Planning in its present form, we would strongly object due to the impact on traffic flow to & from the A141/Wisbech Road into Hostmoor

Avenue.

## Number 2

We [on behalf of Tesco] have now reviewed the Officer's Report to the 26th July Planning Committee and make further representations.

These representations primarily relate to retail impact, sequential assessment, a breach of employment land policy, unacceptable risks to pedestrian safety and the inappropriate reliance on a contribution to an uncertain highways solution.

### *Retail impact on Town Centre Vitality and Viability and Planned Investment*

In our letter of 1st March 2022 we explained the fundamental deficiency that sat behind the assessment of retail impact in that there had been no update to the necessary household spending survey evidence dating from 2015. The Officer's Report explains that the Council's retail consultant accepts that "the survey used is old". But because "...shopping patterns have been and continue to be in state of considerable flux and so undertaking a new survey would not have been advantageous" (paragraph 9.39). Such an explanation is surprising. Because retail is such a dynamic industry, having access to up-to-date information is particularly important. Without this the credibility that can be placed on the outcomes of the retail impact assessment are substantially reduced.

This is critical in that there are substantial levels of impact being predicted i.e., of 19.5% on March town centre as a whole (in terms of the correctly applied cumulative situation incorporating the consented Westry proposal, see at paragraph 9.60 of the Officer's Report). That is a very substantial level of impact. Impacts above 10% are routinely identified as being of significant concern and whilst the health of March town centre might not be in an overly critical state, the NPPG advises that "...whether the likely adverse impacts are significant can only be reached in light of local circumstances". Where there is a risk that adverse impact on town centre vitality and viability could be significant, the Development Plan and NPPF advise that planning permission should be refused.

There is a further important concern. This relates to impact on town centre planned investment. The Neighbourhood Plan promotes the regeneration of the town centre via Policy TC2 (although it is noted that the Officer's Report, at paragraph 7, fails to identify that as a relevant Development Plan Policy). Significantly, the Council has been successful in the context of such policy initiatives in receiving a substantial 'Future High Streets Fund' of £6.5m. Some of the relevant initiatives are already being implemented.

In such a scenario, further out-of-centre retail development is wholly at odds with the national local and policy principle of 'Town Centre First'. In assessing the effect on this investment, it is not solely about whether such funding might become available, rather the significance is in the extent that the funded outcomes can deliver the full extent of promised initiatives. The Officer's Report identifies that amongst these initiatives are "Bringing vacant buildings back into use" (paragraph 9.51). The optimisation of such an important outcome is clearly at risk from the proposed development. As such, there is an "...impact of the proposal on existing...public investment in a centre...". This is the relevant NPPF test and it is reasonable to assert that such impact could be significant and thus justify the refusal of planning permission having regard to Neighbourhood Plan Policy TC2 and paragraphs 90 and 91 of the NPPF. In contrast, the Officer is incorrect to assert that merely the implementation of the Future High Streets Fund proposals is enough to justify no adverse impact from the application proposals being permitted. That is not the appropriate test. It should consider impact on the overall effectiveness of the investment.

### *Sequential Assessment*

The Officer's Report continues to dismiss the West March Strategic Allocation opportunity on the basis of historic consideration (paragraph 9.33). The applicant is reported to have rejected this opportunity with the Officer's Report explaining, "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 being only 0.5ha in area which would not accommodate the store" (paragraph 9.25).

However, a planning application has now been submitted for the first major component of this scheme, including the Local Centre. That the proposal is in accordance with the development plan serves to confirm the suitability of the site. That the Local Centre opportunity might be smaller than the applicant would prefer does not prevent it from either negotiating with the developer to enhance the opportunity or for it to promote a lesser land take scheme that still delivers the overall scale of development it seeks. For instance, there are current examples of Aldi promoting stores on no more than 0.4ha (that deliver floorspace of the scale proposed for their application site in March with a two storey format) on sites at Orpington and Thames Ditton.

This opportunity can be regarded as being available "within a reasonable period" (NPPF paragraph 87) bearing in mind relevant guidance in the NPPG expects that "the scale and complexity of the proposed scheme" should be taken into account.

