



## Appeal Decision

Inquiry held 9-11 November 2021

Site visits made on 8 and 11 November 2021

**by C Masters MA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1<sup>st</sup> March 2022**

**APP/Q4245/W/21/3267048**

**Altringham Retail Park, Unit 1, George Richards Way, Altringham WA14 5GR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Lidl UK/Orchard Street Investment Management LLP.
- The application Ref 98127/FUL/19, dated 24 May 2019 was refused by notice dated 16 July 2020.
- The development proposed is the extension, refurbishment and subdivision of the existing Homebase store to provide a downsized unit for Homebase and a new class A1 retail unit to be occupied by Lidl. The application also proposes the relocation of the Homebase garden centre, the reconfiguration of the existing car park and associated landscaping and the creation of a new egress from the site.

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### Decision

1. The appeal is allowed, and planning permission is granted for the extension, refurbishment and subdivision of the existing Homebase store to provide a downsized unit for Homebase and a new class A1 retail unit to be occupied by Lidl. The application also proposes the relocation of the Homebase garden centre, the reconfiguration of the existing car park and associated landscaping and the creation of a new egress from the site at Altringham Retail Park, Unit 1, George Richards Way, Altringham WA14 5GR in accordance with the terms of the application ref 98127/FUL/19, dated 24 May 2019, subject to the conditions outlined at annex A at the end of this decision.

### Preliminary Matters

2. Following the submission of this appeal, the appellant sought planning permission for the same development at the appeal site albeit with a different vehicular egress arrangement at the site. This proposal was approved by a decision notice issued on 8 April 2021. This proposal, known as the '*second application*' was the subject of a claim for judicial review which was refused on 15 July 2021. It was then subject to an oral (renewal) hearing which remained outstanding when the inquiry sat and the evidence was heard. Following the close of the inquiry, the appellant confirmed on 7 December 2021 that the oral (renewal) hearing in respect of the '*second application*' had been refused. All parties were provided with an opportunity to comment on this.

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3. A replacement access drawing was submitted prior to the inquiry opening. The revised access arrangement mirrored the access proposed by the '*second application*' on the site. It was subject to a separate consultation. The Council did not object to the plan being substituted and all parties had an opportunity to comment on the drawings. The Council and the appellant agreed that this arrangement would have an acceptable impact on highways safety and as a result, reason for refusal number 2 on the decision notice was not contested at the appeal. I do not consider anybody would be prejudice by my taking this drawing into account and have considered the appeal on this basis. Notwithstanding this position and in light of third party and Rule 6 representations in relation to this issue, this topic was still subject to discussion as part of the inquiry.
  4. As a consequence of this substituted plan, the Council confirmed that they would no longer contest the appeal.
  5. In addition to the development plan, I have also been referred to the policies contained within the emerging local plan. However, given the fact that the policies within the emerging plan are at Regulation 18 stage only, I have attached no weight to them in reaching my conclusions below.

### **Main Issue**

6. In light of the above, the main issue is:
  - Whether the proposal satisfactorily addresses the sequential test.

### **Reasons**

#### *Whether the proposal satisfactorily addresses the sequential test*

7. It was common ground between all parties that:
  - The appeal site is within an out of centre location. As a result, there is a requirement to demonstrate compliance with the sequential test as set out at paragraphs 87 of the Framework;
  - There is a sequential preferable site known as the Altair site. This site is allocated under policy W2.3 of the Trafford Core Strategy, 2012 as the main development opportunity within Altringham Town Centre immediately to the east of the Altringham transport interchange (although it was generally accepted by all parties that the site was edge of centre despite this definition within the Core Strategy);
8. The dispute focuses on the availability and suitability for this site to accommodate the appeal proposal, including the scope to which the appeal proposal should be disaggregated. As a result, I deal with each of these matters in turn.

#### *Availability of the Altair site*

9. There can be no dispute that the development of the Altair site has been subject to significant delays. However, the Council contend that a revised planning application will be submitted imminently. Given the evidence I heard from the appellant, notwithstanding the significant delays which have occurred even prior to the current coronavirus pandemic, I can see no reason to disagree that this will be the case. The site is clearly sequentially preferable,

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being located on the edge of Altringham and within close proximity to Altringham transport interchange within the town.

