

INFORMATION RECEIVED SINCE PREPARATION OF REPORT

Application number	TWC/2021/0806
Site address	Land corner of Colliers Way/Rock Road, The Rock, Telford, Shropshire
Proposal	Erection of food store including the creation of new vehicle access, parking and associated landscaping *** AMENDED DESCRIPTION AND AMENDED PLANS ***
Recommendation	Full Grant

Online planning file: <https://secure.telford.gov.uk/planning/pa-applicationresponses-public.aspx?ApplicationNumber=TWC/2021/0806>

1.0 FURTHER PUBLIC REPRESENTATIONS

1.1 Since the publication of the Committee Report, the following consultation responses have been submitted to the Local Planning Authority. It is understood that copies of these representations have also been sent directly to Democratic Services and Planning Committee Members.

- Objection from Knight Frank on behalf of Telford Trustees No. 1 Ltd and Telford Trustees No. 2 Ltd (hereby referred to as 'The Trustees').

1.2 The representations reiterate comments made previously by the 'The Trustees' and set out within the Committee Report, and are summarised in their representations as follows:

- i. The proposed development is contrary to local and national planning policy which seeks to direct new retail floorspace to Town Centre locations;*
- ii. The proposed development would have an adverse impact upon the Town Centre;*
- iii. The Applicant uses an out-of-date evidence base to assess the impacts of the proposed development on the Town Centre;*
- iv. There are inadequacies associated with the Applicant's Town Centre Health Checks;*
- v. There are a number of inadequacies associated with the submitted Sequential Test; and*
- vi. The Applicant fails to address the cumulative impacts of the proposed development, which is being brought forward at the same time as a new supermarket at Unit 2 & 3 The Forge Retail Park (Ref. TWC/2021/0949).*

1.3 The representations also state that Knight Frank were unable to provide further representations before now, as they were advised that the application was being determined at Committee. It should be noted that the final

representations were received by the applicants on the 3rd February 2023 and uploaded to the public file upon receipt. On the 13th February 2023, Knight Frank emailed for an update on the application and were advised of these further submissions having been uploaded and currently under consideration. On the 2nd March 2023 a further email was received by Knight Frank to advise that they were still in the process of reviewing the additional information and were intending to submit further representations; it was at this point they were advised of the Planning Committee determination. There has been a period of over 5 weeks for further representations to be made, since publication of the applicant's latest statement.

2.0 OFFICER COMMENTS

2.1 No additional material planning considerations are raised in the representations, which have not already been addressed in the main Committee Report.

2.2 Turning to each of the points raised above at para 1.2 above, Officers would however comments as follows:

- i. Officers have assessed the application as a whole and set out within the Committee Report why Officers consider the application satisfies local and national planning policies;
- ii. The applicants have demonstrated that the application would not have a significantly adverse impact on Town Centres and this has been assessed by our independent Retail Consultants whom corroborate those conclusions;
- iii. The applicant's initial Retail Impact Assessment was underpinned by the Council's latest Retail Study (dated 2014). In order to update this, and as requested by Officers, the applicants undertook a Town Centre Health Check and updated Householder Survey and reassessed the proposal against this updated data. The applicants revised Retail Impact Assessment was assessed by our independent Retail Consultants whom corroborated the applicants findings, and found that the Town Centre Health Check was similar to their own independent Town Centre Health Check;
- iv. The representations do not set out the 'inaccuracies' referred to in the Town Centre Health Check for Officers to comment upon. Our independent Retail Consultants have however not raised any inaccuracies within the applicant's findings as set out above;
- v. The matter of the sequential test has been fully addressed within the Committee Report;
- vi. The applicants have considered the cumulative impact of the Forge Retail proposals (TWC/2021/0949) coming forward together, and these findings are set out within the Committee Report. Our independent

Retail Consultants corroborate the conclusions made and are happy that there would be no significant adverse impact on the Town Centres should both schemes be approved.

- 2.3 The representations also refer to a pre-application enquiry made to the Council on the Lime Green Car Park. Officers did not reference this enquiry within their Committee Report due to the confidential nature of such enquiries. To be clear, requests made through this pre-application process relate to information required to support the proposals set out within their pre-application enquiry, and are not requests that the Council have made to 'The Trustees' on this current application.
- 2.4 With the evidence available to us at this time, as set out within the Committee Report, Officers do not consider that the loss of the Blue Willow or Lime Green car parks would be acceptable. 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. As such, Officers do not consider the Lime Green and Blue Willow Car Parks to be sequentially alternative sites.
- 2.5 Officers have not asked 'The Trustees' to submit car parking data in support of their representations on this application. The Committee Report only seeks to demonstrate that no such evidence has been provided to justify the loss of the car parks.
- 2.6 The representations made state that it is premature of Officers to recommend approval, on the basis that the car parking usage data is not yet available for the Lime Green and Blue Willow Car Parks. This application was submitted in July 2021 and given the level of information submitted to date and time passed, Officers do not consider the recommendation premature.
- 2.7 The representations set out that the matter of land ownership could be overcome but that the applicants have not sought to do this. The recent February (2023) statement by the applicants includes an email from Homes England which clearly sets out the land ownership issues with no known date of completion (noting this has been ongoing for over 30 years and is not a priority). Officers are satisfied that the applicants have taken on the Council's request for further information and made proportionate enquiries and got a clear response from relevant landowner(s). Officers do not consider it unreasonable therefore to assume that such a transfer is not going to complete within a reasonable timeframe.
- 2.8 The representations refer to two other foodstore proposals. The Forge Retail application (Ref. TWC/2021/0949) is currently being independently assessed and impacts relating to cumulative impacts are set out within the Committee Report. The proposal at Redhill (ref: TWC/2023/0021) was only validated on the 12th January 2023, and is currently under consideration by Officers.

Officers are satisfied that at this time, the application can be approved under local and national planning policy without significant adverse impact.

- 2.9 The final comments of our independent Retail Consultants on the sequential test are acknowledged within the Committee Report, but the Council are not bound by these recommendations should they wish to pursue a different recommendation. Officers have balanced all material considerations, including the recent assessment from our independent Retail Consultants, and made a recommendation of planning judgement as set out within the Committee Report.
- 2.10 The recommendation remains unchanged, and the scheme is on balance considered acceptable.

3.0 DETAILED RECOMMENDATION

- 3.1 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) £2,034.20 for S106/MOU Monitoring Fee.
- 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
Approved Plans
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