

**20/00312/FUL
MAJOR**

South Staffordshire Council

**WOMBOURNE
Councillor Vince Merrick
Councillor Mike Davies**

Wombourne Enterprise Park Bridgnorth Road Wombourne WV5 0AL

Erection of Lidl foodstore, a retail unit (both use class A1) and an industrial/commercial building (use class B1a, B2, B8) associated parking and external works following demolition of existing industrial/commercial buildings

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The application site is a mixed-use site on the south side of Bridgnorth Road within the main service village of Wombourne. To the east is a large Seven Trent Water site that is separated by a well-established row of mature conifer trees and to the south is a wooded area. To the north and across the Bridgnorth Road is a residential area, however this too is well screened from the road by a thick established treed area. The site is elevated from the road with a grass bank leading down to the highway. A further industrial estate lies due north, slightly further along the road. The site lies some 2km as the crow flies from the village centre of Wombourne. The Bridgnorth Road is a busy road linking the area to Bridgnorth and Telford to the North.

1.1.2 There is currently a large industrial style building on the site that has a two-storey office façade extension to the front overlooking the Bridgnorth Road. This part of the building is currently occupied by a windows company and there are a number of their products on display to the front, comprising conservatories and the like. To the rear are three rectangle shaped industrial blocks with associated parking. To the west of the site is another large industrial block that is currently occupied by Hall and Pickles, a steel stockholder and processor. The main building is occupied by a number of businesses along with parking adjacent to all elevations. A further smaller building is found tight on the on the south east boundary with the STW site. An access leading off the Bridgnorth Road is found to the north that is fairly centrally located between the application site and the neighbouring Halls and Pickles building. The rear to the site is then accessed by a fairly informal access track alongside the west elevation of the building alongside the allocated parking areas.

1.2 Planning History

1.2.1 There is some planning history on the site, none of which is relevant.

1.3 Pre-application advice was sought by the applicants.

2.1 The Proposal

2.1.1 It is proposed to demolish the existing larger building along with the smaller building and to replace them with a Lidl supermarket and a smaller retail unit although the end user for this unit is not known at this stage. There will also be a small industrial unit that is planned to house 3 businesses.

2.1.2 The supermarket building will measure around 72m by 27.5m with a height of 6.7m and will provide approximately 1256 sqm of retail area. It will be located to the east of the site alongside the boundary with the Seven Trent Water site with the second retail building located at a right angle with the supermarket and the industrial building sitting due west of the main supermarket building. The associated parking will be located to the front of the buildings and will extend right to the front of the site up to the grass bank that sits alongside the Bridgnorth Road.

2.1.3 The smaller retail building will measure around 46m by 24m with a ridge height of 4.8m.

2.1.4 The industrial building will measure around 40m by 15m with a ridge height of 7m.

2.15 All buildings are of standard functional design and typical of their type.

2.2 Agents Submission

The application is supported by;

- Planning Statement
- Sequential test
- Protected species report
- Tree survey
- Transport Assessment
- Drainage strategy

3. POLICY CONTEXT

Within the Development boundary

Adopted Core Strategy

NP1 - The Presumption in Favour of Sustainable Development

Core Policy 2: Protecting and Enhancing the Natural and Historic Environment

Core Policy 3: Sustainable Development and Climate Change

Policy EQ9: Protecting Residential Amenity

Core Policy 4: Promoting High Quality Design

Policy EQ11: Wider Design Considerations

Core Policy 8: Hierarchy of Centres

Core Policy 11: Sustainable Transport

Policy EV12: Parking Provision

Appendix 5: Car parking standards

Design Guide 2018

NPPF

NPPG - Out of Town development

4. CONSULTATION RESPONSES

No **Councillor** comments (expired 23/06/2020)

Wombourne Parish Council [received 23/06/2020] *The Parish Council's original comments still stand in relation to this application. There are no objections to the amendments, We would like to reiterate our request for S106 funding as mitigation for this development if the application is agreed, to ensure that there are no further losses of small businesses elsewhere in the village.*

Original comments: Evidence of local retail impact after the opening of Sainsbury's is shown by the recent closing of a village centre food store which remains vacant but available and, according to staff, a similar store at Giggetty Lane is under threat. Its closure will result in the loss of a P.O. counter.

