



**NO TESCO IN  
MILL ROAD**

COMMENTS ON THE PLANNING OFFICERS' REPORT FOR  
APPLICATION 08/0099/FUL

ERECTION OF SINGLE STOREY EXTENSION TO REAR OF UNIT  
AND INSTALLATION OF PLANT

THE NO MILL ROAD TESCO CAMPAIGN

MARCH 2008

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## Summary

Although we welcome the additional consideration that the planning officers have given aspects of this application (for example, requesting further information regarding noise pollution and restricting the delivery hours somewhat), their recommendation of approval is unsound because it is based on flawed grounds. It seems evident to us that the planning officers are mistaken in their interpretation of some aspects of planning guidance and they are clearly wrong about some basic facts regarding the proposal. In summary, these are:

### 1. Deliveries

The planning officers misrepresent the issue of servicing the site from Mill Road (now, seemingly their preferred method of servicing the site). Both the judgement of the Highway Authority and past practice directly contradict what the planning officers say:

1. **The Highway Authority has stated that deliveries made to the front of the store would create a threat to pedestrian safety.** This was one of two reasons it gave for opposing the applicants' original delivery plans;
2. **The previous occupants observed the existing conditions on the site, and delivered to the back of the site by van;**
3. Making at least 30 deliveries per week by unloading on Mill Road would not be consistent **Cambridge Local Plan** which says that **Service and delivery vehicles that park on the highway can cause an obstruction to other road users. Therefore, any development that will require regular loading or servicing must avoid causing illegal or dangerous parking, by providing appropriate off-street facilities. (8.21)**

### 2. Parking

**The proposal to remove all on-site parking fails to meet either Council Parking Standards or the test these Standard set for reducing parking.** In addition, one-off reductions in parking to meet the wishes of an applicant to build an extension, rather than as part of a carefully coordinated transport strategy, **are clearly against the spirit of national and local planning guidance** (PPG13 and the Cambridge Local Plan). **They are also contrary to the stated intentions of the applicants.**

The assertion that shoppers and users of the proposed ATM machine will not come by car is not consistent with the evidence that we have collected.

### 3. Cumulative Impact

Several key matters – of noise pollution, waste storage and disposal, and staff cycle parking – are still unanswered, several months after the initial application by Tesco in respect of this site. Individually, they might not in themselves represent grounds for refusal, but **cumulatively they represent a substantial body of unanswered questions about matters that will affect the operation of the store and local amenity.**

**The planning officers say several times that the individual issues under consideration (parking, deliveries, etc) are not in themselves grounds for refusing the application. As above, this fails to recognise the cumulative impact that these problems have when taken together.** An application that fails to meet Parking Standards may or may not be refused on those grounds alone, but what is under consideration here is an application that fails to meet Parking Standards and has no mechanism for safely and legally servicing the site, and will increase congestion, and poses a threat to the vitality and viability of the local centre, and is not compatible with local and national planning guidance in the numerous other ways that we have identified.

#### **4. Vitality and viability**

**The planners fail to address the vitality and viability issue in any substantive way.** As we have said repeatedly, this is one of the most important planning issues at stake in this application, although by no means the only one.

#### **5. Precedents and evidence from other Cambridge Tesco Express stores**

The planners unreasonably restrict consideration of other cases which may have a bearing on this case because they clearly consider that only identical cases can be considered as relevant. In fact, **the pertinent issue in considering the value of these cases as precedents and supporting evidence is not whether other cases are identical but whether they are comparable.** To insist that cases must be identical is to misunderstand the nature of both precedents and supporting evidence, and it unreasonably restricts consideration of data and issues of direct relevance to the application.

#### **The Detail of the Report**

As before, for greater clarity, the comments generally follow the structure of the report itself, with comments referring to the report's numbered paragraphs. We would also refer you to our previous submissions, including our objections documents and our two documents commenting on the previous officers' report. Please let us know if anything here requires further clarification or if you would like us to resend you copies of any of our documents.

Much of the report is unchanged from the two previous report documents (the original report plus the additional sections of the report circulated by the planning officers on 14 January 2008). In general, we have not addressed those parts of the report that we commented on last time – although we refer back to our original comments – except where we have obtained additional evidence that is material to consideration of the applications.