10. There was agreement between the Council and the appellant that the delivery timeframe for the Altair site would be between 3-4 years. In my view, this presents a reasonable timeframe, and the suggested timeline for development by Lidl in terms of the application, development and delivery process would also all appear to be reasonable. Whilst I fully acknowledge that the delivery of the Altair site has not been forthcoming, there is no evidence before me to suggest that the 3-4 year period envisaged by the appellant could not reasonably be achieved. As such, I am of the view that the Altair site would present a sequentially preferable site which is available within a reasonable timeframe.

*Suitability of the Altair site (including disaggregation)*

11. Disaggregation is not a requirement of the sequential test. However, the PPG is clear that the application of the sequential test will need to be proportionate and appropriate for the given proposals. The Framework is also clear at paragraph 88 that when considering edge and out of centre proposals, applicants and local planning authorities should demonstrate flexibility on issues such as format and scale. It goes on to note that preference should be given to accessible sites which are well connected to the town centre. Disaggregation is a matter of planning judgement to be addressed on a case-by-case basis. As such, it is important to consider the particular circumstances of each case and the flexibility which can realistically be applied to the proposals. In this case, the proposal seeks to introduce a new retailer in the form of Lidl to the existing out of centre retail park. As a single unit, it is both proportionate and reasonable to consider flexibility in both the format and scale of the proposal and the creation of the new foodstore proposed. However, given that the Homebase is an existing operator, it would be plainly wrong to require this existing use at the site to be considered as part of this exercise.
12. The Homebase comprises an existing store operating from the retail park. The appellants witness contends that the Homebase store and proposed Lidl foodstore are 'functionally linked'. However this 'functional' relationship appears to focus on reducing the lease liability for Homebase. I am unable to agree that this amounts to a 'functional' relationship which would negate the need to consider disaggregating the Lidl from the Homebase. Whilst the co-location of the two retailers may be beneficial from a trading perspective, there is no reliance or functional relationship which would mean that disaggregating the Lidl store should be discounted. There is no clear functional connection. I am not convinced that the reconfiguration of the Homebase could only take place in association with the Lidl store and the scheme before me. No evidence was presented regarding alternative trading options which may have been considered in order to provide a smaller footprint and deliver the more modern store desired by Homebase. Given the current retail climate, the situation at this site cannot be described as particularly unique or one which would provide sufficient justification to negate the requirement to consider disaggregation on this basis alone.
13. The consideration of the suitability of the Altair site for the Lidl unit only is entirely consistent with the general thrust of the guidance and in particular a consideration of what contribution more central sites are able to make

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individually to accommodate the proposal. In my view, it is both reasonable and necessary to disaggregate the Lidl store from the Homebase.

14. Lidl has committed to operating a smaller format store from the Altair site, a metropolitan format. The appellant confirmed that Lidl had exchanged contracts with Nikal, the developer controlling the Altair site and is committed to being the anchor tenant for the scheme delivering a metropolitan format store on a leasehold basis as part of the wider mixed use residential led scheme being delivered here. I acknowledge that this store would be reliant on higher pedestrian footfalls than the appeal site, reflective of the fact that the store would be served directly off the pedestrianised high street. It would have a reduced range of goods as a result of the smaller format (a sales area approximately 15% smaller than the appeal scheme) and would be likely to have access to a shared underground car park. To my mind, this commitment to the Altair site demonstrates the commitment to flexibility on format and scale envisaged by the Framework.

#### *Conclusion on the sequential test*

15. Applying suitable flexibility to the scale and format of the development proposed, there is a more centrally available and suitable site, the Altair site. The sequential test requires more centrally available and suitable sites to come forward in advance of less central sites. The Altair site presents both a suitable and available site in the context of the sequential test. As a result, the proposal does not satisfy the sequential test and would fail to accord with policy S11 of the Revised Trafford Unitary Development Plan 2006 as well as policy W2 of the Trafford Core Strategy, 2012. Policy S11 provides the policy context for development outside of established centres. It advises, amongst other things, that proposals will not be permitted unless it can be demonstrated that a sequential approach to site selection has been adopted.
16. Policy W2 advises, amongst other things, that outside of the defines centres, there will be a presumption against the development of retail, leisure and other town-centre type uses except where it can be demonstrated that they satisfy the tests outlined in current Government Guidance. The policy goes on to note that proposals to expand any of the existing retail parks (of which the Altringham Retail Park is defined) should be justified against the tests set out in national guidance. The guidance continues at paragraph 91 of the Framework and advises that where an application fails to satisfy the sequential test or is likely to have significant adverse impacts on one or more of the considerations in paragraph 90, it should be refused.