This proposal for a lower-price superstore and for a further three retail units amounts to a new shopping centre in direct competition with existing shops and with the additional facility of easy car parking and the loading of shopping.

Wombourne Parish Council are concerned that this development will have a huge impact on the shops in the centre of the village as well as those on Common Road. In respect of the design of the site: the long and narrow driveway, with a right angle blind bend, for delivery vehicles will be difficult to negotiate and though the supermarket deliveries may be on a JIT basis, the random deliveries to the remainder of the commercial premises make confrontation of opposing vehicles inevitable. Passing points are needed.

Traffic entering the site by turning right will be a road hazard and need a turning-right lane to be installed.

If this planning application is agreed, can you note that Wombourne Parish Council formally requests that some S106 funding should be agreed to be spent on the centre of the village.

EHGS (received 04/06/2020 *no comments.*

Arboricultural Officer *no objections, subject to the inclusion of conditions (received 29/06/2020)*

County Planning (received 01/05/2020) *No comments*

County Highways (received 10/02/2020) *No objections subject to conditions and a travel plan monitoring fee.*

County Ecology (received 01/07/2020) *No objections subject to conditions*

County Flood Team (received 09/06/2020) *no objection, subject to conditions.*

Environment Agency (received 24/06/2020) *no objection, subject to conditions.*

STW (received 13/01/2020) *No objections subject to a condition and public sewer informative*

Fire Service (received 03/06/2020) *Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 2 requirement B5, section 15 and 16.*

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg. Standard advice regarding sprinklers.

Natural England (received 12/06/2020) *No comments*

No comments and the consultation period expired for **Local Plans, Staffordshire Wildlife Trust**

7 x **public comments** received regarding danger to highways, and detrimental impact on Wombourne shopping areas, no need for the development and the impact of Covid on the community involvement exercise

Site Notice and advert expired 14th and 19th May 2020

5. APPRAISAL

5.1 The application is to be heard at Planning Committee as the Council are the applicant (and land owner).

5.2 Key Issues

- Principle of the development
- Loss of employment land
- Impact on character of the area
- Residential amenity
- Highways and parking
- Impact on trees and ecology
- Drainage and land contamination

5.3 Principle of the development

5.3.1 The site is within a designated Development Boundary where there is a presumption in favour of sustainable development. Any such development shall be approved in accordance with the Development Plan unless material consideration indicate otherwise.

5.3.2 Paragraph 86 of the NPPF states that Local Planning Authorities (LPAs)

should apply the 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 edge of centre locations and only if suitable sites are not available (or expected to become available within a reasonable period), should out of town centres be considered.

A clarification of main town centre uses is given in the glossary at the back of the NPPF. The NPPG gives further clarification and guidance that the Sequential Test should be proportionate to the development.

5.3.3 Paragraphs 89 and 90 of the NPPF go on to say:

89. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:

a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

90. 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 89, it should be refused.

5.3.3 The applicants have submitted a Sequential Test that details relevant case law with regard to approaches that LPAs should take. Including (Tesco v Dundee [2012] PTSR 983). In agreeing with the Inspector, the Secretary of State confirms that the Dundee case established the principal that if a site is not suitable for the commercial requirements of the developer in question then it is not a suitable site for the purposes of the sequential test. Thus, it is for the proposed development to be considered (not an alternative development), when looking at alternative sequential site. Aldergate Properties Ltd v Mansfield District Council v Regal Sherwood Oaks Ltd [2016] EWHC 1670 (Admin) goes on to say at [35]:

In my judgment, “suitable” and “available” generally mean “suitable” and “available” for the broad type of development which is proposed in the application by approximate size, type, and range of goods. This incorporates the requirement for flexibility in [24] NPPF, and excludes, generally, the identity and personal or corporate attitudes of an individual retailer. The area and sites covered by the sequential test search should not vary from applicant to applicant according to their identity, but from application to application based on their content.

5.3.4 The NPPG goes on to say that it is not necessary to demonstrate that a potential town centre or edge of centre can accommodate precisely the scale and

form of development being processed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal. The Council's Local Plan is not considered to be out of date. A sequential test (according to the NPPG) guides main town centre uses 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 (with preference for accessible sites which are well connected to the town centre). It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking. The application of the sequential test will need to be proportionate and appropriate for the given proposal. If there are no suitable sequentially preferable locations, the sequential test is passed.