This report considers planning guidance in considerably more detail than the previous report did; since this raises important issues related to application, we have likewise considered these aspects of the guidance in more detail than we did before.

## Paragraph 2.1

We note that the extension appears to have increased from 87 m<sup>2</sup> to 98 m<sup>2</sup>.

## Policy

The planning officers have considerably expanded this section, providing much greater detail about which sections of central and local government planning policy they consider to be relevant to this application. While this is welcome, there are a number of problems, both with their selection of guidance and with the weight of interpretation that they place on it.

## PPG13

### Paragraph 5.4

The officer cites PPG13, paragraphs 49-56, to make the claim that the proposed removal of effectively all on-site parking is consistent with national government guidance on reducing reliance on car journeys through reducing parking availability. A reading of this section of PPG13, however, indicates that it does not support the case for the removal of on-site parking, as presented in the planning officers' report. Importantly, objective 7 of **PPG13** states that Local Authorities should "use parking policies, alongside other planning and transport measures, to promote sustainable transport choices and reduce reliance on the car for work and other journeys". This, taken together with **Cambridge Local Plan 8.23** ("The City Council promotes lower levels of private car parking [...] where good public transport accessibility exists. Reduced levels of car parking will be sought in parallel with improvements in the provision of alternative modes of transport"), **makes it clear that car parking reductions need to be made in the context of a wider, coordinated transport strategy, not on an *ad hoc* basis to meet the desire of individual applicants to build an extension.**

**It would be in the spirit of neither PPG13 nor the Local Plan to make a one-off, on site car parking reduction that increased road congestion and, by increasing the likelihood of illegal parking, increased the threats to highway safety.** One of the key concerns informing the PPG13 sections on "Traffic Management" (paragraphs 64-69) "Walking" (paragraphs 75-77) is "pedestrian safety and security", something that, as we argue below and elsewhere, would be significantly harmed by both of the proposed servicing solutions for the site, as well as the expected increase in illegal parking by those who wish to shop in the store and/or use the proposed ATM machine

## Circular 11/95

### Paragraph 5.5

As we will indicate later, we agree with the planning officers that a key section is that which states that:

Since planning controls are concerned with the use of land rather than the identity of the user, the question of who is to occupy premises for which permission is to be granted will *normally* be irrelevant." [our italics]

At the risk of stating the obvious, we would draw councillors attention to the fact that this does not mean that the identity of the occupier cannot be relevant; in fact, it means that the identity of the occupier *will*, sometimes, be relevant to considerations informing planning permissions. As we have argued extensively elsewhere, the identity of the user is, unusually, relevant in this case and in two ways – firstly as a grocery store replacing a car accessories store, meaning that issues of deliveries, waste, customer parking, and noise are all much more problematic than they were under the previous occupation of the site; secondly, the unique and widely publicised "just in time" delivery policy of this particular applicant raises additional issues of the impact on congestion.

*Cambridge Local Plan 2006*

Paragraph 5.7

8/9 Commercial Vehicles and Servicing

We note that, amongst other changes, the planning officers have now included reference to this section of the **Local Plan**. We agree that it is an important piece of planning guidance for this decision, especially paragraph **8.21**, which states that:

**Service and delivery vehicles that park on the highway can cause an obstruction to other road users. Therefore, any development that will require regular loading or servicing must avoid causing illegal or dangerous parking, by providing appropriate off-street facilities.**

**Principle of Development**

*Breach of Condition*

Paragraph 8.3

The planning officers state:

that a condition may not have been complied with does not make the use for retail unlawful. On the basis that it is likely that the breach of condition has been occurring for a considerable time (recognising that Sedgwick Street has been one-way for more than 10 years), it would not be expedient to bring enforcement proceedings.

Although not explicit, it seems clear that this is a reference to the condition requiring deliveries to be made in the parking and delivery area at the rear of the site rather than on the street. Although the planning officers consider such a breach "likely", it has not, in fact, been taking place, since (as discussed below) the previous occupiers did indeed service the site at the rear, using much smaller delivery vehicles than those envisaged by Tesco and thus able to access the delivery area through the one way system. The planning officers' assumptions, on which they are basing their judgement about this aspect of the application, are thus factually incorrect.

