

TWC/2021/0806

Land corner of Colliers Way/Rock Road, The Rock, Telford, Shropshire
Erection of food store including the creation of new vehicle access, parking and
associated landscaping *** AMENDED DESCRIPTION AND AMENDED PLANS ***

APPLICANT

Lidl GB Ltd,

RECEIVED

13/08/2021

PARISH

Lawley and Overdale

WARD

Ketley and Overdale

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE AS IT INVOLVES LAND OWNED BY THE COUNCIL AND REQUIRES A LEGAL AGREEMENT TO SECURE FINANCIAL CONTRIBUTIONS.

Online planning file:

<https://secure.telford.gov.uk/planning/paapplicationssummary.aspx?applicationnumber=TWC/2021/0806>

1. SUMMARY RECOMMENDATIONS

- 1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to conditions, informatives and the applicant entering in to a MOU/S106 to secure financial contributions as set out below.

2. SITE AND SURROUNDINGS

- 2.1 The site subject to this application is located on the corner of Rock Road/ Colliers Way, The Rock, Telford. The site is greenfield land within the Lawley & Overdale Parish in the East of Telford.
- 2.2 Vehicular access to the site is via Rock Road to the north. The site is encompassed on the north/east/south boundaries by adopted highways and public footpaths; with residential development beyond those immediate extents. To the west the land is densely vegetated; adjoining a public footpath. The local area in which the site relates is called The Rock and is located immediately adjacent areas known as Newdale, Lawley and Dawley Bank.
- 2.3 The site is partly owned by Telford & Wrekin Council and partly, Homes England. Historically the site was used as a Colliery and has been subject to mining. Its present form is one which is now blended into the landscape and includes a number of poor quality specimen trees and shrubs, as well as undulating ground levels. None of the existing trees are covered by a Tree Preservation Order (TPO).

3. PROPOSAL

- 3.1 This application seeks full planning permission for the 'Erection of food store including the creation of new vehicle access, parking and associated landscaping *** AMENDED DESCRIPTION AND AMENDED PLANS ***'
- 3.2 The application is supported by the following documents (some of which have been updated/amended through the application process): a duly completed application form and certificates (amended); Transport Assessment; Design & Access Statement (amended); Statement of Community Engagement; Noise Assessment and updated Noise Memo; Flood Risk Assessment & Drainage Strategy; Arboricultural Impact Assessment and letter re: woodland and trees; Preliminary Ecological Appraisal; Highways Technical Note (Modelling Results); Coal Mining Risk Assessment; Biodiversity Metric Calculation Tool and Calculations; Biodiversity Impact letter; Reptile Survey Report; Travel Plan (amended); Planning and Retail Statement (including Sequential and Impact Assessments); Addendum to Planning and retail Statement (Jul 2022); Applicants response to retail matters (Jan 2022 and Feb 2023); Ground Investigations (Initial Findings); Phase 1 Site Investigation & Preliminary Assessment; Phase 2 Ground Investigation Report and various update letters/plans to support discussions held with the Coal Authority. In addition to the following plans: Proposed Site & Building Sections; Proposed Store Elevations; Proposed Floor Plans; Landscape Masterplan; Proposed Site Access & Visibility Splays; Location Plan; Existing Site Plan; Proposed Site Plan; Proposed Roof Plan; Proposed Surface Treatment, Proposed Boundary Treatment Plan and; External Works Details (sheet 01 and 02).
- 3.3 Given the nature of the application and its location outside of a designated centre, the Council has commissioned an independent retail assessment to review the submitted information.
- 3.4 The proposed foodstore is single-storey, ranging from 4.98-7.0m in height utilising an asymmetric roof.
- 3.5 A total of 120 parking spaces are provided to serve the development; 7 of which are disabled spaces and includes 2 EVC points.
- 3.6 The application has been subject to amendments in response to comments from the Planning, Biodiversity and Highways Officer in addition to the Coal Authority.

4. PLANNING HISTORY

- 4.1 **TWC/2018/0185** - Erection of bar and restaurant with the creation of new access, associated parking and landscaping – **Full Granted - 07/09/2018.**

5. RELEVANT POLICY DOCUMENTS

- 5.1 National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

- 5.2 Telford and Wrekin Local Plan (2011-2031)
- SP1: Telford
 - SP4: Presumption in favour of sustainable development
 - EC4: Hierarchy of Centres
 - EC5: Telford Town Centre
 - EC8: Out of Centre and Edge of Centre Development
 - NE1: Biodiversity and geodiversity
 - NE2: Trees hedgerows and woodlands
 - NE6: Green Network
 - C3: Implications of development on highways
 - C5: Design of parking
 - BE1: Design Criteria
 - BE9: Land stability
 - BE10: Land Contamination
 - ER9 Waste Planning for commercial, industrial and retail development
 - ER11: Sewerage systems and water quality
 - ER12: Flood Risk Management
- 5.3 Section 38(6) of the Planning Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 5.4 National Planning Policy Framework (NPPF), set out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement to sustainable development, in economic, social and environmental terms, and it states that there should be 'presumption in favour of sustainable development' and set out what this means for decision making. The NPPF confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

6. NEIGHBOUR REPRESENTATIONS

- 6.1 The application has been publicised through a site notice, press notice and direct neighbour notification. Two stages of consultation have taken place, the second in December 2021 following the receipt of additional information relating to Ground Investigations (Coal Mining); Trees and, Ecological matters.
- 6.2 The Local Planning Authority received 18 representations objecting to the scheme in the first round of consultation, and 16 representations in the second round of consultation. Some of these are new letters of objection and some repeating previous objections. The following summarised issues were raised:
- Highway impacts – Rock Road too narrow; close proximity to Colliers Way and bus stop; extremely busy junction with school traffic and business parks; will result in further congestion; deliveries will be

problematic;

- Lack of need for large supermarket given number of existing foodstores within a 3mile radius;
- Air pollution;
- Loss of woodland habitat;
- Noise impact;
- Impact on existing wildlife;
- Need to retain areas of green open space/natural habitat;
- Available space in the Town Centre (i.e. Debenhams);
- Trees/shrubs already been removed from site pre-determination;
- Loss of light to property (23 Lower Wood);
- Don't want pedestrian crossing – will increase footfall through Lower Wood;
- Late night car meetings could be problematic.

6.3 It should be noted that the number and summary of objections noted above include those made by Telford Trustees No.1 Ltd & Telford Trustees No.2 (made by Knight Frank on their behalf); Morrisons (made by Peacock Smith on their behalf) and ASDA Stores Limited (made by Jigsaw Planning on their behalf). These can be read in full on the public planning file.