### *Breach of Loss of Employment Premises Policy*

A proper interpretation of the Local Plan's Policy LP6 is that it seeks to "retain for continued use high quality land..." as well as retaining for "continued use...premises currently or last 3 in use for B1/B2/B8 employment purposes...". Both are then subject to a marketing exercise requirement.

There is a good town planning reason for such an interpretation since land that has already been developed as employment premises contributes to the stock of currently available premises and this is a different stock from land which needs to be high quality in order for it to have a reasonable prospect that it will be developed.

The Officer's Report, at paragraph 9.9, initially seeks to interpret the policy on the basis that the requirement for marketing only applies where either the land or the premises is considered to be "high quality". In paragraph 9.10 a justification is put forward that the premises are not considered to be "high quality B class premises" and that the requirement for marketing does not apply. Part of the justification for this is said to be that "the site (therefore) is an island of B Class development in a pond of retail, food and drink and leisure uses..." and that its current "...use is at odds with the surrounding development and uses." That is not the proper approach to the application of the policy which merely relies upon identifying "premises currently or last in use for B1/B2/B8 employment purposes." The quality of matters including the nature of surroundings of the site and that there are already retail uses in existence, is not relevant.

However, the Officer then identifies that the policy can properly be interpreted and applied as we have set out above. At paragraph 9.13 it is stated that "Officers note that the NPPF and NPPG do not include a requirement that land, or premises be a high quality for marketing to be relevant evidence" and "...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." The conclusion that the Officer has to therefore come to is that "...the Council will seek to retain (the premises) for B1/B2/B8 purposes unless a marketing exercise demonstrated that there is no reasonable prospect of them being used for these purposes". And on that basis "...the absence of adequate marketing would mean that the policy is breached".

Whilst the Officer then seeks to suggest that notwithstanding this substantial conflict with a 'Principle of Development Policy', that the loss might not be significant and that the proposed development would generate some jobs, the Report recognises that these matters "...do 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" (paragraph 9.15). Asserting a lack of significance is not appropriate in the context of a policy that seeks to restrict any loss other than when a specific criterion exists. On employment, there is not only a displacement of jobs or potential jobs from the existing premises but that new retail employment, to some extent, will be moderated because of changes to other local retail performance.

#### *Unacceptable Risks to Pedestrian Safety*

The Officer's Report at paragraphs 9.76 and 9.77 describe the minor improvements to pedestrian facilities in the vicinity of the application site, particularly in terms of accessing the nearby Tesco store. The safety of these improvements is fundamental. Our letter of 14th April 2023 explained, at length, the real concerns that arise, particularly in the context of the Transport Assessment identifying that the Aldi proposals will create a significant degree of linkage between the two facilities. Our letter examined the varied limitations and 4 risks involved in the use of the two, non-signal controlled, pedestrian crossing facilities. In addition, concern was raised that these risks would be magnified during use in darker hours when visibility is impaired.

The Officer's Report summarises this objection as "...the proposed crossing facilities for people moving between the Tesco side of Hostmoor Avenue and the Aldi side (and vice versa) are unsafe especially at night" (paragraph 5.13). However, nowhere in the Officer's Report nor in the consultation comments from CCC Highways has this risk been reviewed prior to the grant of planning permission. The significance of the risk is such that it is not a matter for a subsequent Road Safety Audit to address. The conclusion in our letter of 14th April is that "the proposal would lead to "an unacceptable impact on highway safety" by encouraging pedestrians to cross a busy highway without controlled crossing facilities". Paragraph 111 of the NPPF requires refusal of planning permission when this relatively limited risk of impact is likely.