#### **Other Matters**

##### *The effect of the proposed new vehicular entrance point onto George Richards Way in terms of highways safety*

17. A new vehicular egress would be created from George Richard Way. This new egress would mean that the location of the egress would be 20m further west away from the junction with the A56. The central traffic island has also been extended west to prevent right turns into and out of the egress. The gradient of the egress has also been reduced and lengthened and the proposal now includes for the widening of the carriageway to achieve minimum 3m wide traffic lanes, excluding the central hatched road markings. The revised access arrangement is supported by additional analysis including a swept path analysis

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and including vehicle tracking speeds. In light of the submitted transport assessment as well as the statement of common ground between the Council and the appellant, I am satisfied that the proposed access arrangements provide a safe and suitable access. I can see no technical evidence that would cause me to take a different view.

18. A number of local residents expressed concerns regarding the highway's implications of the development in terms of the existing volume of traffic and the impact of the proposed Lidl store. I am satisfied that the technical transport assessment in support of the appeal proposal, which tested the increase levels of traffic on the local highway network on both a weekday peak and Saturday midday peak provides sufficient evidence to demonstrate that the proposal would not result in a material change in traffic conditions during peak periods. I also note the particular concerns expressed regarding the potential for customer parking to take place on surrounding residential roads. In this regard, I am satisfied that the proposal would provide for an acceptable level of car parking on site.
19. Accordingly, I conclude that the proposal would not result in any harm to highways safety. The proposal would therefore accord with policy L4 of the Trafford Core Strategy, 2012 which states, amongst other things, that the Council will not grant planning permission for development that is likely to have a significant adverse impact on the safe and efficient operation of the strategic road network, the primary and local highway network unless and until appropriate transport infrastructure improvements and/or traffic mitigation measures and the programme for implementation is secured. In addition, the proposal would also accord with paragraph 111 of the Framework which states that development should only be prevented on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

*The effect of the proposed development on the setting of the nearby listed building  
The Railway Inn Public House*

20. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. It is therefore necessary to consider the effect of the appeal proposal on the setting of the listed building itself.
21. In the case of this appeal, the heritage asset concerned is the Railway Inn, a grade II listed public house. Historically, the retail park itself originally formed part of the Broadheath Railway Station, goods yard and viaduct. It is widely accepted that the 'setting' comprises the surrounds in which a heritage asset is experienced. From what I saw on my site visits, the Railway Inn is located on the corner of the existing car park in a somewhat isolated fashion. It is located at the junction with Manchester Road and George Richards Way. Its setting is experienced from the front elevation of the building when travelling north and south along Manchester Road.
22. The existing main road frontage, signalised junction, surface level car park associated with the retail park and wider retail warehousing situated along George Richards Way and within the immediate vicinity of the heritage asset. The heritage asset is within the appeal site by virtue of the fact that it is located within the corner of the existing surface level car park. From my

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observations, there is very limited intervisibility between the appeal site and the Railway Inn. In the context of these characteristics, it is my view that the special interest of the building is derived from the frontages facing the public highway.

23. The appeal proposal would introduce built development closer to the heritage asset concerned, through the construction of the proposed garden centre extension which would be positioned closer to Manchester Road. In this way, the proposal may, to a certain limited degree, reduce the visible separation between the heritage asset and the existing retail units. I accept that such a reduction would have a permanent effect. In accordance with paragraph 202 of the Framework, it is common ground between the Council and the appellant that the harm to the significance of the designated heritage asset would be less than substantial. From my assessment set out above, I concur with this view. Notwithstanding this position, it would amount to harm to the setting of a listed building and as a result, the proposal would conflict with policy R1 of the Trafford Core Strategy, 2012 in so far as this policy is consistent with the Framework.

### *Design*

24. Concerns were expressed that the design of the proposed new retail unit would fail to provide an acceptable level of design. To my mind, the design of the proposal would be entirely in keeping with the surrounding built environment in terms of its scale, mass and bulk. It would be reflective of the established pattern of townscape in the area which is in the round reflective of the retail park environment. The proposal would not result in any material harm in this regard, and I find no conflict with policy L7 of the Core Strategy which requires, amongst other things, that development must be appropriate to its context and enhance the character of the area by appropriately addressing factors such as height and massing.