5.3.5 The applicants have prepared and submitted a sequential test that has considered three alternative sites; a former petrol station on the A449, land at Ounsdale Road and the former Police Station within the village centre. The report concluded that, although the preferred option was the Police Station due to its proximity with the village centre, it was not available and has recently been sold and planning permission granted for the conversion to residential. In that the Council has to take a proportionate approach to the sequential test, and also bearing in mind the site selection process for the recently adopted Site Allocations Document. It is considered that the test submitted is appropriate and no suitable sites are available.

5.3.6 Core Policy 7 and Strategic Objective 11 of The Core Strategy state that it will support measures to sustain and enhance the vitality and viability of village centres. Employment development will be expected to contribute to the achievement of sustainable development. The priority will be for the re-use of previously developed land (brownfield land) in sustainable locations, provided it is not of high environmental value, that is accessible by public transport, walking and cycling. Development should be appropriate in scale and design to the location for which it is proposed. Core Policy 8 states that development proposals for retail will be focused within the centres of the Main Service Villages and Local Service Villages. Proposals for retail development outside of existing village centres should accord with the sequential approach set out in national planning policy, in order to protect the vitality and viability of village centres, as well as being consistent with other local planning policies.

5.3.7 The retail impact assessment submitted in support of the application has looked at the shopping patterns of Wombourne residents as part of a household survey undertaken in 2018, as well as the vitality of the village centre and the proposed financial impact of the development. This report found that the majority of people are using both the main village centre of Wombourne and the surrounding neighbourhood centres (as well as centres outside Wombourne, such as Perton) for 'top-up' shopping only and there is a leakage of shopping trips made outside of the area, mainly to Wolverhampton and Merry Hill. 'Top-up' shopping refers to the more day to day fresh requirements like bread and milk as opposed to a main shop usually undertaken once a week. However, this dropped significantly when Sainsbury's opened a supermarket on Heath Mill Road, not far from the application site. The

survey did still find however that around 50% of residents leave Wombourne for their main shop, with some choosing to shop at the cheaper supermarkets of Morrisons, Aldi and Lidl at Kingswinford. As such, the report concluded that the existing vitality of the village centre is healthy and any financial draw taken from the area by the proposed development is very unlikely to have a material effect on the comparison goods sector of the centre.

5.3.8 I consider the sequential test was both proportionate and appropriate in this regard and no suitable in town or edge of town sites are available. The retail impact assessment concluded that the retail centre of Wombourne had fared reasonably well after the Sainsbury's development and further predicted impact of the proposal would not be significant upon vitality and viability on Wombourne or the wider retail catchment. It would provide a more varied 'cheaper' retail choice than Sainsbury's. The proposal would see the re-use of a previously developed land (brownfield land) site in a sustainable location, not of high environmental value, that is easily accessible by public transport, walking and cycling. Overall, therefore, I consider the proposal is in accordance with the aims of Section 7 of the NPPF and Core 7 of the Core Strategy.

5.4 Loss of employment land

5.4.1 Policy EV1: Retention of Existing Employment Sites requires that

sites and premises used and/or allocated for industrial or commercial purposes (B1-B8) purposes will be safeguarded for that use. Proposals for development which would lead to the loss of land and premises for employment will not be permitted, unless it can be clearly demonstrated that:

- a) the supply and variety of available alternative employment land is sufficient to meet the District and local requirements; or*
- b) following appropriate marketing of the site no suitable and viable alternative employment use can be found, or is likely to be found in the foreseeable future; or*
- c) there would be substantial planning benefit in permitting an alternative use, for example in removing a use which creates residential amenity problems such as noise or odours; or*
- d) economic benefits to the area would result by allowing redevelopment, for example by facilitating the retention of a business in the area through funding a new site or premises.*

5.4.2 Whilst the proposed development will result in the loss of an existing employment building, the redevelopment of the site will deliver significant benefits in terms of employment generation, inward investment, service delivery and the visual enhancement of the site with 40 staff employed at Lidl, and the provision of three B2/B8 units to the rear of the site. It is recognised that retail uses generate jobs. They are not all traditional, full time manufacturing or service industry jobs that might be the main family income. However, the jobs are often available for a range of skills, age-groups and gender and at times that are suitable to provide additional family income or a route back into employment. I consider the redevelopment of the site is broadly in accordance with the aims of EV1.