#### *Unreasonable Reliance Upon a Contribution to an Uncertain Highways Solution*

The Officer's Report places unreasonable reliance on a £250,000 contribution from the applicant towards the uncertain implementation of the March Area Transport Strategy (MATS) scheme for the A141/Hostmoor Avenue Junction. The Report confirms the uncertainty, at its paragraph 3.2, 9.65, 9.66 and 9.72 and in reporting the CCC Highways consultation response at its paragraph 5.7. On the basis that the contribution is necessary to make the development acceptable and there is a risk that the scheme currently envisaged might not take place, then there should be no grounds for securing such a contribution and consideration then given to whether the development should be refused. In that regard, the alternative implementation of Aldi's signalised junction design is not seen as acceptable since, as Tesco's Transport consultants have advised, "...the residual cumulative impacts on the road network being severe have not been adequately addressed." (Letter from TPA dated 22nd September 2022).

#### *Conclusions*

There is no up-to-date evidence base to support reliable findings on the likely impact of the proposal on March town centre. This is a significant concern bearing in mind the 19.5% magnitude of the applications proposal's retail impact on the vitality and viability of the centre as a whole.

The proposal also impacts on the ability to optimise the outcome of the 'Future High

Streets Fund' investment which includes "bringing vacant buildings back into use".

Sequential Assessment has not been updated to reflect the submission of the planning application for the development of the West March Strategic Allocation. This provides a preferably located, 'suitable' opportunity to accommodate the proposal. The site is available "within a reasonable period" in accordance with NPPF Policy.

The Officer's Report accepts that there is a breach of the key loss of employment land policy (Policy LP6).

The non-signalised controlled pedestrian crossings that Aldi propose to link with the Tesco store do not satisfy the national policy requirement to avoid "unacceptable impact on highway safety".

The approach to securing a s106 planning obligation relating to a contribution towards an uncertain future highway improvement at the A141/Hostmoor Avenue Junction is unreasonable. The alternative has not been shown to be acceptable.

For all of the above reasons, planning permission should be refused.

### Number 3

We refer to our previous objection to this development based on the impact on traffic flow and congestion re filed on 19th July 2023. Key elements of this objection were:

1. the entrance into the proposed (Aldi) car park would cause major backups of traffic back to the A141/Wisbech Road. This would be a major safety issue and also impact on the current traffic flow to the likes of B&M, Huws-Grey Ridgeons, Tesco and the commercial businesses further down Hostmoor Avenue through serious traffic backup and congestion on the Tesco/Hostmoor roundabout.
2. Currently traffic flow out of Tesco and also down Hostmoor Avenue toward and entering the left turn onto the A141 quite regularly backs up beyond the current Tesco roundabout. This would make it virtually impossible for traffic to exit the (Aldi) car park onto Hostmoor Avenue.
3. We would recommend that the plan is "flipped" with the store sitting at the rear (where the car park is) and the car park be placed parallel to Martin Avenue. The access to the car park and store should be from Martin Avenue which would provide a buffer for traffic entering the car park and store. (We recognise that this would not be Aldi's preferred commercial option since they would no doubt like to encourage customers to visit Aldi ahead of travelling on to Tesco – but the congestion impact should far outweigh any commercial benefits).

Upon investigating the application more closely it has now come to our attention additional factors that further compromise the application.

1. The current proposal allows vehicles to turn right off Hostmoor Avenue into the (Aldi) site access while heading west toward the A141 & just after the Tesco/Hostmoor round-about. This is absolutely crazy given that motorists will be blocked by a continuous stream of eastbound traffic when the signals go green. Aldi & Tesco bound traffic completing this manoeuvre would cause a massive backup to the Tesco/Hostmoor round-about and beyond and also potentially block traffic being able to exit the existing Tesco car park. This reinforces our previous recommendation that the site plan be flipped with access & egress from Martin Avenue.
2. Traffic Light or Round-about options – Hostmoor Avenue & A141 Wisbech Road  
Studying the numerous Cambridge CC & Highways Agency comments and recommendations it appears that there seems to be total confusion as to the

preferred alternative to manage the current and future traffic flow to/from Hostmoor Avenue to the A141/Wisbech Road intersection. Obviously, the current left turn only option to the A141/Wisbech Road is not sustainable going forward. The addition of the Aldi development plus a McDonald's on the land west of the Tesco Petrol Station will just add to the potential traffic flow congestion.