6.4 The Local Planning Authority received 23 representations supporting the scheme in the first round of consultation, and 15 representations in the second round of consultation. Again, some of these are new letters of support, and some repeating previous support. The following summarised issues were raised.

- Reduction in carbon footprint – reducing the need for vehicular travel to existing local foodstores;
- Creation of jobs;
- More choice for consumers;
- Currently no budget stores in close proximity;
- Town Centre not convenient for local residents (especially those without cars);
- Nearest Lidl located at Madeley & Hadley – needed in this area to provide local residents with choice;
- Good use of unused unkempt land;
- Respond to increasing demand given expanding Lawley;
- No adverse impacts on local road network.

7. STATUTORY REPRESENTATIONS

7.1 **Lawley & Overdale Parish Council** – Support in principle

“Whilst we support the application in principle, we need to highlight concerns re the effect of HGV’s delivering to store and the turning circle required for access, as the entrance is quite close to a junction on an already busy road, so concerns about oncoming traffic being stopped to allow lorry to fully turn.

Still unclear what the TRO proposals for this road are from TWC Highways that may also impact on the layout/access/egress.”

7.2 **Highways, Arboricultural, Drainage, Ecology and Environmental Health** – Support subject to conditions/informatives.

7.3 **Coal Authority** – Support subject to conditions/informatives.

7.4 **Shropshire Fire Service** – Comment:

As part of the planning process, consideration should be given to the information contained within Shropshire Fire and Rescue Service’s “Fire Safety Guidance for Commercial and Domestic Planning Applications” document.

8. APPRAISAL

8.1 Having regard to the development plan policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of development (including assessment of Green Network)
- Design
- Impact on the amenity of adjacent properties / uses
- Highways impacts
- Drainage
- Ecology and Trees/Landscaping
- Coal Mining/Stability and Contamination
- Retail Impacts and Sequential Test
- Planning obligations

8.2 Principle of development:

8.2.1 The proposed development site is located within Telford’s built up area (as defined on the planning policy map) and is therefore in principle, considered an appropriate location for development under Policy SP1 of the development plan. This however does not take account of other policies with respect to this specific site and proposal; which are discussed further below.

8.2.2 On the Planning Policy Map, the application site is shown as predominantly ‘white land’ (with no protection or designation), with the exception of an area of Green Network to the west part of the site. The site is also located within a Coal Authority High Risk Area.

Retail:

8.2.3 Policy EC4 of the Local Plan advocates a hierarchical approach to the siting of retail development whereby such proposals will first be directed towards Telford Town Centre, followed by Market Towns, District Centres and Local Centres. The application site is not located within any of these areas and is considered an out of centre development proposal.

8.2.4 Policy EC8, which concerns out of centre development, requires that main town centre uses will only be supported on outside or edge of centre sites where suitable sites within Town, Market, District or Local Centres cannot be identified through a sequential test. The policy goes on to say where a site cannot be identified, then proposals will require the submission of an impact assessment in accordance with national policy. The Policy provides a local retail floorspace triggers for an impact assessment.

8.2.5 This approach is supported by para 87 of the NPPF which states:

“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. 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”

8.2.6 Furthermore, para 88 of the NPPF advises 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...”

8.2.7 The NPPF advises at para 91 that:

*“Where an application fails to satisfy the sequential test **or** is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused” (emphasis added).*

8.2.8 Paragraph: 011 (Reference ID: 2b-011-20190722 Revision date: 22 07 2019) of the Town Centres and retail, Planning Practice Guidance sets out how the sequential test should be used in decision making. National Planning Practice Guidance (NPPG) sets out that a sequential test guides main town centre uses, such as retail, towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and if neither town centre locations nor edge of centre locations are available, to out of centre locations. It is for the applicant to demonstrate compliance with the sequential test.

8.2.9 When undertaking a sequential test, the applicant and the Local Planning Authority (LPA) should be realistic and only consider sites suitable for the development proposed. This is recognised by NPPF paragraph 88 which

states that when considering out-of-centre proposals, applicants and LPAs should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge-of-centre sites are fully explored.

Green Network:

- 8.2.10 In respect of Policy NE6, part of the site (37% - 0.4Ha of the total 1.09Ha) is designated as Green Network. This area, which consists of the lower parts of a spoil mound, encroaches into the western part of the application site. Policy NE6 requires that the Green Network is protected, maintained, enhanced and where possible, extended. The Council will only support development where the functions of the Green Network can be protected and enhanced. Where adverse impacts are identified, development will need to demonstrate that the benefits of the development outweigh any adverse impacts on the Green Network and its functions.
- 8.2.11 Of the site area designated by Green Network, approximately 0.2Ha (approx. 20% of the application site area) is to be developed to accommodate the proposal. The remainder will be an enhanced woodland located to the west of the foodstore. Additionally, the applicants have committed to providing an off-site contribution towards woodland planting in the south of the Borough, as mitigation for the loss.
- 8.2.12 An area of Green Network outside of the site boundary (the western part of the former spoil mound) is unaffected by this development and remains in the ownership of Telford & Wrekin Council.
- 8.2.13 It should be noted that none of the trees on-site are protected by a Tree Preservation Order (TPO); the land is not publically accessible; and, the application site is not protected by the Council's 'Green Guarantee' commitment.
- 8.2.14 The applicant has included within their submission, how they consider that the proposal would protect and enhance the functions of the Green Network and suggesting how the benefits of the proposal would outweigh any adverse impacts and therefore meet the requirements of Policy NE6. These issues need to be considered cumulatively, taking into account the development as a whole and will be considered at the end of this report.

8.3 Design

- 8.3.1 The proposed foodstore is single-storey, ranging from 4.98-7.0m in height utilising an asymmetric roof.
- 8.3.2 The roof tapers down from its highest point, in a southerly direction; towards exiting properties off Lower Wood (north of Rock Road).
- 8.3.3 The design of the building, and material palette used, is commensurate of other Lidl stores in the Borough and given the varied character area of the

surrounding area; no concerns are raised with the design of the proposed foodstore.

- 8.3.4 Whilst no renewable energy is proposed such as a solar panels, the proposed end user boasts a number of sustainable techniques in its operational guidelines. These are set out at page 9 of the DAS. The site will provide 2no EVC charging points and in accordance with changes to Building Regulations, the infrastructure will be provided for this to increase in the future. The applicants advise within their DAS that all packaging is recycled and removed from store on the return journey for deliveries and all food waste goes for anaerobic digestion, which is widely used as a source of renewable energy. As such, there is no requirement for external waste storage.
- 8.3.5 On the basis of the above, Officers consider the application to be in full accordance with policies BE1 and ER9 of the Local Plan.