5.5 Impact on the character of the area

5.5.1 Policy EQ11 'Wider Design Considerations' of the South Staffordshire Local Plan states

'in terms of volume, scale, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area'.

5.5.2 The Council's adopted Design Guide Developers should take care to ensure that the form of buildings fit well into their surrounding environment. The shape of buildings could take inspiration from surrounding buildings or features, or the landscape, and this can improve the appearance of places. New buildings should take opportunities to

preserve and enhance existing rhythms in the street scene for example by incorporating

subtle changes in height, size and form between buildings. Within larger developments, subtle variety in building form and scale can add interest and vitality. However, new buildings should avoid stark or sudden changes in scale.

5.5.3 The site is already home to a functional industrial building that is to be demolished to make way for the development. This building is prominent in the area, along with the neighbouring Halls and Pickles building. The site is raised from the highway with a grassed embankment leading from the neighbouring STW site up towards the site's access, this part will remain. The proposed buildings are set back into the site and will not be dominant in the streetscene, it will be the car parking that will be open to view. It was requested at pre-application stage that an area of land be made available to allow for some planting to mitigate against this, however this has not been included. This is regrettable, but it is not so harmful to warrant refusal. The area is established as industrial, and the change will not be so out of keeping. The design of the buildings is functional and practical and the proposed materials is acceptable. It is prudent however to require the submission of samples at a later stage, which can be secured by condition. Overall, I consider that the proposal would therefore comply with Policies EQ11 and EQ4 of the Core Strategy.

5.6 Residential amenity

5.6.1 Policy EQ9 states that new development should take into account the amenity of any nearby residents, particularly with regard to privacy, noise, pollution, odours and daylight.

5.6.2 The closest residential is some 74m to the north east of the site at The Heathlands and Heath House Drive, these properties are well screened from the site by an existing established hedgerow and tree lined area. Any disturbance here will be in existence from the already busy Bridgnorth Road. A number of objections have been received during the course of the application, mainly in relation to the negative impact the proposal will have on the existing shopping areas of Wombourne and the impact on highways. These matters have been covered in the relevant sections of this report.

5.6.3 Overall, I consider the proposal to be in accordance with the aims of EQ9.

5.7 Highways and parking

5.7.1 Core Policy 11: Sustainable Transport seeks to ensure that new development must include provision for sustainable forms of transport to access sites as well as within any development. The site can be accessed by public transport and there is to be cycle storage provided.

5.7.2 There have been a number of concerns raised by local residents who are concerned about the access to the site overall and the County Highways team had concerns with the initial proposal. Amendments were made to the scheme that made some alterations to the car parking spaces, whilst introducing a one-way system round the car park, hatching to prevent stacking at the egress and appropriate signage. Whilst I have considered the comments submitted from concerned residents of Wombourne and the Parish Council, the Highways team at County have carefully considered the supporting information, as well as visiting the site themselves and looking at the relevant accident statistics for the area and have recommended a number of amendments to ensure the access and entrance to the site is safe. These changes were implemented by the applicant and after further consultation, conditions are now required by the County Highways team to ensure the works are carried out on site.

5.7.3 According to the Council's Car Parking recommended standards the scheme should provide in total 201 parking spaces, with 181 of those being for retail only. The industrial unit is over providing and will not form further part of this discussion.

5.7.4 The retail element is therefore 13 spaces short of the recommended spaces. The supporting info to the Appendix does state however that the parking requirements are but part of the overall assessment of the planning merits of the proposal and the outcome can be a balance between all these considerations.

5.7.5 The applicants have submitted a supporting statement to assist in the consideration of the shortfall with two key elements that I consider attract significant weight in the balance, those being the staff requirement of Lidl and the linked trips between the two units. Lidl have stated that they do not require such a high number of staff spaces, with only 5 staff being on site at one time. In addition, although the calculations provide recommended provision for each store, it is likely that a single space would be needed for just one trip, as customers would visit both stores. According to the statement, Lidl are not a one stop shop destination for their customers but a complimentary retailer that operate successfully alongside other retailers. Whilst it is acknowledged that an end user has not been found for the smaller unit, a condition can be applied to any approval limiting the use to A1 and removing permitted changes of use.

