



Economy, Environment and Communities, Development Management

Planning Committee

Report of Head of Planning and Building Control on 09 March 2023

Plans List Item Number: 1

Reason for bringing to committee

Major Application

Application Details

Location: FORMER GALA BINGO, PARK LANE, WALSALL, WS10 9SB

Proposal: ERECTION OF A NEW DISCOUNT FOODSTORE (USE CLASS E) WITH ACCESS, CAR PARKING, LANDSCAPING AND OTHER ASSOCIATED WORKS

Application Number: 22/0212

Case Officer: Sally Wagstaff

Applicant: Lidl Great Britain Limited

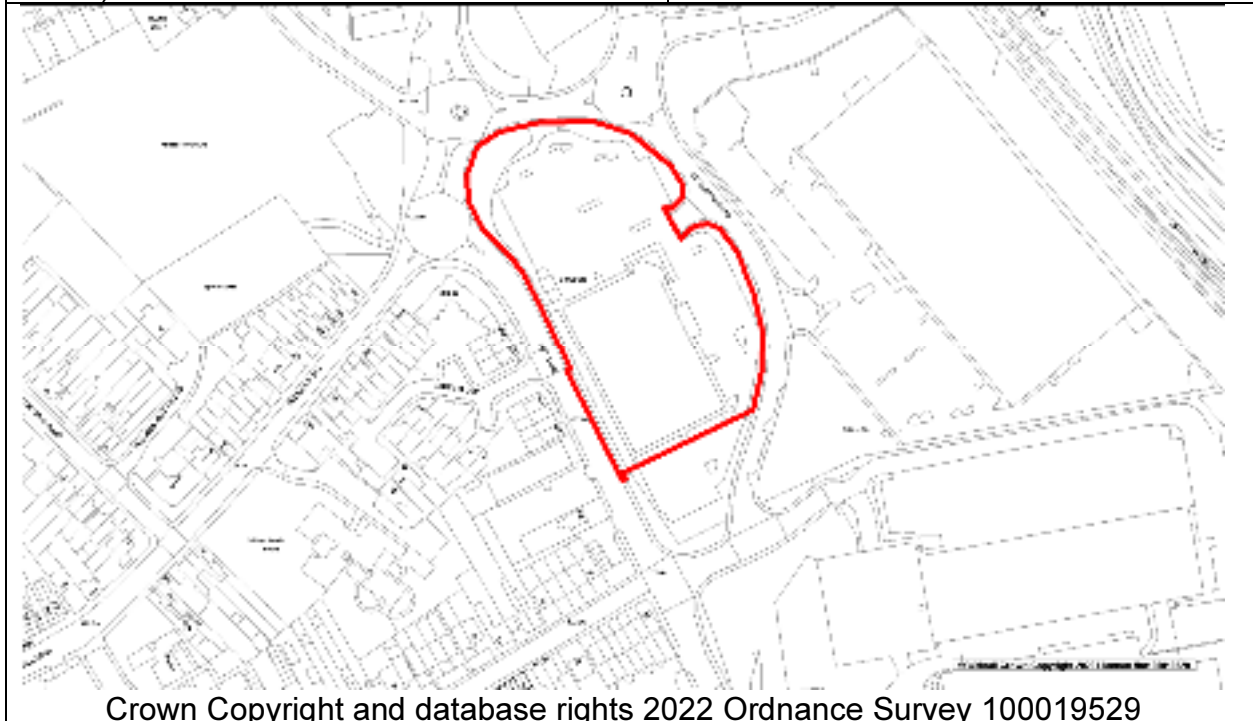
Ward: Bentley And Darlaston North

Agent: Rapleys

Expired Date: 20-Jun-2022

Application Type: Full Application: Major Use Class E(a) (Display or Retail Sale of Goods)

Time Extension Expiry:



Recommendation

Refuse

Proposal

The proposal relates to the erection of a foodstore (Use Class E) with access, car parking, landscaping and other associated works.

The proposal includes a new vehicular access from Park Lane, 126 car parking spaces including 7 disabled spaces, 9 parent and child spaces, 2 Electric Vehicle Charging spaces and 12 secure cycle parking spaces

Pedestrian access would be provided from Park Lane via steps and a pedestrian ramp which would take customers through the store car park to the store entrance which is on the south western corner of the building. Also there is a pedestrian access to the North West from Steelmans Road.