### *Other Appeal Decisions*

25. The main parties have referred me to a number of other retail appeal decisions and case law<sup>1</sup>. I have had due regard to the consideration of these other decisions and the specific detail of the case law referred to in so far as it applies to the main issue before me. I acknowledge that in a number of these cases, the application of the sequential test and the requirements for disaggregation have been considered and applied to the specific circumstances of the appeals to which they relate. I am also mindful of the fact that these other appeals do not present the exact same circumstances presented here. In a number of cases, the proposals relate to large scale out of centre proposals<sup>2</sup> or indeed proposals where no end operator had been identified<sup>3</sup>. In other cases, there are a number of other significant main issues beyond the issue of the sequential test or the sequential sites<sup>4</sup> considered do not share similar characteristics to those at the Altair site. Some of the decisions predate the Framework<sup>5</sup>. The comparisons I can draw are at best limited. In all cases, the appeal must be decided on the particular circumstances of the case. The

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<sup>1</sup> Tesco Store Ltd v Dundee City Council, Aldergate Properties Ltd v Mansfield District Council, Asda Stores v Leeds City Council, Salford Estates v Durham CC and ANR

<sup>2</sup> APP/V2723/V/15/3132873, APP/V2723/V/16/3143678, APP/A1530/W/16/3147039, APP/G2815/V/12/2190175

<sup>3</sup> APP/V2004/W/3171115

<sup>4</sup> APP/C3240/A/11/2167505, APP/P4605/A/12/2187738

<sup>5</sup> APP/G3100/A/04/1171310 & APP/G3110/A/05/1195688



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similarities and thus weight I attach to these numerous other cases referred to is limited.

### *The Fall Back Position*

26. The appeal site has a grant of planning permission for the same development as the appeal scheme before me. In my view, this represents a fall back position to which weight should be attributed as part of the overall planning balance. I return to this matter below.

### *Planning Balance and Overall Conclusion*

27. The starting point is the development plan. As the proposal would fail to satisfy the sequential test, it would conflict with policy S11 of the Unitary Development Plan as well as policy W2 of the Core Strategy. The Framework is also clear that in these circumstances, a proposal should not usually be granted. I attach significant weight to this conflict.
28. As paragraph 199 of the Framework makes clear, when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation. In respect of the Railway Inn, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
29. Given that the harm identified in respect of the setting of the heritage asset would be 'less than substantial' in the terms of the Framework, it is necessary – in line with paragraph 202 of the Framework – that it should be weighed against the public benefits of the proposal. It is not disputed that public benefits would arise from the appeal scheme. The development would result in the creation of approximately 40 new jobs associated with the foodstore, as well as jobs (albeit on a temporary basis) during the construction phase. I attach moderate weight to these factors in the balancing exercise. It would also mean that approximately 50 existing jobs at the Homebase store would be protected. Recognising the correspondence from Homebase on this matter and balancing this against the conclusions I have drawn above regarding the operation of the Homebase store, I attach limited weight to this factor. There will also be public benefits in terms of additional investment within the retail park itself – a factor to which I have also attached weight. I conclude that these public benefits of the scheme would outweigh the less than substantial harm to the heritage asset concerned.
30. Turning to consider the other material considerations, the development would also improve customer choice, whilst maximising the use of brownfield land. I attach moderate weight to these factors.
31. A fall back position exists in the form of the 'second application' whereby planning permission exists for a near identical scheme. In my view there is a real prospect that this scheme could be implemented. I have attached significant weight to this factor in the overall planning balance.
32. Notwithstanding the clear policy conflict I have identified, the above factors, when considered collectively represent other material considerations which weigh in favour of the proposal. For this reason and having regard to all other matters raised, I allow the appeal.