8.4 Impact on the amenity of adjacent properties / uses

- 8.4.1 The nearest properties affected by the development are those located in 'Lower Wood' to the north of Rock Road. These properties are separated from the development by Rock Road itself in addition to an area of public open space (POS) which is heavily planted to the west where it meets Colliers Way.
- 8.4.2 The nearest elevation of the proposed foodstore is located in excess of 34m from the nearest properties in Lower Wood, which is considered more than appropriate to ensure there are no issues of overlooking or overbearance.
- 8.4.3 Additionally, the properties to the east (off Portland Drive) are separated by an area of green infrastructure and adopted highways. Whilst they will be more closely located to the proposed car parking area, the nearest façade of the foodstore would be located in excess of 75m from these properties.
- 8.4.4 Officers are satisfied that the construction of the foodstore will not have any impact on the amenity of adjacent properties in terms of overbearance and overlooking, and is therefore in accordance with Policy BE1 in this respect (specifically criteria xi.)

Noise:

- 8.4.5 The submitted Noise Impact Assessment (NIA) was assessed by the Council's Environmental Health Officer and a number of queries were raised with respect to discrepancies within the report findings and its recommendations. Following receipt of a revised Noise Impact Assessment, this was reviewed again.
- 8.4.6 Based on an assessment of existing background noise levels, impacts of noise during the day was deemed to be acceptable.
- 8.4.7 However as delivery activity is expected to occur daily, it is suggested that the impact on existing residential receptors (residents) would be significant during night-time hours when assessed against the existing background levels. As such, it is recommended that night-time deliveries are restricted and should not be undertaken between the hours of 23:00 and 07:00; a restricting

condition should be imposed in this respect to minimise impact on nearby residents.

8.4.8 The Environmental Health Officer has confirmed that they would be willing to support the application subject to conditions restricting night-time delivery times (as set out above); and that plant/coolers/VRL are conditioned to ensure they do not exceed the noise levels set out at Table 5 of the NIA.

8.4.9 In light of the NIA and the sites location within a residential area, it would be the Officers recommendation that the following daytime opening hours were imposed. These are similar to other foodstores in the Borough which are located in close proximity to existing residential properties (i.e. Aldi at Wellington).

Monday to Saturdays: 07:00 to 22:00

Sundays: 10:00 to 17:00

8.4.10 On this basis, the application is considered to be in accordance with BE1 of the Local Plan.

8.5 Highway impacts

Existing Situation

8.5.1 The application is supported by a Transport Assessment and Highways Note including the modelling results.

8.5.2 The proposed site sits just west of the junction of Colliers Way and Rock Road. The Local Highways Authority (LHA) advise that this junction generally operates within capacity but does experience queuing on the Rock Road arm, primarily around the school finishing period of 3.20-3.30pm. This is generally attributable to the waiting of right turning traffic, wanting to progress towards Old Park Roundabout to the south. Any longer queuing of circa 20 vehicles plus, backing up towards Teawell Close, is often rolling in nature, is short lived with a transit time from back to front of queue of around two minutes and does clear fairly swiftly once the school wave is over.

General Traffic Impact

8.5.3 Analysis has been made of the traffic associated with this proposal. Vehicular trip rates have been benchmarked against other similar stores and the national trip rate database. The following conclusions have been drawn:

- The period at which queuing on Rock Road is busiest is not necessarily a peak time for supermarket visits and therefore any exacerbation of the existing situation would be limited. There is some weight in the argument that school traffic may in fact make a 'pass by visit' into the supermarket and therefore break up the continuous arrival of traffic to the Rock Road/Colliers Way junction at the 3.20-3.30pm period, as traffic diverts into the store instead;

- The supermarket is unlikely to generate many brand new vehicular trips onto the highway network. Nearing 95% are likely to be traffic already on the network either transferring, from what may have gone to another local store, or drivers naturally passing the store to and from home for example. The later of these accounting for the majority of evening trips between 5.00–6.00pm;
- Traditionally the busiest times for supermarket visits are around lunchtimes 12.00-2.00pm on all days of the week but with weekends seeing the highest peak. No particular traffic capacity issues have been noted in the local area at these times and modelling works indicate the development impact will be modest. Traffic to and from supermarkets does not usually come in waves, unlike school periods, and therefore drip-feeds on and off the network rather than a swell of traffic, within a small window, which is what can initiate queuing issues.

Mini Roundabout Proposal at Colliers Way/Rock Road junction

- 8.5.4 The suggestion of a mini roundabout at the above location has been made in order to help balance the right turning priority at this junction. The proposal does have merit in this respect and would also form an entry buffer to help enforce the 30mph zone into Colliers Way and slow traffic exiting Old Park Roundabout. However, there has been local objection to this proposal and it could be that a mini roundabout is part of a wider scheme of Council delivered works on Colliers Way in the future. It is therefore considered that a contribution for these works is the most appropriate course of action and that to deliver the mini roundabout as part of the development access proposals could be premature without letting traffic behaviour settle first and the requisite observations taking place.
- 8.5.5 It has therefore been recommended that a highways contribution is provided towards a mini roundabout in this location, should the roundabout be considered necessary. If it is considered by the Local Highways Authority, following a period of operational activity, that such a roundabout is not necessary, any financial contributions would be returned to the applicant after a 3 year period. This could be set out within a S106/MOU; the figure of £30,000 (plus indexation) and a 3-year repayment clause was agreed with the applicant.

On-site parking provision

- 8.5.6 The adopted Local Plan standards demand a parking provision of 95 spaces within the site based on 1 per 20 sqm of GFA.
- 8.5.7 The application site provides an over-provision of 120 spaces. 7 are allocated disabled spaces; 9 are allocated parent/child spaces disabled and 2 shown as dedicated electric vehicle charging (EVC) points.
- 8.5.8 During consideration of this application, Building Regulations Part S was approved (June 2022) which requires greater requirements from developments in terms of infrastructure for charging electric vehicles. This requires the provision of at least 1 charging point (to which this development

exceeds) but also the installation of relevant groundwork and infrastructure (i.e. cable routes) to a fifth of the entire car parking provision (i.e. 24 spaces in total) to future proof the site and make retro-fitting more easily achievable.