5.7.6 In conclusion therefore, I consider the matters in relation to the smaller need for staff parking and the linked trips elements outweigh the shortfall of 13 parking

spaces in this instance and I see no conflict with the relevant policies in the Core Strategy in relation to highways and parking.

5.8 Impact on trees and ecology

5.8.1 The application has been supported by an ecology assessment and arboricultural impact assessment both of which have been considered acceptable by the relevant consultees who have both recommended conditions.

5.9 Drainage and contamination

5.9.1 Core Policy 3 of the Core Strategy states the Council

will require development to be designed to cater for the effects of climate change, making prudent use of natural resources, enabling opportunities for renewable energy and energy efficiency and helping to minimise any environmental impacts by;

- guiding development away from known areas of flood risk as identified in the Strategic Flood risk assessment, surface water management plan and consistent with the NPPF,*
- ensuring the use of sustainable drainage (SUDS) in all new development and promoting the retrofitting of SUDS where possible,*
- ensuring that all development includes pollution prevention measures where appropriate to prevent risk of pollution to controlled waters.*

5.9.2 EQ7 requires new development to include SUDS which is further echoed in the Sustainable Development SPD 2018.

Paragraph 163 of the NPPF states:

When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.,*

5.9.3 The proposal has been considered acceptable by both the County Flood Team and the Environment Agency subject to conditions.

5.10 Other matters

5.10.1 A small number of residents have raised concerns about the timing of the application, along with the associated community consultation exercise that was carried out. Whilst the timing of the application turned out not to be ideal, at the start of the Covid outbreak Central Government were very clear that planning was to remain and carry on where at all possible, recognising that permissions would be needed to help boost the economy during recovery. This matter has no bearing on the determination of the application.

5.10.2 Whilst a face to face community consultation was cancelled, an online consultation was undertaken in its place. This allowed the public to view the development proposals from their own homes at a time convenient to them. A feedback form and email address were provided to allow interested parties to provide feedback. The response was significant, with 42 feedback forms received and 230 comments were posted online via social media platforms.

5.10.3 A number of points were queried with the findings of the RIA and the number of empty shops to which the agent provided the following response:

Due to recent restrictions associated with COVID-19 it was not possible to visit the centre although the Retail Assessment is based upon a recent survey. It is acknowledged that vacant retail premises can arise from time to time and vacancies will occur in even the healthiest of centres. If the proportion of vacancies in the centre now stands at 6.6% then this is half the national average of 13.1% vacancies in town centres. This can only be regarded as a sign of a healthy centre which continues to be attractive to retail and service businesses. Charity shops should not be amalgamated with the number of vacancies, as charity shops perform an important service for the local community and are an attractor to the centre. Overall, Wombourne is considered to be a healthy centre and the applicant's Retail Assessment has proven that there will not be a significant adverse impact upon its future health.

5.10.4 If Members are minded to approve the application, the decision is then to be referred to the Secretary of State, due the combined retail floor area of the proposal and the existing nearby Sainsburys store. Any approval cannot be issued until the Secretary of State has considered whether to call the application in for determination by them.

5.10.5 The County Highways team have requested a sum of £12,320 to monitor the Travel plan this is usually secured via a section 106 agreement which is being prepared by the Legal Team. I note the request for a monetary contribution towards the village centre. However, this is non-specific and no evidence has been provided that would substantiate the need for a financial contribution and would meet the tests laid out in the NPPF with respect of planning obligations.

6. CONCLUSIONS

6.1 I consider that the proposal for the retail redevelopment of the site is acceptable in principle. The Sequential Test submitted concluded that there were no alternative sites available and the Retail impact assessment found that the impact on the existing centres would not be significant. I have carefully considered the concerns raised by neighbours of the site however I have found that the proposal is in accordance with aims of EQ9 of the Core Strategy and after the scheme was amended, the Highways officer has no objections subject to conditions. Tree and ecology issues are considered acceptable.

6.2 In conclusion therefore, I recommend that Members approve the application, but the recommendation shall be deferred subject to the application not being called in by the Secretary of State.