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## Conditions

33. A draft list of planning conditions was submitted prior to the start of the inquiry, and this facilitated a 'round table' discussion involving all parties. I have considered the various conditions in light of that discussion and the advice contained within paragraph 56 of the Framework. The appellant has also confirmed in writing acceptance to the pre commencement conditions attached.
34. Conditions relating to the commencement of the development and the approved plans are required. In this instance, the parties have agreed that the development should be begun within one year beginning with the date of this decision. This is both reasonable and necessary in light of the commercial aspirations of the operator. In order to ensure a satisfactory quality of design, it is also reasonable and necessary to include conditions requiring the external materials as well as hard and soft landscaping details to be subject to the approval of the Council. A condition requiring the ongoing maintenance of the soft landscaping through replacement planting for the lifetime of the development is necessary to ensure the site remains satisfactorily landscaped.
35. As the site is in an out of centre location, conditions restricting any further subdivision of the units and the range of goods which can be sold from each of the units are necessary to protect the vitality and viability of the neighbouring centres.
36. In the interest of highways safety, conditions relating to the provision of the new egress onto George Richards Way, the submission of a travel plan, the submission of the design and provision of a 2.15m height restriction barrier at the egress as well as the requirement to provide the visibility splays necessary are required. In order to ensure adequate parking provision is made available, a condition is also necessary to secure the car parking, servicing and cycle parking as shown on the plans prior to the use of the units. Furthermore, a condition requiring the details of the motorcycle parking to be submitted and installed in order to ensure satisfactory provision is made for motorcycle parking within the development. Finally, a condition requiring a scheme for the provision of electric vehicle charging infrastructure is to be submitted and approved and implemented there after in order to ensure the development makes adequate provision for such facilities.
37. A condition is required to address the flood risk and provide an outline drainage strategy at the site is necessary in order to minimise flood risk. A further condition is attached to ensure that the development shall be drained via separate systems for the disposal of foul and surface water.
38. In view of the proximity of neighbouring residential properties, it is reasonable to attach a number of conditions which are all necessary to ensure that the development has an acceptable impact on residential amenity. These include a condition requiring details of a construction management plan as well as a servicing and delivery management plan. In addition, a condition requiring the development to be constructed in accordance with the Noise Impact Assessment submitted is also reasonable and necessary for the same reason. A further condition is included limiting the noise levels from fixed plant and



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machinery at the development. A condition relating to any external lighting proposed at the site is also covered. For the same reasons, I have also included conditions restricting the opening hours of both units.

39. Conditions requiring the submission of a site investigation and risk assessment and subsequent verification report are necessary to ensure the safe development of the site. In the interests of crime prevention and community safety, a condition is also included requiring the development to be completed in accordance with the submitted crime impact assessment.
40. A condition requiring the submission of a ecological survey is both necessary and reasonable to prevent any bird habitat disturbance at the site. For the same reason, I have also included a condition requiring the submission and installation of replacement bird boxes. Furthermore, a condition requiring an updated bat survey report is necessary to protect any protected species on the site.

*C Masters*

INSPECTOR

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## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Ian Ponter of Counsel	Instructed by the Head of Legal Services, Trafford Council
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He called:

Bethany Brown BA Dip TP MRTPI	Planning Officer, Trafford Council
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### **RULE SIX PARTY:**

Paul Stinchcombe QC	Instructed by MRPP
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He called:

Martin Robeson BA FRTPI FRICS	Managing Director of MRPP
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### **RULE SIX PARTY:**

Judie Collins	Altringham and Bowden Civic Society
Leslie Cupitt	Altringham Neighbourhood Business Plan

### **FOR THE APPELLANT:**

David Manley QC	Instructed by Rapleys LLP
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He called:

Jonathan Harper MA (Hons) MTRPI	Rapleys LLP
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Jim Budd BA (Hons) MSC FCIHT	SCP
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### **DOCUMENTS SUBMITTED DURING THE INQUIRY**

1. HHGL Limited Annual Report and Financial Statements for the period ending 27 December 2020
2. Appellant's Opening Statement
3. Council's Opening Statement
4. Opening Statement on behalf of Tesco as Rule 6 Party
5. Corrigendum to Mr Robeson's Proof of Evidence
6. Lidl City Tower, Manchester ground floor proposed layout plan
7. Colney Hatch Lane proposed ground floor plan
8. Summary of Evidence of the Altringham and Bowdon Civic Society
9. Closing Statement on behalf of the Appellant
10. Closing Statement on behalf of the Council
11. Closing Statement on behalf of Tesco as Rule 6 Party
12. Closing Statement on behalf of Altringham Neighbourhood Business Plan

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## **Annex A: Schedule of Conditions**