Servicing

8.5.9 A Delivery Management Plan has been submitted with the application. This document indicates that deliveries will be made by two HGVs per day with waste taken away by the same vehicles. It is understood Lidl will typically aim to schedule their main delivery before the store opens in the morning, which ensures produce is on the shelves when the store opens. For this reason the main store delivery will be outside network peaks. If a second delivery is required this will occur later in the day, but again typically outside peak hours. As a rule Lidl try and co-ordinate deliveries so that these are undertaken outside highway network peak periods. Their experience is that this is the most efficient use of haulier staff as it reduces the risk of drivers experiencing congestion on the highway and as such allows them to deliver to more than one store during their shift. This has a commercial benefit to LIDL.

8.5.10 At the request of the Parish Council and local stakeholders the routing for deliveries is proposed to be to and from Old Park Roundabout rather than along Rock Road via Ketley crossroads. Just two off peak HGV deliveries a day could appear inconsequential but with continuing uncertainties with the future of the old Greenway recycling centre and the Waterloo Road chicane, this routing arrangement does make sense. The turning footprint of a full size articulated lorry has been modelled for the Colliers Way/Rock Road junction and the site access, which does show some common crossing of the centre line, to make the manoeuvre, but it is fully accommodated within the road space available. Considering the frequency and likely timing of these deliveries this arrangement presents no material concern to the safe operation of the network. This could be secured by condition.

Sustainable connections

8.5.11 The site is bordered to the south, east and north by a high quality 3m wide footway/cycleway. This also links Rock Road to Dawley Bank via the overbridge crossing West Centre Way. No improvements are proposed or considered necessary to these established connections.

8.5.12 On Rock Road itself formalised drop kerb crossing improvements are proposed either side of the new site access. One providing direct access to Lower Wood opposite and the other providing an improved facility which is set back from the Colliers Way/Rock Road junction. Formalised drop kerb crossings are also proposed further to the north on Colliers Way and Rockall Way to facilitate improved pedestrian passage to the store from this direction. These are welcomed additions to the surrounding highways network.

8.5.13 Some comments have been made regarding the lack of a footpath on Rock Road; once you get north of the access to The Rock. However, the only real pedestrian draw to the store from this direction would be from the Overdale and Marlborough Way estates, which can link into Colliers Way via the Wrekin

Way and The Rock off Mannerley Lane. It is therefore considered on balance acceptable.

Concluding Remarks:

8.5.14 On the basis of the assessment made above, the Council are satisfied that subject to conditions relating to car parking; full technical/engineering details; and the Travel Plan, in addition to the financial contributions set out below, they would raise no concerns with highway safety and consider the application to be in accordance with Policy C3 and C5 of the Local Plan.

8.6 Drainage

8.6.1 The application is supported by a Flood Risk and Drainage Strategy which concludes that the site is located in Flood Zone 1 and not affected by flooding. Surface water will be discharged to the existing storm sewers.

8.6.2 The Councils Local Lead Flood Authority (LLFA) have confirmed that they raise no objection, subject to conditions and the application is therefore considered to be in accordance with policies ER11 and ER12 of the Local Plan.

8.7 Ecology and Trees/Landscaping

8.7.1 The sites characteristic is one of primarily neutral grassland with scattered areas of dense bramble and gorse scrub as well as an adjoining area of lowland deciduous woodland. There are also heavily managed neutral grassland verges on the boundary of the site, a line of conifer and ornamental trees running along the east boundary of the site, and a section of heavily flailed elder hedgerow on the eastern edge - off the woodland.

8.7.2 Following comments from our Biodiversity and Arboricultural Officers, the applicant has undertaken further assessments (Reptile Surveys and Biodiversity Metric Calculations) and liaised with Officers to agree a suitable off-site contribution for replacement woodland planting.

8.7.3 The woodland group (marked as W1) will be lost to facilitate to this development. The Biodiversity Metric categorised the condition of these trees as 'moderate' and the Biodiversity Officers confirm it is a poor example of such habitat type.

8.7.4 The submitted Metric Calculation confirm that the proposal would result in an 8.02 unit loss of habitats and a 0.09 unit gain of hedgerow.

8.7.5 The applicants have liaised with the Biodiversity Officer to maximise net gain on the site and an off-site contribution of £168,420 was agreed to carry out habitat improvement and maintenance works off-site, elsewhere in the Borough.

- 8.7.6 A Landscape Masterplan is provided to demonstrate how the site would be protected during construction and enhanced thereafter, and sets out the intentions for planting which will enhance the visual amenity value of the area and the Green Network.
- 8.7.7 The site was surveyed and found not have any presence of bats, badgers or reptiles.
- 8.7.8 On balance, the scheme is considered to be acceptable subject to conditions for Landscaping Maintenance, Landscape Habitat Management Plan, Biodiversity Net Gain Monitoring Plan, Badger Inspections and the financial contributions set out above.
- 8.7.9 The site is therefore considered to be in accordance with policies NE1 and NE2 of the Local Plan.
- 8.7.10 Given the sites limited value in the Green Network (having no public access, low quality planting and the limited impact this proposal will have on the site designation as a whole – only 20%) and the opportunities for enhancement proposed both on and off-site as part of this proposal, the scheme is considered to be in accordance with policy NE6 of the Local Plan.

8.8 Coal Mining/Stability/Contamination

Coal Mining/Stability

- 8.8.1 The application was initially supported by a Phase 1 Ground Investigation Report. Following consultation with the Coal Authority (CA) a number of queries were raised (resulting in a holding objection).
- 8.8.2 Whilst the site is located within the High Risk Area, where underground coal mining is known to have taken place, the CA additionally indicated that the site lies within an area where further historic unrecorded shallow coal mining is likely to have taken place; and was located in close proximity to three off-site recorded mine entries adjacent the site boundary.
- 8.8.3 The CA concerns related to the below points and recommended that intrusive site investigations were undertaken prior to determination.
- The siting of the building over the buried opencast highwall; and,
 - The lack of any detailed assessment of the risk posed by recorded mine shafts to the proposed development, in particular the potential zone of influence of shaft 368309-090, which extends into the western part of the application site.
- 8.8.4 The applicants undertook the necessary investigations and following reconsultation with the CA, the holding objection was removed.
- 8.8.5 The reports indicate that an opencast highwall is present on the north-east part of the building footprint; which slopes towards the south-east. The

building will need to be constructed utilising end bearing piled foundations, designed by specialists, with the floor slab suspended on the pile caps. Consideration will also need to be given to the car park construction.