*The provision of on-site parking*

Paragraph 8.10

The planning officers state that:

What might increase the likelihood of a growth in motor traffic would be the promotion of car parking to the rear, which would be easier to access

if vehicular access was available in two directions along the first 50 metres of Sedgwick Street.

There are three issues that arise from this:

1. No-one is suggesting that either "promotion" or (as in the earlier report) an increase in car parking is desirable at the site. The argument is, in fact, that given the increase in demand for car parking that would be generated by the existence of a market-leader grocery store on the site, it would be inappropriate to remove all (or indeed most) on-site parking. This demand is evident in both the existing Tesco Express stores in Cherry Hinton and Chesterton, where there is evidence of on-street legal and illegal parking. By way of comparison, moreover, the only larger grocery store on Mill Road, the Co-op, has a substantial on-site car park, which is well used. **As noted above, *ad hoc* car parking reductions for single sites do not seem to be the intention of either PPG13 or the Local Plan, not least because they will increase both congestion and illegal parking, with consequent negative impact on residential amenities and on pedestrian safety.**

2. As the planning officers note in paragraph 1.2, the car park is not only used by visitors to the ground floor of 163-167 Mill Road but is used by both the occupiers of the office on the first floor of this building and the estate agents next door. At least five places in the car park are reserved for these businesses. In addition, the planning officers note that some local residents also appear to use the car park. Even assuming that the effect of removing on-site parking would be to deter all visits to the proposed store by car (which, as we have explained elsewhere, we do not consider plausible), there would also be a negative effect on the adjacent businesses who rely on the car park and on local residents who currently use on-street parking and who would therefore find it harder to park near to their homes because they were having to compete for parking places with those who currently use the car park.

3. We note the planning officers' comment regarding the greater access to the car park that would derive from a change to the one-way status of this part of Sedgwick Street. We assume, given the planning officers' apparent view that such increased access would be undesirable as liable to promote visits to the site by car, that they are not favourable to the proposed change to the one-way status of Sedgwick Street.

### **Vitality and Viability**

Paragraph 8.12

This is a repetition of text from the first report. Since this is an important point it is worth reiterating what we said about this text last time:

We appreciate that this is the planners view but we do not think it is a correct view. To take the points in order:

- 1 The extension will, of itself affect vitality and viability because
  - a. The applicant says that the extension is necessary to enable the shop to open (no extension = no Tesco Express);

b. The opening of a Tesco Express will necessarily have a detrimental impact on the vitality and viability of the local centre, as we have shown at length elsewhere.

2. With all due respect to the planning officers, the reference to PPS6 is spurious. The vitality and viability commitment is explicit in the Cambridge City Local Plan paragraphs 6.16, 6.17 and (as the planning officers themselves identify in their report) 6.24. If it were really the case that, as a general matter of planning principle, impacts on existing shopping centres cannot be taken into account in planning decisions, as the officer suggests above, why is it built into the Local Plan, which is informed by national guidance? The Local Plan is clear on this point: vitality and viability *is* a consideration of direct relevance to planning decisions.

3. For these reasons, the proposal does not accord with Local Plan Policy.

4. Furthermore, we think that it is incorrect to invoke PPS6 in this way since we understand that the Planning Inspectorate's decision to uphold Barnet council's refusal of planning permission for a Tesco Express on vitality and viability grounds was based in part on PPS6.

In considering the impact on the local centre, it is important to remember that Tesco are claiming (and the planning officers agree) that the overwhelming majority of customers to this store would be those living and working locally who can come to the store on foot or by bike. Although evidence from other stores suggest that this is not correct, we note that this is their view. This means that they expect to attract shoppers who currently use the existing shops. In 2004, a planning application to build a Tesco Express in Dundee included the information that the projected annual turnover of the store was £1.8 million, an increase of £1.4 million on the petrol station on the site at the time of application. Tesco have not included any details of their projected turnover in their application but it is reasonable to assume that it would be higher than that projected for a similar store four years ago. Thus, it would be reasonable to infer that **the proposed Tesco Express will draw around £2 million per year from existing businesses in the Mill Road centre**. It seems clear to us that this will seriously damage the viability of the centre as a whole.