1. The development must be begun not later than one year beginning with the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans: Site location plan (ref. 14366-99 D) Proposed site layout plan (ref. 14366-105 K) Proposed ground floor plan (ref. 14366-106 F) Proposed first floor plan (ref. 14366-107 B) Proposed roof plan (ref. 14366-108 B) Proposed section plan (ref. 14366-111 A) Proposed elevations (ref. 14366-109 E) Proposed elevations large format (ref. 14366-112 A) Existing and proposed elevations comparison (ref. 14366-113 A) Proposed hard landscaping (ref. 14366-116 F) Proposed boundary treatments (ref. 14366-115 J) Proposed street scene 1 (ref. 14366-114 C) Proposed street scene 2 (ref. 14366-117 C) Proposed CGI 1 (ref. 14366 Altrincham CGI 01A) Proposed CGI 2 (ref. 14366 Altrincham CGI 02) Proposed soft landscaping (ref. V14366 L01 M).
3. No above-ground construction works shall take place until samples and full specifications of materials to be used externally on the development hereby approved have been submitted to and approved in writing by the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in full accordance with the approved details.
4. No works relating to new hard landscaping shall take place until full details of hard landscape works for the approved development have been submitted to and approved in writing by the local planning authority. The submitted details (which shall include the type, siting, design, dimensions and materials) shall cover: hard surfacing, boundary treatments/means of enclosure (including acoustic fencing), refuse or other storage units (including cycle storage), trolley bays/shelters, bollards, and seating furniture. Development shall be carried out in full accordance with the approved details.
5. No above-ground construction works shall take place until full details of soft landscape works have been submitted to and approved in writing by the local planning authority. The submitted details (which shall be based upon the details shown on landscape plan ref. V14366 L01 M) shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (noting species, plant sizes and proposed numbers/densities (which shall be based on the provision of at least 17 new trees in addition to shrubs)); measures to protect those trees identified to be retained during the construction works; planting and soil conditions; a planting implementation programme; and details of landscape maintenance. The

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approved details shall be implemented in full and in accordance with the approved implementation programme and maintenance strategy.

6. If, for the lifetime of the development, any trees or shrubs planted or retained in accordance with the approved soft landscaping works are removed, die, become diseased or seriously damaged then replacement trees or shrubs of a similar size and species shall be planted in the next planting season.
7. The unit identified as Unit 1A hereby approved shall be used as a discount convenience foodstore (Use Class E(a)) and for no other purpose (including any other purpose in Class E). The gross internal floor area of the discount foodstore shall be limited to 1,858 square metres, of which no more than 1,272 square metres shall be used for net retail sales. Thereafter there shall be: i. No internal subdivision of the unit; ii. No formation of mezzanine floors; iii. No more than 20% of the net retail floorspace shall be used for Use Class E(a) comparison goods retailing; and iv. No sale or provision of pharmaceutical products available by prescription only, post office, dry cleaning, financial services, fresh fish, hot food, cheese and meat counter(s), home delivery/click and collect, photographic shop, mobile phone shop, or café/restaurant. The condition is drafted with reference to the Town and Country Planning (Use Classes) Order 1987 as amended but it shall apply to any equivalent uses/Classes in any statutory instrument revoking and re-acting that Order with or without modification.
8. The unit identified as Unit 1 hereby approved shall be used as a non-food DIY unit (Use Class E(a)) and for no other purpose (including any other purpose in Use Class E). The gross internal floor area of the DIY unit shall be limited to 4,843 square metres of which 1,231 square metres shall be used as an ancillary garden centre. The net retail sales floorspace of Unit 1, including the garden centre, shall be limited to 4,394 square metres. Thereafter there shall be: i. No internal subdivision of the unit; ii. No formation of additional mezzanine floors (other than that shown on plan ref. 14366-107 B); and iii. No further enclosure of the garden centre through the provision of a roof structure (other than that shown on plan ref. 14366-106 F). Unit 1 shall be used for the sale of the following product ranges only: DIY goods and builders' merchants' products; paint and decorating equipment; plants, gardening equipment, and garden and outdoor products; kitchens and bathrooms; lighting and electrical products; floor coverings; and homewares and home furnishings. The condition is drafted with reference to the Town and Country Planning (Use Classes) Order 1987 as amended but it shall apply to any equivalent uses/Classes in any statutory instrument revoking and re-acting that Order with or without modification.
9. The new left-turn only egress onto the highway of George Richards Way shall be provided in the location shown on approved site layout plan ref. 14366-105 K. The associated highway works shall provide, for each traffic lane, a minimum unobstructed lane width of not less than 3 metres. The maximum gradient of the egress shall not exceed 1:20 (5%). The new egress onto George Richards Way shall not be brought into use unless and until details of a 2.15 metre vehicle height restriction barrier to be installed at the

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egress have been submitted to and approved in writing by the local planning authority. The submitted details shall include the design and specification of the barrier, and details of advance signage and/or markings within the car park and at the barrier. The approved details shall be implemented in full prior to the egress being brought into use and shall be retained at all times thereafter.