- 8.8.6 There remains one mineshaft whose exact location is undetermined, but the CA are content that this lies within the woodland area to the west, which holds no public access and they therefore accept that this feature is unlikely to pose a risk to the proposed foodstore building and end users of the site.
- 8.8.7 The CA have confirmed that they have removed their objections and would be willing to support the application subject to conditions for further investigation and mitigation measures. The application is considered to be in accordance with policy BE9 of the Local Plan.

Contamination

- 8.8.8 The application has been assessed by the Council's Environmental Health Officer. The preliminary conceptual site model by Remada Ltd, has identified a number of potential risks from soil contamination and ground gases; previous assessment in 2015 by Atkins suggested that the site was likely to fall within a high gas characteristic situation (CS4) based on monitoring undertaken at the time. Remada Ltd recommend that a Phase II site investigation is undertaken to include:
- Investigation of the lateral and vertical extent of made ground/fill beneath the proposed store extension;
 - Collection of soil and groundwater samples from the areas identified above for contaminants of concern; and,
 - Ground gas monitoring.
- 8.8.9 The recommendations for further investigation and assessment are agreed with, and our Environmental Health Officer would recommend a further Site Investigation Report and Remediation Strategy is conditioned accordingly.
- 8.8.10 Subject to this condition, Officers are satisfied that the scheme is acceptable and in accordance with policy BE10 of the Local Plan.

8.9 Retail Impacts and Sequential Test

Overview:

- 8.9.1 The principle of development and policy context is set out at para 8.2 of this report. In summary, following receipt of independent advice, Officers are satisfied that the application would be acceptable in terms of retail impact.
- 8.9.2 In terms of the sequential test, the applicants have submitted further evidence to demonstrate why they believe that there are no sequentially preferable sites. Two specific sites (known as the Blue Willow and Lime Green long-stay car parks) have been a specific matter of contention and referred to within

representations by Knight Frank, on behalf of Telford Trustees No1 Ltd and Telford Trustees No2 Ltd (whom own the car park sites), as being available and sequentially preferable. The former Debenhams site referenced in the consultation responses was discounted as it is due to open for an alternative use in May 2023 as set out below.

- 8.9.3 The Council are satisfied that the applicant has now provided enough evidence to demonstrate that other sites more closely related to the defined centres, are not available or suitable within a reasonable timeframe, and therefore the sequential test has been met.

Retail Impact Assessment (RIA):

- 8.9.4 Following receipt of initial comments from the Council's Development Plans Officer, the Council sought independent advice on the submissions made by the applicants from a planning practice with expertise in retail planning. Nexus Planning was instructed in this respect.
- 8.9.5 The initial assessment undertaken by Nexus highlighted a number of points which required further assessment. The primary area of concern in respect of the RIA, was that the Retail Study used to underpin the applicants RIA, was undertaken in 2014 and Nexus considered this out-of-date and therefore did not represent a robust baseline position.
- 8.9.6 The applicants were therefore requested to undertake a Town Centre Health Check and updated Householder Survey. These inputs and assumptions were then fed into an updated RIA submitted by the applicants, and assessed by Nexus on behalf of the Council.
- 8.9.7 Nexus were content with the assessment period, on the basis that the 2026 test year would be a realistic second year of trading (should approval be granted). The study area, distribution of surveys and number of households surveyed was agreed with Nexus prior to commencement of the surveys, utilising the latest population and expenditure data from an Experian Micro-marketer report in a 2020 price base.
- 8.9.8 Having reviewed the raw data contained within the household survey, Nexus agree with WSP's (the applicant's agent) apportioning of online main food shopping expenditure and the resultant pre-development turnovers and additionally, having reviewed the Council's evidence base and WSP's assumptions applied from an inflow perspective, Nexus are satisfied with the proportion of inflow applied.
- 8.9.9 In terms of turnover, Nexus consider that the sales densities applied are consistent with their understanding of Lidl's company performance in respect of convenience and comparison goods floorspace, and the estimated turnover of the floorspace is considered to be appropriate.
- 8.9.10 Nexus advise that in respect of the patterns of convenience goods trade diversion, it should be recognised that all retail impacts will have an impact.

However, it is necessary to consider whether they are acceptable, not least because development can enhance choice, competition and innovation. It is therefore necessary to differentiate between those developments that will have an impact and those that will undermine the future vitality and viability of established centres i.e. have a 'significant adverse' impact. The Town Centres PPG provides some advice in this regard.

- 8.9.11 In order to assess the potential impacts a proposal may have on defined centres, an applicant must assess the existing performance and overall health of the identified centres within the catchment area. It can be the case that a centre is in a poor state (i.e. high vacancy levels, numbers of national multipliers are below average, footfall low and the overall environment within the centre is low), then any impacts of a new development could be accentuated. Either way, any impacts on a 'healthy centre' need to be assessed on a case-by-case basis.
- 8.9.12 On behalf of the Council, Nexus has undertaken an independent Town Centre Health Check to update the status against the outdated 2014 Retail Study. This was then used to understand the potential implications of the current retail proposals within the wider settlement.
- 8.9.13 At the time of their Health Check (Sept 2022), the proportion of vacant units was above the UK national average (19% compared to 14%) however the proportion of actual vacant floorspace was below the national average (10% compared to 14%). Nevertheless, Nexus considered that the Town Centre was well used; had a high level of footfall throughout, positive signs of linked-trips between larger operators on the edge of the centre and operators within the shopping centre itself; car parks were busy and the general environment and safety was good.
- 8.9.14 As part of their submissions in support of the application, the applicants also undertook their own Town Centre Health Check. They concluded that the relatively recent developments in the area have bolstered the Town Centre and this will be further boosted (further reducing vacancy rates by occupying this 75000sqft unit) by the ongoing refurbishment of the former Debenhams unit to a 'Flip Out' and Putt Putt Noodle' experience location - due to open in May 2023.
- 8.9.15 Nexus has advised the Council that they agree with the applicants conclusion, which aligns with their own independent Town Centre Health Check and that the Town Centre is considered to be vital and viable, with good future prospects and investment potential.
- 8.9.16 On the basis of these conclusion, the applicant had to apply these findings when considering convenience trade diversion and the resultant impacts. The applicants concluded that the worst effected by trade diversion was Aldi (Town centre) and Tesco Extra at 15% and thereafter Sainsbury's at 12%. A summary of trade diversion on all centres/stores in the study area are summarised below.