7. RECOMMENDATION - **Delegate deferred APPROVAL** to the Team Manager to issue the decision on completion of a satisfactory Section 106 agreement, **deferred subject to the application not being called in by the Secretary of State**. If this has not been achieved by 20th October 2020 this application will be referred back to the Planning Committee. The application cannot be formally approved until the Secretary of State has considered the application and this Committee Report.

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development hereby approved shall be carried out in accordance with the approved plans reference:
W EP-AHR-00-ZZ-DR-A-05-003 P015
W EP-AHR-00-ZZ-DR-A-05-012 P03
W EP-AHR-00-ZZ-DR-A-05-011 P05
W EP-AHR-00-ZZ-DR-A-05-012 P04
W EP-AHR-00-ZZ-DR-A-05-008 P03
W EP-AHR-00-ZZ-DR-A-05-006 P06
W EP-AHR-00-ZZ-DR-A-05-007 P03
W EP-AHR-00-ZZ-DR-A-05-005 P04
W EP-AHR-00-ZZ-DR-A-05-004 P02
3. Prior to first occupation of the supermarket and retail unit hereby permitted the associated parking, turning and servicing areas indicated on submitted Drg. No.W EP-AHR-00-ZZ-DR-A-05-003 Rev. P015 the subject of this consent, shall be provided with the parking bays clearly delineated and thereafter retained at all times for their designated purposes.
4. Prior to first occupation of the supermarket and retail unit hereby permitted the scheme of traffic management markings in the car park indicated on

submitted Drg. No.W EP-AHR-00-ZZ-DR-A-05-003 Rev. P015 the subject of this consent, shall be provided and thereafter maintained.

5. Prior to first occupation of the supermarket and retail unit hereby permitted the yellow hatch box markings indicated on submitted Drg. No.W EP-AHR-00-ZZ-DR-A-05-003 Rev. P015 the subject of this consent, shall be provided.
6. Prior to first occupation of the industrial retail unit hereby permitted the associated parking areas indicated on submitted Drg. No.W EP-AHR-00-ZZ-DR-A-05-003 Rev. P015 the subject of this consent, shall be provided with the parking bays clearly delineated and thereafter retained at all times for their designated purpose.
7. Prior to first occupation of the supermarket and retail unit hereby permitted the pedestrian entrance indicated on submitted Drg. No.W EP-AHR-00-ZZ-DR-A-05-003 Rev. P015 the subject of this consent, shall be provided.
8. The proposed supermarket hereby permitted shall not be brought into use until the proposed cycle parking facilities have been installed.
9. Prior to the commencement of any demolition/construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The approved management plan shall include details relating to construction access, hours of construction, routing of HGV's, delivery times and the location of the contractor's compounds, cabins, material storage areas and contractors parking and a scheme for the management and suppression of dust from construction activities including the provision of a vehicle wheel wash. All site operations shall then be undertaken strictly in accordance with the approved CEMP for the duration of the demolition/construction programme.
10. No development shall begin until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:
 - i. A preliminary risk assessment which has identified:
 - o all previous uses
 - o potential contaminants associated with those uses
 - o a conceptual model of the site indicating sources, pathways and receptors
 - o potentially unacceptable risks arising from contamination at the site
 - ii. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

- iii. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved

- 11. No development shall begin until the following elements of a surface water drainage design have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must demonstrate:
 - o Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).
 - o SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and SuDS treatment design criteria.
 - o Limiting the discharge rate generated by all rainfall events up to the 100 year plus climate change in accordance with the guidance in the SCC SUDS Handbook.
 - o Provision of surface water runoff attenuation storage to achieve the limited discharge.
 - o Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations.
 - o Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.
 - o Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems shall be maintained and managed for the lifetime of the development.
 - o Evidence of consent for any third-party land crossing.
- 12. No development shall begin before a scheme for the provision and implementation of foul drainage works has been submitted for the approval of the Local Planning Authority. The development shall not be occupied/brought into use until the approved scheme has been completed.
- 13. In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars; and

paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the occupation of the building for its permitted use.

(a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard BS 3998:2010 Tree Work.