#### Paragraph 8.13

To reiterate what we said above, the use of the word "normally" is key in Government Circular 11/95; this is not, of course the same as "always". In this context, the identity of the occupier will not be irrelevant where that identity has a direct bearing on the vitality and viability of the city or local centre. As we have pointed out elsewhere, bodies including the All-Party Parliamentary Small Shops Group have noted that the identity of convenience store site occupiers *is* relevant to the question of the vitality and viability of the surrounding centre. The Competition Commission's findings are likewise relevant where local dominance by a single grocery retailer threatens competition (thus, the vitality and viability



of centres); in this regard, the fact that Tesco already has over half the market share in Cambridge is significant.

### **Visual Impact of Proposed Extension**

Paragraph 8.14

The planning officers state that the proposed extension "would be substantially masked from the street by the outbuildings to 161 Mill Road". This would not, of course, be the case if viewing the site from the north (i.e. from any point on Sedgwick Street further away from the junction with Mill Road than the entrance to the car park).

### **Residential Amenity**

#### **Noise**

Paragraphs 8.17 and 8.19

We are glad that the planning officers have acknowledged that there are serious flaws in the applicants' treatment of the issue of noise. We are, however, concerned that despite the fact that the planning officers have a number of questions unanswered about potentially very negative impact of noise pollution on local residents, they are content to recommend approval of the application. It is important to remember that if approval is given, local residents will be permanently subject to the noise impact of the operation of air conditioning and refrigeration units (which would, in the latter case, operate 24 hours a day), as well as the noise of multiple daily deliveries to the site (involving the noise of the vehicles themselves; the warning sound made as they reverse; the noise made by lorry tailgates being lowered onto tarmac; and the movement of noisy metal cages across the site). Given this permanent impact on local residents we think it is irresponsible to recommend or give approval with – by the planning officers' own account – so many noise-impact questions unanswered.

8.18 We are not sure what the layout of the flat at 161A Mill Road is - although it should be noted that if the bedrooms are indeed facing Mill Road not the back of the site then they would be affected by the light pollution from the proposed 15 metre signage. In any case, the flat as a whole would still be negatively affected by the noise from the proposed air conditioning and refrigeration units as well, of course, as by the proposed deliveries to the back of the site.

### **Refuse Arrangements**

Paragraphs 8.20 and 8.21

As with the issue of noise pollution, we are concerned about the fact that the planning officers are recommending approval of a proposal with such significant potential negative impacts on local residents while a number of details appear to be unresolved. It is clear from 8.20 that the applicants have – many months after their initial application – still not provided full details of proposed waste storage and disposal. We have been highlighting this as an issue of significant concern since mid-October 2007 and it appears that clear plans regarding waste were still not available by late February 2008. As the largest grocery retailer in the UK, it has to be assumed that they have clear plans for waste storage and disposal at

their many hundreds of Tesco Express stores. We would be curious to know why they have not decided to share the detail of these plans with planning officers, councillors, and local residents.

As we have said repeatedly, the proposed convenience store would generate a vastly greater quantity of waste than the previous occupier did, as unsold fresh food would require disposal and cardboard, plastics and other non-perishable waste would be generated on a daily basis. As the planning officers note, the extension would bring any externally stored waste much closer to residential properties; in addition, collection of waste would need to be much more frequent than under the previous occupier.

### **Highway Safety: Deliveries**

It is clear from the report that the planning officers are less confident of the merits of proposed changes enabling the applicants to make deliveries to the back of the site by lorry than they were in their previous report.

They now appear to regard delivery to the front of the site, unloading on Mill Road without the creation of a lay-by, as a permanent alternative to deliveries to the rear of the site. They base this assessment on two grounds:

1. That the Highway Authority does not object to deliveries by the applicant to the front of the site;
2. That this was the standard method of servicing the site under the previous occupant and that therefore it would be unreasonable to enforce the conditions attaching to the site in respect of the new occupant when they were not enforced for the last one.

Both of these assumptions are incorrect.

### *Servicing of the site by the previous occupiers*

Paragraphs 8.23 and 8.25

The planning officers state that

The existing retail unit [...] was, when last occupied, serviced from the public highway Mill Road (as well as the rear yard), notwithstanding conditions imposed on the original planning permission.

This is not true. We have spoken to the previous occupants, **Wilco**, who **have told us that when they occupied this site it was routinely serviced by two vans per week accessing the car parking and delivery space to the rear of the site.** The planning officers say in 8.25 that:

It is certainly my understanding that the last occupiers of the site did not always meet the requirements of the conditions in question.

