
Town and Country Planning Act 1990

PLANNING DECISION NOTICE

1 Details of the application

Reference: F/YR21/0885/F
Registered: 27 July 2021

Applicant: ALDI Stores Ltd
Per:

Agent: Mr Rob Scadding
Planning Potential Ltd
Magdalen House
148 Tooley Street
London
SE1 2TU

2 Address to which this permission relates

1-3 Hostmoor And 1 Martin Avenue March Cambridgeshire

3 Details of this decision

Permission is **GRANTED** regarding:

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).

4 Conditions

This permission is subject to the following conditions:

- 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, in accordance with Policy LP14 and LP19 of the Fenland Local Plan 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 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, in accordance with Policy LP14 and LP19 of the Fenland Local Plan 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 4 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, in accordance with Policy LP14 of the Fenland Local Plan 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 5 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.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 6 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.

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.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 7 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 of 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 and bat potential, in accordance with Policy LP19 of the Fenland Local Plan 2014.

Please note this condition requires action prior to the occupation of the development. Please read this condition carefully and ensure that you comply in full.

- 8 All ecological measures and/or works shall be carried out in accordance with the details contained in the PEA (Ecology Solutions, 2023) 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.

- 9 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.

Please note this condition requires action prior to the occupation of the development. Please read this condition carefully and ensure that you comply in full.

- 10 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.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 11 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. in accordance with Policy LP16 of the Fenland Local Plan 2014.

Please note this condition needs to be discharged through the submission of a Discharge of Condition Application through the Local Planning Authority. Please read this condition carefully and ensure that you comply in full.

The additional information required by this condition is considered necessary to make the development acceptable in planning terms.

- 12 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.

- 13 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.

- 14 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.

- 15 The development hereby permitted shall be carried out in accordance with the following approved plans and documents

Reference	Title
3272 313	Drainage Strategy (revision Nov 2021)
	Geo-Environmental Assessment Report (revision 2023)
	Travel Plan
2909-CHE-101	Existing Site Layout
2909-CHE-103	Existing Site Elevations
2909-CHE-115	Proposed Roof Plan
2303	Lighting Assessment Plan (revision PL1)
2909-CHE-100	Location Plan (revision B)
2909-CHE-112	Proposed Floor Plans (revision B)
2909-CHE-113	Proposed Site Elevations (revision B)
2909-CHE-114	Proposed Elevations (revision B)
2909-VL L01	Proposed Landscape Scheme (revision E)
20102-BT1	Tree Protection Plan
2909-CHE-111	Proposed Site Layout (Block plan) (revision G)
19126-010	Access Details (revision C)

Reason - For the avoidance of doubt and in the interest of proper planning.

5 Informatives

The following points are also relevant to this permission:

- 1 The Local Planning Authority has worked positively and proactively with the applicant to seek solutions to problems arising from the application and as such planning permission/consent is granted on the basis of amendments to the originally submitted application.
- 2 You are reminded that this project may require approval under Building Regulations prior to work commencing. It is recommended that you make enquiries in this respect direct to CNC working in partnership with the Local Authority Building Control Team (0808 1685041 or E-mail: enquiries@cncbuildingcontrol.gov.uk).
- 3 **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.

- 4 Anglian Water
- (1) 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) 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) 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) 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) 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.
- 5 Please see Section 106 Planning Obligation dated 21 December 2023 in relation to the provision of access improvements at the junction of Hostmoor Avenue with the A141.

Drainage Advisory Note

The applicant is reminded that they have a separate legal obligation to comply with the requirements of the relevant Internal Drainage Board in the area, or Middle Level Commissioners, if it is proposed to discharge from the development into a watercourse for which these bodies are responsible, or to carry out development in proximity to such a watercourse, or to alter any watercourse, be that IDB/MLC controlled or riparian.

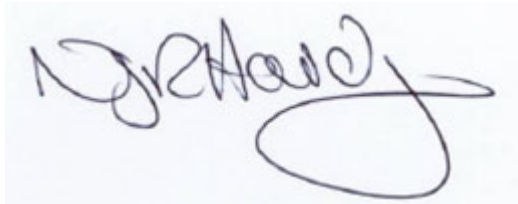
Granting or refusal of any necessary consent under the Internal Drainage Boards Byelaws or the Land Drainage Act 1991 is a matter for the Board itself and will require a formal application and prior written consent from the Board or Commissioners.

The applicant is advised to contact the relevant IDB or the Middle Level Commissioners at the earliest opportunity to discuss any such requirements.

6 Authorisation

Authorised by: Nick Harding
Head of Planning

Signature:

A handwritten signature in blue ink, appearing to read 'Nick Harding', written over a light blue rectangular background.

Date the decision was made: 21 December 2023

Fenland District Council
Development Services
County Road
March
Cambridgeshire
PE15 8NQ

Phone: 01354 654321

E-mail: planning@fenland.gov.uk

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under the provisions of the Town and Country Planning Act 1990 and/or the Planning (Listed Buildings and Conservation Areas) Act 1990.

If you want to appeal, then you must do so within **6 months** of the date of this notice, using a form which you can get from the Planning Inspectorate at Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, by contacting the customer support team on 0303 444 5000 or online <https://www.gov.uk/appeal-planning-decision>

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission or consent or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission or listed building consent or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been, or would be, permitted.

In these circumstances, the owner may serve a Purchase Notice on the District Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions the Town and Country Planning Act 1990 and/or the Planning (Listed Buildings and Conservation Areas) Act 1990.

Compensations

In certain circumstances compensation may be claimed from the local planning authority if permission or consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990 and Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.