(b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

(c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

14. Where the approved plans and supporting reports indicated that specialized construction work is to take place within the Root Protected Area (RPA) of any retained trees, hedgerows or shrubs, prior to the commencement of any development works, an Arboricultural Method Statement (AMS) that details the specific engineer designed construction and how any approved construction works will be carried out shall be submitted and agreed in writing by the local planning authority. The AMS shall include details on when and how the works will be take place and be managed and how the trees etc. will be adequately protected during such a process.
15. No development shall begin, including vegetation clearance, until a Construction Environmental Management Plan (Ecology) (Construction Method Statement) to include: details of how direct and indirect pollution will be controlled, avoidance of harm to bats, birds, badgers, reptiles and amphibia, details of when named supervising ecologist will attend has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.
16. No development shall begin, including vegetation clearance, until an invasive species management plan detailing measures to control the spread of or eradicate Himalayan balsam (*Impatiens glandulifera*) and Japanese knotweed (*Fallopia japonica*) has been submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved details.

17. Prior to the occupation of the development, details of biodiversity enhancement measures including:
- 3 no integrated bat tubes or bat boxes within the new building on a south or south-west aspect,
 - 3 number bat boxes of woodcrete type or similar to be installed on mature trees
 - 1 no reptile refuge to be constructed of logs and or rubble
 - 2 groups of 3 no swift boxes and 2 no house sparrow terraces on or integrated into north- or east- facing brickwork of the new buildings

shall be submitted to and approved in writing by the local planning authority. The approved measures shall be incorporated into the scheme and be fully constructed prior to the commencement of the use. The measures shall be maintained for the lifetime of the development.

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 2015 (or any Order revoking and re-enacting that Order with or without modification) no development within the following classes of development (other than those expressly authorised by this permission) shall be carried out to the building(s) hereby approved.
- a. Schedule 2, Part 7, Class A - extension or alteration of a shop or financial or professional services establishment.
 - b. Schedule 2. Part 7, Class H – extensions etc of industrial and warehouse
 - c. Schedule 2. Part 3, Class C – retail to restaurant or café
 - d. Schedule 2. Part 3, Class D – shops to financial and professional
 - e. Schedule 2. Part 3, Class G – retail to mixed use
19. No works above damp-proof level shall take place until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
20. The premises shown in purple on the approved plan shall be used for A1; and for no other purposes.
21. The premises shown in purple on the approved plan shall be used for B1a, B2, B8; and for no other purposes.

Reasons

1. In order to define the permission and to avoid doubt.
2. In order to define the permission and to avoid doubt.

3. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
4. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
9. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
10. Site investigation (SI) is required when demolition of current buildings and any obstructions have been carried out. This post demolition SI needs to be based on the desk study and initial SI already carried out together with the findings and recommendations included in the Phase I and Preliminary (pre demolition) phase 2 report.
To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.
11. To prevent danger or damage from flooding by the adjacent watercourse in accordance with policy EQ7 of the adopted Core Strategy.
12. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimize the risk of pollution, in accordance with policy EQ7 of the adopted Core Strategy.
13. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
14. To protect the existing trees on the site during construction work in accordance with policy EQ12 of the adopted Core Strategy
15. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.

16. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
17. In order to protect any protected species on the site in accordance with EQ1 of the adopted Core Strategy.
18. In order to define the permission and to avoid doubt.
19. To safeguard the amenity of the area in accordance with Policy EQ11 of the adopted Core Strategy.
20. In order to define the permission and to avoid doubt.
21. In order to define the permission and to avoid doubt.

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2019.