This is, of course, possible, but Wilco were clear that their normal deliveries were by van and to the rear of the site.

On the basis of this incorrect understanding about previous practice, the planning officers state in 8.25 that:

The simple fact that the new development cannot comply with the conditions does not in itself amount to a reason for refusal in circumstances where the site currently is not complying and that is either lawful or not expedient to enforce.

Even were this argument to be accepted as sound, since it is not true that the site is not complying with the conditions, it is not relevant to consideration of this application.

#### Paragraph 8.26

The planning officers state that:

The one-way system precludes the servicing of this site in the manner originally envisaged when the shop was built, by anything other larger than a van. It has been serviced from the highway

Again, this is not correct.

#### *The view of the Highway Authority*

In discussing the applicants' original proposal to service the site from the front through the creation of a lay-by, the planning officers also state in 8.26 that:

The County Council as the local highway authority opposed that plan [i.e. the plan to create a lay-by] because of the loss of public footway and conflict with pedestrian movements

This is a partial, but absolutely critical, misreading of the Highway Authority views. The Highway Authority gave two different reasons for opposing the servicing of the site from the front. One of these (numbered 1 in the email from Jon Finney of 4 October 2007) was the threat to pedestrian safety caused by the creation of a lay-by. The second, different reason (numbered 2 in the email from Jon Finney) was that:

**Given the level of servicing that the proposed unit is likely to generate there is a strong possibility that there be significant movement of goods from any delivery vehicle to the store which has a high potential for pedestrian conflicts, again to the detriment of pedestrian safety.**

This threat to pedestrians is judged by the Highway Authority to stem from the level of servicing generated by this proposed shop. Not only does this make absolutely clear that they will not agree to servicing of the proposed Tesco from the front of the site, it also indicates that contrary to the planning officers' contentions in this document and elsewhere, not all A1 stores can be regarded as functionally alike for planning purposes. In this case, it is the frequency of deliveries to the propose store that would render it dangerous – a frequency which is the product of the type of store concerned (a grocery store with a "just in time" delivery policy that would generate at least 30 on-street deliveries per week rather than a car accessories store with around 7% of this number of weekly deliveries, made by van to the back of the site).

We highlighted this in our last set of comments (and quoted this paragraph verbatim at our meeting with several EAC councillors on 21 February, at which both the planning officers involved with the application were present). We are therefore rather surprised to see that the planning officers continue to maintain that the Highway Authority considers that the site can be serviced from the front.

The planning officers also state that the Highway Authority:

has specifically stated that it does not consider it necessary to introduce further waiting restrictions in the area, as the existing retail outlet has been successfully serviced, for longer than any officer at the County

Council can recall, without any adjustment to the waiting restrictions being requested.

Since the site has previously been routinely serviced by accessing the back of the site by van, it is not surprising that no adjustments to waiting restrictions were required. Again, **any conclusions** drawn by the Highway Authority, planning officers, or applicant **about the impact of the application** where those conclusions are **based on the assumption that the proposed store would not involve a change of practice regarding servicing of the site are false because the proposal *does* involve a change of practice – regarding where the site is serviced, how frequently deliveries are made to it, and the size of the vehicles required to service the site.**

#### Paragraph 8.30

The planning officers note that the Local Plan paragraph 8.21 requires all sites that require regular loading or servicing are provided with "appropriate off-street facilities" for this purpose. The planning officers go on to claim that:

The circumstances here however are for additional space where existing floorspace can already cause the same issues and off-street parking cannot be used anything larger than a van.

As already noted, this is incorrect in the sense that the existing floorspace has not caused such issues because it has been serviced via off-street facilities, using a van.

They also state that:

The Local Highway Authority advise that providing that the applicants have regard to the delivery hours then on-street delivery will not be illegal and consider that obstruction caused can be managed.

Again, this is simply not correct; the Highway Authority advised in October 2007 that they cannot approve servicing from the street because the frequency of deliveries moving from delivery vehicles to the front of the store would pose a danger to pedestrians.

#### Paragraph 8.33

As in their first report, the planning officers assert that:

In the absence of any objection to the servicing from Mill Road by the County Council, I do not consider that highway safety constitutes a sound reason for refusing the application.