Centres/Stores		Trade Diversion to Proposal (%)
ZONE 1:		
Telford Town Centre	Aldi Grange Central	15%
	ASDA Malinsgate	9%
Lawley District	Morrisons	8%
Dawley District	N/A	
Local Centres	N/A	
Out of Centre	Sainsbury's	12%
	Tesco Extra	15%
ZONE 2:		
Oakengates District Centre	N/A	
Hadley District Centre	N/A	
Local Centres	N/A	
Out of Centre	Lidl, Hadley	10%
ZONE 3:		
Wellington Town Centre	Aldi, Wellington	1%
Local Centres	N/A	
Out of Centre	N/A	
ZONE 4:		
Donnington District Centre	N/A	
Local Centres	N/A	
Out of Centre	Aldi, Snedshill	4%
	Aldi, Donnington	1%
	ASDA, Donnington Wood	2%
ZONE 5:		
Madeley District Centre	Aldi, Parkway	1%
	Lidl, Parkway	7%
	Tesco, Park Avenue	1%
Local Centres	N/A	
Out of Centre	N/A	
ELSEWHERE:		
Outside study area		5%

8.9.17 In terms of policy requirements, it must be considered whether the proposed development could result in an impact which could be considered to be a significant impact on the centre as a whole; not on specific foodstore units (as set out on the table above). It was necessary therefore to assess the potential comparison impact of the proposal and finishing with a cumulative impact assessment. This must take account of pre-development convenience, comparison turnovers of existing destinations and particularly the Telford Town Centre. This must also include the recently approved B&M expansion at Telford Forge Retail Park.

- 8.9.18 Nexus have advised the Council that they consider the impacts associated with the comparison floorspace proposed as a whole with the foodstore will be limited and likely spread across a number of destinations within the study area. For completeness, the applicant has confirmed they believe this to be 49% from the Town Centre and 51% from out of centre destinations/local/district centres. Nexus agree this is a credible assumption.
- 8.9.19 In terms of cumulative impact, the applicants consider that the cumulative impact on the Town Centre to be -1.0% and on Lawley District Centre -4.8%. Nexus have adopted a slight increase to the impacts on Aldi (Town Centre) and thus, this increases to -1.1% on the Town Centre as a whole. In each case, Nexus do not consider that the level of diversion is considered to result in a significant adverse impact on the Town Centre. Additionally, Nexus do not consider the impacts on district and local centres, and out-of-centre locations, would be unacceptable either.
- 8.9.20 In summary therefore, Nexus have advised the Council that the impacts of the proposed foodstore would not be considered significantly adverse, according with the requirements of the NPPF impact test and Local Plan policy EC8 – as it relates to impact.
- 8.9.21 To further bolster this conclusion, it was necessary for the proposal to be considered against the potential impacts of the other live foodstore planning application at Forge Retail Park (ref: TWC/2021/0949); should both proposals come forward in practice. In September 2022, the applicants were asked to submit further information in this respect.
- 8.9.22 Further submissions were made by the applicant in November 2022 to take account of the above. These have been assessed by Nexus on behalf of the Council in December 2022.
- 8.9.23 The applicant adopted trade diversion figures produced by the applicants of the Forge Retail Park proposal (TWC/2021/094) in assessing the cumulative impact. Their conclusions were that the cumulative impact of both stores on the Town Centre would be -8.3%.
- 8.9.24 In both applications, Nexus considered that the impact to Aldi Town Centre was greater than indicated. As such, Nexus adapted their calculations to a greater impact (%), thus increasing the overall impact on the Town Centre to -11%.
- 8.9.25 It should be noted that this scenario does not assume any diversion between both live proposals. As such, the applicants advice that it is likely that this figure would be lower than presented above and this is a 'worst case scenario'. Nexus agreed with this assumption.
- 8.9.26 When considering the impact on the Town Centre as a whole (including both the convenience and comparison turnover), the trade diversion would be

approximately -2.5%, which is not at a level which could be considered significantly adverse.

8.9.27 Looking at impacts on District Centres, the highest cumulative impact would be felt on Lawley at -9.5% followed by Madeley at -5.2%. Again, these are a worst case scenario and Nexus advise the Council that they do not consider this would result in a significant adverse impact on any defined centre.

8.9.28 Nexus is therefore satisfied that in terms of impact, the foodstore (and its associated cumulative impact when also assessed against the live application ref: TWC/2021/0949 at Forge Retail Park) accords with Policy EC8 and both strands of the NPPF impact test, insofar as it relates to impact.

Sequential Assessment

8.9.29 The applicants submitted a Planning and Retail Assessment, which included a sequential test, in support of the planning application in July 2021. In response to comments made by the Council's Development Plans Team and objections made by a number of Planning Consultants on behalf of Asda, Morrisons and Telford Trustees No1 Ltd and Telford Trustees No2 Ltd (part owners of Telford Town Centre and Southwater), further information was submitted by the applicants in January 2021. This additional information sought to respond to matters relating to impact (as discussed above) and also the sequential test.

8.9.30 The applicants Supporting Statement sought to provide justification as to how they had discounted a number of alternative sites. The former Boyd House was discounted on the basis of its inclusion within the ongoing Station Quarter redevelopment proposals being undertaken by the Council themselves and concluded that other opportunities within the Town Centre (specifically a large proportion of the shopping centre itself) were highly constrained given the exclusivity agreement that the Trustees have secured with Aldi when they located to the Town Centre. The applicants advised that this excludes food retailers from around two-thirds of the Town Centre until 2038.

8.9.31 It was at this time that subsequent representations were made by Knight Frank (on behalf of the Telford Trustees No1 Ltd & Telford Trustees No2 Ltd) in January 2021, to state that Lidl had approached them and were considering an alternative, more sequentially preferable site, within the Town Centre and that this had not been considered within the sequential assessment.

8.9.32 When Nexus were instructed by the Council, the sequential assessment had not included the site suggested by Telford Trustees No1 Ltd & Telford Trustees No2 Ltd. It was therefore recommended by Nexus that an updated sequential assessment was prepared to consider the site; this being the Blue Willow car park off Woodhouse Central, Telford.

8.9.33 An updated sequential assessment was included in their Planning & Retail Statement Addendum in July 2022. This was reviewed by Nexus on behalf of the Council with a report concluding their findings in September 2022.