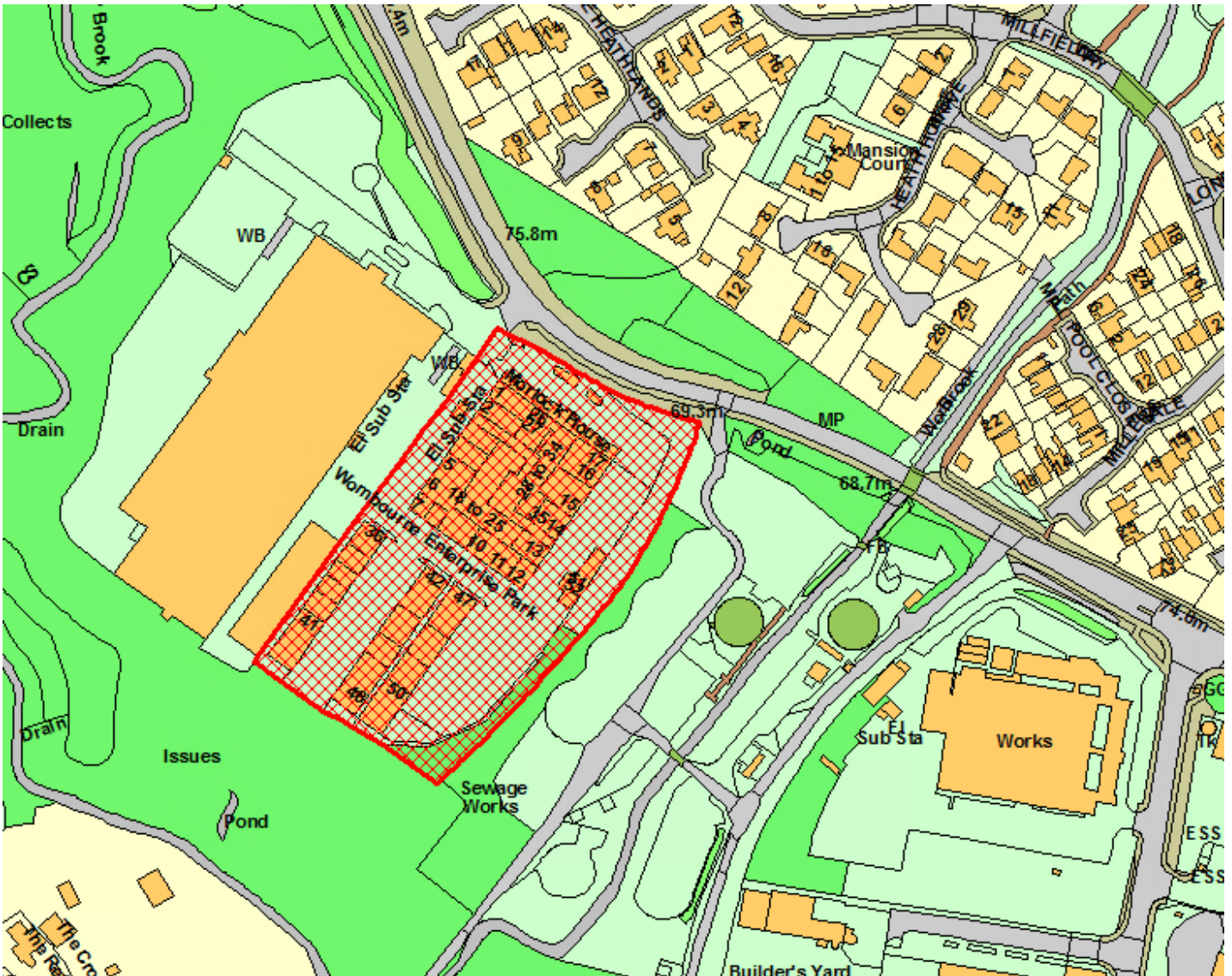
HIGHWAYS INFORMATIVE

Conditions 4 & 7 above requiring off-site highway works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack including an application form. Please complete and send to the address indicated on the application form or email to nmu@staffordshire.gov.uk. The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

<https://www.staffordshire.gov.uk/transport/staffshighways/highwayscontrol/HighwaysWorkAgreements.aspx>

a)

The yellow hatch box referred to in 4 above, will require an essential Traffic Regulation Order and will need to be in the adopted highway. The Highway Works Agreement referred to in Informative (a) can be the mechanism for adoption. This recommendation of approval should not be construed as though the County Council is prejudging the outcome of the Order making process. The developer should note that the Order will be made on behalf of the developer by Staffordshire County Council at the developer's expense and has to be secured before development commences as it is an 'ESSENTIAL' component of the required mitigating measures associated with the proposed development. The developer is requested to contact John Derry with immediate effect to enable the Order to be secured at the earliest convenience to avoid delays to implementation of the planning consent. Please note that there are no guarantees that the Order will be successful.



20/00312/FUL - Wombourne Enterprise Park Bridgnorth Road Wombourne WV5 0AL