Since a very clear objection was made by the Highway Authority, and since we drew the planning officers attention to it both verbally and in writing, we do not understand why they continue to make this claim. Since, furthermore, they state that highway safety concerns arising from delivery grounds cannot be a sound reason for refusal in the absence of any objection from the highway authority, it can reasonably be inferred that the *existence* of such an objection constitutes a sound reason for refusal (one of many sound reasons).

#### *Frequency of deliveries*

##### Paragraph 8.29

Since the planning officers have repeated the assertion that no obstruction would be created by servicing the site on Mill Road, we reiterate what we have already said to them and to councillors: that we find this assertion bizarre and simply not

consistent with reality. To state that the streets surrounding the property (most immediately, Mill Road and Sedgwick Street) would not be obstructed by at least 30 on-street deliveries per week (several of them by very large vehicles) is simply unrealistic. Any on-street loading and unloading would create an obstruction on this part of Mill Road for several hours per week and this would in turn obstruct the flow of traffic from Sedgwick Street into Mill Road. As is well known, Mill Road already suffers from problems of congestion and from one of the worst accident records in Cambridgeshire. Loading and unloading on Mill Road *would* offend the reasons for the existing conditions, without any doubt whatsoever.

In addition, as the planning officers note, the data collected in our monitoring exercise shows that in the case of the Cherry Hinton Express, in under two days Tesco made 50% of the number of deliveries that they expect to make across seven days at the Mill Road site. This included making nine deliveries to the site in a single day. Since the size of the proposed Mill Road store is at the upper limit of the Express format, the Cherry Hinton store must be the same size or smaller. Thus, the number of deliveries to the Cherry Hinton store must be fewer than those needed for the proposed Mill Road store – or the Mill Road store would require more of their deliveries to be made by large vehicles (10.35m lorry). This suggests that, at a conservative estimate, the number of deliveries would be at least 25% greater than Tesco claim.

The planning officers say that:

Survey figures that the No Mill Road Tesco Campaign have collected at another Tesco Express site (Cherry Hinton) suggest that a higher number of lorry trips may be made. Despite this the Highway Authority, as rehearsed previously, is not raising objection

This gives the impression that the Highway Authority have been consulted after receipt of our survey figures. However, since the text of this report after the reference to our monitoring is identical to the text of the first report, we assume that they have not, in fact, been consulted after our survey. (We would welcome clarification on this point by the planning officers.)

### **Parking**

Paragraph 8.35 and 8.36

As noted above, we do not think that the intention of PPG13 is to promote *ad hoc* removals of on site car parking in order to fulfil the desire of applicants to build an extension – rather, it envisages reductions in car parking in the context of a wider, specific, and explicit transport strategy, which this application is not part of. It should also be noted that this aim is, in any case, not consistent with the applicants' own intentions, as stated in their Planning, Design and Access Statement of January 2008. This Statement asserts that “the level of car parking provided to the rear of the retail unit that is currently available will be retained” (4.21, p.12); it is reasonable to assume that they wish to retain the existing levels of on-site parking because they consider it necessary to the operation of their business (why they are simultaneously planning to reduce them is unclear).

As mentioned by the planning officers, Parking Standards require one parking space per 50m<sup>2</sup> of gross floor area. This would mean the retention of seven

parking spaces, including a disabled space. The planning officers again cite PPG13 in support of the view that it would be desirable to reduce the number of parking spaces; they say that “developers should not be required to provide more spaces than they themselves wish, other than in exception circumstances”. There are three problems with this position, however:

1. As we have noted before, the issue here is not the creation of additional parking facilities, as the planning officers’ position implies, but the retention of existing ones as specified by the existing conditions attaching to the site;
2. **The Council’s Parking Standards state that parking levels “may be reduced where lower car use can reasonably be expected” (1.1) and that car parking levels below the Standards will be supported where measures have been put in place “to ensure that increased on-street parking pressure will not occur”. (1.6c) Clearly not only is this not the case with the current application, but the evidence we have collected from other Tesco Express stores in Cambridge is that the proposed store would significantly *increase* car use in relation to the site. Since there are no measures in place to ensure that on-street parking pressure would not occur (and, indeed, the applicants propose to seek removal of a number of on-street parking spaces), it is clear that the removal of on-site parking facilities is not consistent with the Council’s own Parking Standards;**
3. The applicants themselves have stated in the documents submitted as part of the application that they wish to retain the existing level of on-site car parking.