8.9.34 Nexus reviewed the various sites within the sequential assessment, now including the Lime Green and Blue Willow Car Park and summarised their comments, as follows:

Former Snooker Club, Oakengates Eden	Nexus are satisfied that due to the extant consent and the nature and configuration of the site, that it not represent a sequential alternative.
Former Debenhams, Telford Shopping Centre	<p>Although for the purposes of the assessment at the time, the unit was considered available (for completeness), it was known that it was being repurposed for use as a trampoline park.</p> <p>In any event, Nexus were satisfied that without impacting on the proposals business mode and overarching viability (due to the configuration of the unit) it does not represent a sequential alternative.</p> <p>N.B. The reference made by the applicants to the exclusivity agreement (see para 8.9.30) would also disregard this unit.</p>
Former Reynolds House, Ironmasters Way	In light of the site size, allocation within the adopted Local Plan and ongoing plans to redevelopment as part of the 'Station Quarter', the site does not represent a sequential alternative.
Former Boyd House, Ironmasters Way	In light of ongoing plans to redevelopment as part of the 'Station Quarter', the site does not represent a sequential alternative.
Forge Retail Park	Nexus agreed with the applicant's assertions that the retail park is too considered an out-of-centre location and the route to the Town Centre remains relatively uninviting for pedestrian to make linked trips. As such, Nexus concluded that both locations are considered equal in this respect and neither constitute a sequentially preferable location and therefore no added benefit to the Town Centre.
Bridge Retail Park	Nexus agreed with the applicants that this retail park is better connected to the Town Centre but also agreed that there were no vacant units which are of a suitable size to accommodate the development proposal, even when applying a sufficient degree of flexibility.
Blue Willow	Nexus are unconvinced that the matters raised by the applicants in support for the conclusion that the site is not suitable or will not be available within a reasonable

	<p>timeframe, allow for this site to be discounted as a sequential alternative.</p> <p>The applicants highlighted the following points for the site not being a sequential alternative:</p> <ul style="list-style-type: none"> • Earlier engagement with the landowners of this site and the Council's Prosperity & Investment Team identified no suitable units/sites that were available within a reasonable timeframe; • Subsequent discussions in Spring 2022 highlighted the potential of the Blue Willow car park. The applicants rationale for not progressing with this site is as follows: <ul style="list-style-type: none"> ○ The access requires the involvement of third-party land, over an unadopted highway. To date, queries over access rights have not been answered. ○ The site entrance is relatively narrow and would restrict delivery access (usually requiring 9m in width); ○ Widening of said access road could potentially conflict with existing gas infrastructure; ○ The site and its constraints would prohibit an efficient car park layout; ○ Landscaping to the frontage is owned by Telford & Wrekin Council; is relatively dense and prohibits views to the site. <p>It was Nexus views that the information provided to support these points was insufficient. No evidence had been provided to demonstrate that these matters were insurmountable, and was therefore a level of ambiguity to the claim that this site was not sequentially preferable.</p> <p>Additionally, the applicants advised that they would in any event be looking to site a further store in the Town Centre and Nexus were not convinced by this argument and in any event felt that such a location should be explored first, before an out-of-centre proposal.</p>
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8.9.35 In September 2022, Knight Frank (on behalf of the Telford Trustees No1 Ltd & Telford Trustees No2 Ltd) submitted further representations to suggest that as well as the Blue willow Car Park, they considered that the Lime Green car park was also available and suitable. The applicants considered this site and

submitted further information in November 2022. This submission was again reviewed by Nexus on behalf of the Council (December 2022).

8.9.36 Nexus agreed with the applicant's assertions that the Lime Green car park is an important amenity which supports the viability and future offer within the wider retail and commercial area, along with linked-trips to the uses within the wider town centre (N.B. Blue Willow remains closed to the public, so this comment was not shared on this site). However, Nexus remained unsatisfied that sufficient evidence has been provided to demonstrate that either car park, is not available or suitable.

8.9.37 On this basis, further information was submitted by the applicants in February 2023 in an exhaustive effort to overcome the ambiguity that Nexus had highlighted.

8.9.38 The applicants have set out the following points as rationale for the Blue Willow and Lime Green car parks not being suitable or available within a reasonable timeframe:

Summary of applicants sequential assessment on:	
Blue Willow car park:	Lime Green car park:
<ul style="list-style-type: none"> • The site is not formally being marketed; • The unadopted highways land which provides access to the site, is owned by Homes England. Homes England have confirmed there is an agreement for this land to be managed/maintained by the Council with an eventual transfer of ownership. Due to legal issues, this transfer has not taken place since its inception in the 1990s and Homes England have confirmed unknown timescales for its completion. • Uncertainties with the underpass road bridge and any load restrictions which may impact on HGV usability; • Potential requirement for the (significant costs) relocation of gas infrastructure should the access width need to be increased to facilitate HGV movement; • The irregular shape of the site 	<ul style="list-style-type: none"> • The site is not formally being marketed; • The unadopted highways land which provides access to the site, is owned by Homes England. Homes England have confirmed there is an agreement for this land to be managed/maintained by the Council with an eventual transfer of ownership. Due to legal issues, this transfer has not taken place since its inception in the 1990s and Homes England have confirmed unknown timescales for its completion. • Uncertainties with the underpass road bridge and any load restrictions which may impact on HGV usability; • Potential requirement for the (significant costs) relocation of gas infrastructure to facilitate an access directly off Woodhouse Central;

causes potential difficulties in terms of servicing conflicting with pedestrian users of any foodstore.	
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8.9.39 In light of the above, Nexus remains unsatisfied that the applicant has provided sufficient evidence to satisfactorily demonstrate that either of the sites listed above are neither available, nor suitable. As such, Nexus have advised the Council that they do not consider that applications complies with Policy EC8 of the adopted development plan insofar as it relates to the sequential test, and paragraphs 87 and 88 of the NPPF.

8.9.40 In response to some of the points raised by the applicant in para 8.9.38 above, the Council have sought to demonstrate flexibility and provide clarity on a few key points:

- i) The Local Highways Authority have confirmed that the underpass road bridge is an adopted structure with no weight restrictions and as such, would be suitable for HGV movement (i.e. upto 40 tonnes);
- ii) The Local Highways Authority have confirmed that they would, in principle, not accept the provision of an additional new vehicular access off Woodhouse Central.

8.9.41 On this basis of the above, the Council consider that the points above raised by the applicants within their sequential test, in respect to concerns relating to HGV movements over the existing underpass road bridge and also the potential relocation of gas infrastructure (certainly for the Lime Green site) required to facilitate a new access over the gas mains, can be discounted as justification for those sites not being sequentially alternative.

8.9.42 The matter of whether the sequential test has been met, with respect to Nexus' assessment, therefore now focuses on the following key points:

- a) Whether the transfer of Homes England land to the Council could take place within a reasonable timeframe, and;
- b) Whether the Blue Willow site is an appropriate shape/size to accommodate the foodstore and associated parking/servicing needs.

8.9.43 The testing of the applicant's submissions undertaken by Nexus on behalf of the Council should be assessed on a balance of probabilities basis. The Council consider that some of the evidence submitted by the applicants is sufficiently compelling to rationally justify a different conclusion from that provided by Nexus.