We have noted that there appears to be 2 sets of 3-way traffic light proposals. First a short-term fix by Aldi and then about a year later, a replacement set of lights as defined within the MATS scheme. Traffic lights in either case will result in traffic congestion and backup. All of this seems totally unnecessary and perhaps focussed more on the £250,000 contribution by Aldi than actually identifying a suitable long-term solution. It would seem that the most logical solution from a traffic flow standpoint would be a new all movements round-about at the Hostmoor/A141 Wisbech Road intersection which would allow for vehicles exiting Hostmoor Avenue to be able to turn left (southbound) or right (northbound) onto the A141.

Furthermore, it would seem logical that this infrastructure should be completed and in place prior to any Aldi development thus avoiding any of the 97% capacity issues mentioned in various Cambridge CC & Highways Agency documents.

#### Conclusion

We strongly object to the Aldi development proposal in its present form.

1. The site plan should be flipped with the car park adjacent to and access from Martin Avenue.
2. The "right turn manoeuvre" from Hostmoor Avenue into the Aldi site access should definitely not be seen as an option and point of access.
3. The various traffic light options will just exacerbate traffic flow issues.
4. A new round-about should be completed, in place and fully operational prior to the approval or completion of any Aldi development, thus eliminating many of the traffic congestion issues highlighted in the Cambridge CC & Highways Agency document. This would appear to also reduce any future traffic flow issues contributed by Aldi, McDonald's and ultimately the Westry Retail Park if/when that proceeds.

We trust that FDC Development Services and the FDC Planning Committee take these recommendations seriously and do not allow the Aldi Development to be approved at this stage until all of the above is mitigated. BTW we don't object to having an Aldi supermarket per se.

#### Number 4

We are extremely concerned with the current plan to access the store and parking directly off Hostmoor Avenue. This is a very busy road with both private and substantial commercial traffic flowing 24/7. Given the Aldi store would be receiving deliveries via trucks etc the entrance into the proposed car park could cause major backups of traffic back to the A141/Wisbech Road. This would be a major safety issue and also impact on the current traffic flow to the likes of B&M, Ridgeons, Tesco and the commercial businesses further down Hostmoor Avenue. Currently traffic flow out of Tesco and also down Hostmoor Avenue toward and entering the left turn onto the A141 quite regularly backs up beyond the current round-about. This would make it virtually impossible for traffic to exit the car park onto Hostmoor Avenue. We would recommend that the plan is "flipped" with the store sitting at the rear (where the car park is) and the car park be placed parallel to Martin Avenue. The access to the car park and store should be from

Martin Avenue which would provide a buffer for traffic entering the car park and store.

### **Officer Response To Objections**

The impact of the development is 7.3 % when both convenience and comparison shopping is taken into account as advocated by the NPPF. The solus impact of Aldi would be 2.7% if the Westry scheme was not implemented.

The NPPF does not specifically state that proposals should be assessed in the impact of the success on planned / committed town centre investment. There is no realistic way in which such an impact could be accurately calculated.

West March is not suitable alternative location. 500sq m of 'local centre' development is proposed, considerably below the requirement of the Aldi store. In addition, the location would be at least some 2 years away from being available.

With regard to the suggestion that the telephone surveys were out of date, it should be noted that at the time of the assessment the cumulative assessment of both the Westry schemes, both of which used the same evidence base. It was sound judgement to use the same phone surveys for direct comparison and to assess the overall cumulative impact.

With regard to the loss of employment land, the Policy states that the Council will "*seek to retain for continued use high quality land and premises*" and so it is appropriate to consider if the site represents high quality land / premises. This has been done by officer in the committee report.

The proposed crossings on Hostmoor Ave and all of the proposed junctions and improvements have been assessed by the Highway Authority and found to be appropriate and safe.

The proposed S106 makes provision for a cash contribution only if there is a high degree of certainty around the implementation of a MATS improvement. There is, therefore, no reliance on the contribution.

There is no evidence that the proposal will result in job losses. If there were to be, it would be reasonable to conclude that they would be offset by the jobs created in the proposed new Aldi store.

**Resolution: No change to the recommendation which is to grant this application as per Section 11 of Agenda item 5.**