Since the removal of on-site parking is not consistent with the spirit of PPG13, the letter of Parking Standards, or the applicants’ own stated intentions, we do not see how it could reasonably be approved.

As noted above, and despite the planning officers’ comments, evidence from two other Cambridge Tesco Express stores shows that people would visit the store by car irrespective of whether there is a car park. The planning officers’ assumptions in this regard are not, therefore, supported by the evidence; removing on-site parking would act as an inducement for people to park illegally.

#### Paragraph 8.39

Again, the evidence does not support the planning officers’ view. It should also be noted again that this fails to take account of the impact of current users of the car park being forced to park in the surrounding streets.

The planning officers correctly highlight the serious concerns that we and others have about the impact on residential amenity and highway safety of removing all on-site car parking, as well as removing four on-street spaces in Sedgwick Street. The planning officers say that this is not a reason for refusing the application; however:

1. It is clearly a material consideration and as such

2. Irrespective of whether it would, on its own, be sufficient grounds for refusal if all other aspects of the application were entirely unproblematic, it unquestionably contributes to the cumulative and strongly negative impact of the proposal.

### **Cycle Parking**

#### Paragraph 8.41

The planning officers note that the possibility of creating a cycle parking space to the rear has been referred back to the applicant. This is worth noting as yet another matter that has been left unresolved several months after the initial application.

### **Precedents: Barnet and elsewhere, other Cambridge Tesco Express stores**

#### 8.43-8.46 and 8.50

Over the course of our discussions, the planning officers have advanced a series of different reasons why the Barnet case – regarded as a precedent elsewhere – was not relevant to the current case. In each case, these seem to be founded on the argument that because Barnet (or any of the other cases) was not exactly the same in all its particulars as the Mill Road case it cannot have any relevance for the consideration of this application. This also appears to be the planning officers' view regarding the evidence from other Cambridge Tesco Express stores. This is mistaken. **The relevant issue in considering the value of these cases as precedents or as supporting evidence is not whether other cases are identical (which would obviously be impossible), but whether they are comparable. To insist that cases must be identical is to misunderstand the nature of both precedents and supporting evidence, and it unreasonably restricts consideration of data and issues of direct relevance to the application.** The cases we have drawn to the attention of planning officers and councillors are not completely identical (since no previous case has involved the opening of a Tesco Express at 163-167 Mill Road in 2008 they *cannot* be completely identical); they are, however, very clearly comparable and thus of direct relevance to the application.

As regards the issue of evidence from other Tesco Express stores in Cambridge, there are two additional points that should be noted:

1. Much of our discussion relating to comparison with the other stores was in respect of delivery frequency and vehicle size. **The planning officers themselves (8.29) say that proposed delivery patterns for the Mill Road Tesco Express can be considered common to all Express format stores. Thus, even by the planning officers' own highly restricted conception of what can be considered relevant, the fact that the Cherry Hinton Tesco Express delivery pattern is entirely different from that claimed by the applicant as standard for Express stores is a good guide to what could be expected on Mill Road.**
2. **The comparisons we have made are on issues where the applicants' own characterization of the Express format (for instance as stores serving as 'top up', local shops primarily for pedestrians and cyclists) would reasonably lead to an expectation of broad uniformity.**

**Reports: High Street Britain 2015 and the Competition Commission**

Paragraphs 8.47 and 8.48

We are glad that the planning officers characterise the All-Party Parliamentary Small Shops Group Report as a material consideration in respect of this application. It is worth restating – since there seems to be some confusion about the matter – that our reason for highlighting the findings of both these reports was that we were asked to provide some evidence to support our assertion that a Tesco Express would damage the vitality and viability of the Mill Road centre. Both these reports do indeed provide supporting evidence for this and they therefore need to be considered as material to the specific issue of vitality and viability.

**Conclusion**

As we have outlined above, the planning officer's conclusion and recommendation is based on what we consider to be an incorrect reading of important aspects of planning guidance and on key errors of fact. We do not think it would be reasonable to approve proposals that are likely to seriously damage residential amenity, highway safety, and the vitality and viability of the local centre, where approval is based on such incomplete and seriously flawed advice.