10. The new egress onto George Richards Way shall not be brought into use unless and until an unobstructed minimum visibility splay of 2.4 metres x 43 metres is provided, and that visibility splay shall be retained and maintained at all times thereafter.
11. The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until the car parking spaces, cycle parking facilities and service routes shown on plan ref. 14366-105 K, intended to serve that unit, have been laid out and are available for use. The approved parking spaces/facilities and service routes shall be retained at all times thereafter.
12. The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until details of parking facilities for motorcycles have been submitted to and approved in writing by the local planning authority. The details shall include the type, quantity and location of the motorcycle parking facility. The approved motorcycle parking facilities shall be installed before the first occupation of the respective component and shall be retained at all times thereafter.
13. The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until a Travel Plan relating to that unit, which shall include measurable targets for reducing car travel, has been submitted to and approved in writing by the local planning authority. On or before the first occupation of the respective component, the Travel Plan shall be implemented and thereafter shall continue to be implemented throughout a period of 10 (ten) years commencing from the date of first occupation.
14. The new foodstore use hereby approved (operating within Unit 1A) shall not be open to customers other than between the hours of 0800 and 2200 Monday to Saturday, and between the hours of 1000 and 1600 hours on Sundays. No deliveries to this unit shall be taken at or despatched from, and no collection of refuse or recycling materials shall take place, outside the hours of 0800 and 2000 Monday to Saturdays and outside the hours of 1000 and 1600 on Sundays.
15. The DIY store and garden centre (Unit 1) shall not be open to customers other than between the hours of 0800 and 2000 Monday to Saturday, and between the hours of 1000 and 1600 on Sundays. No deliveries to this unit shall be taken at or despatched from, and no collection of refuse or recycling materials shall take place, outside the hours of 0730 and 2000 Monday to Saturday. There shall be no deliveries or refuse/recycling collections on Sundays.

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16. The development hereby approved shall be constructed in accordance with the mitigation measures contained within the submitted Noise Impact Assessment (prepared by REC Ltd, dated 29.05.20, ref. AC106976-1R4) including, but not limited to, the provision of an acoustic barrier at a height of 4.1m in the location shown on the approved boundary treatment plan (ref. 14366-115 J). Prior to the development being first brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), a verification report shall be submitted to and approved in writing by the local planning authority which shall confirm that the recommendations of the Noise Impact Assessment have been implemented in full. Thereafter the development shall be maintained in full accordance with the approved details.
17. The respective components of the development hereby approved (which means Unit 1A and Unit 1) shall not be brought into use unless and until a Servicing and Delivery Management Plan relating to that unit, which shall demonstrate that the practices of servicing, deliveries and refuse collections shall be satisfactorily and safely managed, has been submitted to and approved in writing by the local planning authority. Servicing, deliveries and refuse collections shall thereafter take place in accordance with the approved plans.
18. No development shall take place, including any works of demolition, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the local planning authority. The approved CMP shall be adhered to throughout the demolition/construction period. The CMP shall address, but not be limited to, the following matters: i. Suitable hours of construction and demolition activity; ii. The parking of vehicles of site operatives (all within the site); iii. Loading and unloading of plant and materials including times of access/egress; iv. The location of the site compound; v. Temporary access/egress and car parking arrangements for customers and visitors to the retail park; vi. Storage of plant and materials used in constructing the development; vii. The erection and maintenance of security hoardings; viii. Wheel washing facilities and measures to keep the highway clean; ix. Measures to control the emission of dirt and dust during demolition/construction processes; x. A scheme for the recycling/disposing of waste resulting from demolition/construction activities (prohibiting fires on site); xi. Measures to prevent disturbance to adjacent property from any noise and vibration arising from demolition/construction activities, including from any piling works; xii. Details regarding how any asbestos materials shall be identified and treated or disposed of in a manner that would not cause any undue risk; and xiii. Measures for dealing with any complaints.
19. The rating level (LAeq,T) from all fixed plant and machinery associated with the development, when operating simultaneously, shall not exceed the background noise level (LA90,T) at any time when measured at the nearest noise sensitive premises. Noise measurements and assessments shall be compliant with BS 4142:2014 'Rating industrial noise affecting mixed residential and industrial areas.