8.9.44 In addition to the evidence submitted by the applicants and considered by Nexus on behalf of the Council, there are further material considerations that must be considered, as discussed below.

8.9.45 With respect to third party land, it is understood that the land in question is currently owned by Homes England but with a legal responsibility for it to be

managed and maintained by Telford & Wrekin Council. The land forms part of a planned transfer from Homes England to Telford & Wrekin Council which commenced in the 1990s, however due to legal issues with the title, this transfer has not been completed and given the passage of time thus far, Homes England have advised that they are unable to give any accuracy in terms of timescales for completion; this could be months to years (an email from Homes England is included within the applicants latest retail submissions).

8.9.46 The Council therefore consider that given the passage of time (some 32 years to date), the likelihood of such a transfer now taking place within a reasonable timeframe is questionable and is considered a compelling argument.

8.9.47 In addition to the concerns over ownership, and something not particularly pressed upon within the submissions of either the applicants (or therefore not assessed in depth by Nexus) or raised by the objecting parties, is the loss of the current use of the Lime Green and Blue Willow car parks.

8.9.48 These car parks (whilst the Blue Willow has remained closed since Covid) are one of few long-stay car parks associated with the Town Centre. The Telford Development Corporation application for alterations/extensions for further development and refurbishment of the Town Centre (ref: T89/0040) included the provision of these car parks forming part of the proposal.

8.9.49 Whilst it is recognised that the car parks are privately owned, with one remaining close since 2020, the car parks remain part of the car parking provision within Telford Town Centre and to date, no evidence has been provided to demonstrate that these car parks are no longer required.

8.9.50 As was picked up by Nexus in their assessments, whilst only relating to Lime Green as it remains open, the existing car parks are an important amenity which supports the viability and future offer within the wider retail and commercial area, along with linked-trips to the uses within the wider Town Centre. As such, they are considered an important asset to the Town Centre as it stands and no evidence has been provided to the Council for us to consider otherwise at this time.

8.9.51 Policy EC4 of the Local Plan requires proposals to make a positive contribution towards the diversity and vitality of the centres. On the reverse, the Council have not been provided with any evidence which states that the loss of the car parks (to accommodate a foodstore) would not have a negative impact on the diversity and vitality of the centre.

8.9.52 The Health Check of the Town Centre undertaken by Nexus on behalf of the Council confirmed that the Town Centre was vital and viable, car parks were full and there were high levels of footfall, with future prospects of growth. Therefore the loss of the car parks in question could therefore potentially have an adverse impact on the current health status and future growth of the Town Centre.

8.9.53 On the basis that no such evidence has been provided to demonstrate otherwise, the Council consider that the loss of the existing long-stay car parks would be detrimental to the health of the Town Centre.

8.9.54 On the basis of the issues surrounding ownership and the loss of Town Centre long-stay car parking provision, the Council consider that neither the Blue Willow nor Lime Green car park sites can be considered as sequential alternatives at this time.

8.9.55 As such, the Council is satisfied that the applicant has demonstrated compliance with Policy EC8 of the adopted development plan insofar as it relates to the sequential test, and paragraphs 87 and 88 of the NPPF.

8.9.56 Therefore in conclusion, the Council are satisfied both in terms of impact and the sequential test, that the application site fully accords with the relevant policies of the Local Plan and the relevant parts of the NPPF (as cited within this report).

8.10 Planning obligations

8.10.1 Contributions set out below were highlighted by Officers as being necessary to make the development acceptable in planning terms, in respect of the specific technical matters raised above. These contributions and triggers have been agreed by the applicant during the course of the application:

- £30,000 towards highways improvement works at the junction between Colliers Way and Rock (trigger: upon commencement);
- £5,000 towards Travel Plan monitoring (trigger – upon commencement);
- £168,420 towards off-site woodland planting to mitigate biodiversity net loss (trigger – upon commencement);
- S106/MOU Monitoring Fee of £2,034.20 (trigger – upon commencement).

8.10.2 In determining the required planning obligations on this specific application the following three tests as set out in the CIL Regulations (2010), in particular Regulation 122, have been applied to ensure that the application is treated on its own merits: a) necessary to make the development acceptable in planning terms; b) directly related to the development; c) fairly and reasonably related in scale and kind to the development.

9 **CONCLUSIONS**

9.1 The application has demonstrated that it was able to overcome a number of technical constraints as considered throughout this report. The proposed foodstore is considered to respect and respond positively to the site and the wider area, not impacting significantly on neighbouring properties.

9.2 The Council is satisfied that the applicant has demonstrated compliance with Policy EC8 of the adopted Local Plan insofar as it relates to both the sequential test and impact assessment, in addition to para 87-91 of the NPPF.

9.3 The proposal is therefore deemed to be compliant with the Telford & Wrekin Local Plan 2011-2031 and the guidance contained within the NPPF and NPPG.

10 DETAILED RECOMMENDATION

10.1 Based on the conclusions above, the recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** (with the authority to finalise any matter including conditions, legal agreement terms, or any later variations) subject to the following:

A) The applicant/landowners providing a Memorandum of Understanding (subject to indexation from the date of committee with terms to be agreed by the Development Management Service Delivery Manager) relating to:

- i) £30,000 towards highways improvement works at the junction between Colliers Way and Rock;
- ii) £5,000 towards Travel Plan monitoring;
- iii) £168,420 towards off-site woodland planting to mitigate biodiversity net loss;
- iv) S106/MOU Monitoring Fee of £2,034.20.

B) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):-

Full Permission
Coal Authority Investigations
Coal Authority Signed Declaration
Foul & Surface Water
SuDS Management Plan
SuDS CCTV
Landscape Maintenance
Lighting Plan
Bat & Bird Boxes
Biodiversity Net Gain Monitoring Plan
Landscape Habitat Management Plan
Badger pre-commencement inspection
Materials as submitted
Parking/Loading/Unloading
Highway Technical Details
Travel Plan
Delivery Hours
Opening Hours
Noise Mitigation/Barrier – in accordance with NIA
Noise: Plant/VRL/Cooler units
Sales/comparison good restrictions
Delivery routing
Extraction Equipment

CCTV specification
Restrict subdivision of units/mezzanine
Existing tree protection – in accordance with AIA

Informatives:

CA – High Risk

Fire Service

S278 Highways

Scope of Consent - S106/MOU

I32 Fire Authority

I40 Conditions

I41 Reason for Grant

RANPPF2 Approval following amendments - NPPF