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20. No external lighting to serve the development hereby approved shall be installed, unless and until full details of proposed external lighting have been submitted to and approved in writing by the local planning authority. The submitted details shall include the specification, design and location of the proposed lighting, and the intensity of the illumination and predicted lighting contours. Any external lighting that is installed shall accord with the details approved.
21. Notwithstanding the approved plans, no above ground construction works shall take place unless and until a scheme for the provision of electric vehicle charging infrastructure (including charging points and dedicated parking bays, and a timetable for its provision) within the approved development has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details (including the timetable), and the infrastructure shall be retained thereafter.
22. No above ground construction works shall take place unless and until a site investigation and risk assessment has been submitted to and approved in writing by the local planning authority. The assessment, which shall develop the findings of the submitted Preliminary Environmental Risk Assessment (prepared by Groundtech Consulting, dated April 2019, ref. 19038/740), shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site) and shall include: i. A survey of the extent, scale and nature of any contamination; ii. An assessment of the potential risks to human health, property (existing or proposed), crops, livestock, pets, woodland, service lines and pipes, adjoining land, ground waters, surface waters, ecological systems, archaeological sites, and ancient monuments; iii. Where unacceptable risks are identified, an appraisal of remedial options and a proposal for the preferred option(s) to form a remediation strategy for the site; iv. A remediation strategy (where required) giving full details of the remediation measures required and how they shall be implemented; and v. A subsequent verification plan (where required) providing details of the data that shall be collected in order to demonstrate that the works set out in the remediation strategy have been completed and identifying any requirements for longer term monitoring of any pollutant linkages, requirements for maintenance, and arrangements for contingency action.
23. The development hereby approved shall not be brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), unless and until a verification report demonstrating completion of the works set out in the approved remediation strategy, and the effectiveness of the remediation, has been submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that site remediation criteria have been met. It shall also include a plan, where required, for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan.

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The longer-term monitoring and maintenance plan shall be implemented as approved.

24. The development hereby approved shall be constructed in accordance with the recommendations contained within Section 4 of the submitted Crime Impact Statement (dated 09.10.19, referenced 2019/0651/CIS/01 version A). Thereafter the development shall be maintained in accordance with these recommendations.
25. No clearance of trees and shrubs, or removal of bird boxes, in preparation for (or during the course of) development shall take place during the bird nesting season (March-August inclusive) unless an ecological survey has first been submitted to and approved in writing by the local planning authority to establish whether the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no clearance or removal shall take place during the period specified above unless a mitigation strategy has first been submitted to and approved in writing by the local planning authority which provides for the protection of nesting birds during the period of works on site. The mitigation strategy shall be implemented as approved.
26. Prior to the development being brought into use (comprising Unit 1A or Unit 1, whichever is the sooner), a scheme for the provision of replacement bird boxes and invertebrate boxes installed within the development shall be submitted to and approved in writing by the local planning authority. The submitted details shall include the type, specifications and dimensions of the feature to be installed, the quantities of each feature, and the proposed location. The approved details shall be installed prior to the development being brought into use (comprising Unit 1A or Unit 1, whichever is the sooner) and shall be retained thereafter.
27. In the event that the works of extension and sub-division to the existing Unit 1 have not commenced by 1st April 2022, this building shall be re-assessed for its bat roosting potential. A report of this assessment shall be submitted to and approved in writing by the local planning authority prior to the works of extension and sub-division taking place. This report shall include a detailed mitigation strategy in the event that bats or their roosts are found. The mitigation strategy shall be implemented as approved.
28. No development shall commence unless and until an updated Flood Risk Assessment and Outline Drainage Strategy has been submitted to and approved in writing by the local planning authority. The submitted Outline Drainage Strategy shall show a two-option approach to dealing with surface water run-off from the site: the first option shall be infiltration and the second option shall be on-site attenuation. Both options shall be tested as part of the submitted Outline Drainage Strategy in accordance with the drainage hierarchy (as set out in the National Planning Practice Guidance or any subsequent equivalent guidance), and the selected option shall be constructed, installed implemented in full accordance with the approved details before the development is first brought into use and shall be retained thereafter.

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29. The development hereby approved shall be drained via separate systems for the disposal of foul and surface water.