The proposal also includes an area of servicing to the south east of the site which is also accessed from Park Lane. The existing access on Steelmans Road is proposed to be decommissioned.

Landscaping is proposed around the car parking areas to include a mixture of trees and shrubs.

The proposed development includes the demolition of the existing building which was previously occupied by Gala Bingo. The existing building is a two storey rectangular shaped building of brick and cladding with front elevation facing Steelmans Road. It is understood the building has been vacant since circa mid-2020.

The proposed site area is 1.08ha with the total store being 2,275 sqm gross external floor space.

The proposed building is single storey and includes a sloping mono pitched roof. The height being approx.7 metres at the highest point. The building is approx. 77 metres in width and approx. 33 metres in depth. The proposed design is modern with cladding and glazing as primary materials.

The proposed store opening times are 09:00-22:00 Monday to Saturday and 10:00-16:00 Sundays and bank holidays.

This application is supported by a number of documents which has informed the LPAs assessment of this application and forms the basis of this report content.

Site and Surroundings

The site is located on the corner of Steelmans Road and Park Lane, approximately 1.2 km from Darlaston District Centre in an 'out of centre' retail park.

The site hosts a former bingo centre with associated car parking and landscaping.

To the north of the site is 'Blakemore Food Services' distribution centre, to the east is 'Lonestar Fasteners Europe' which is an industrial use, 'Ikea' retail and warehouse to the south east and residential to the west.

The site is located in proximity to M6 Junction 9. Park Lane (B4200) to the south west of the site is a Classified District Distributor. The site is served by an existing access from Steelmans Road.

Relevant Planning History

22/0392 – EIA screening opinion for the erection of a discount foodstore with access, parking, landscaping and other associated work. Not yet determined.

Relevant Policies

National Planning Policy Framework (NPPF)

www.gov.uk/guidance/national-planning-policy-framework

The NPPF sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it emphasises a "*presumption in favour of sustainable development*".

Key provisions of the NPPF relevant in this case:

- **NPPF 2 – Achieving sustainable development**
- **NPPF 4 – Decision Making**
- **NPPF 6 – Building a strong, competitive economy**
- **NPPF 7 – Ensuring the vitality of town centres**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 12 – Achieving well-designed places**
- **NPPF 14 – Meeting the challenge of climate change, flooding and coastal change**
- **NPPF 15 – Conserving and enhancing the natural environment**

On **planning conditions** the NPPF (para 56) says:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

On **decision-making** the NPPF sets out the view that local planning authorities should approach decisions in a positive and creative way. They should use the full range of planning tools available and work proactively with applications to secure developments that will improve the economic, social and environmental conditions of the area. Pre-application engagement is encouraged.

National Planning Policy Guidance

On **material planning consideration** the NPPG confirms- planning is concerned with land use in the public interest, so that the protection of purely private interests... could not be material considerations

Reducing Inequalities

The Equality Act 2010 (the '2010 Act') sets out 9 protected characteristics which should be taken into account in all decision making. The **characteristics** that are protected by the Equality Act 2010 are:

- age
- disability
- gender reassignment
- marriage or civil partnership (in employment only)
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

Of these protected characteristics, disability and age are perhaps where planning and development have the most impact.

In addition, the 2010 Act imposes a Public Sector Equality Duty "PSED" on public bodies to have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality and to foster good relations. This includes removing or minimising disadvantages, taking steps to meet needs and encouraging participation in public life.

Section 149(6) of the 2010 Act confirms that compliance with the duties may involve treating some people more favourably than others. The word favourably does not mean 'preferentially'. For example, where a difference in ground levels exists, it may be perfectly sensible to install some steps. However, this would discriminate against those unable to climb steps due to a protected characteristic. We therefore look upon those with a disability more favourably, in that we take into account their circumstances more than those of a person without such a protected characteristic and we think about a ramp instead. They are not treated preferentially, because the ramp does not give them an advantage; it merely puts them on a level playing field with someone without the protected characteristic. As such the decision makers should consider the needs of those with protected characteristics in each circumstance in order to ensure they are not disadvantaged by a scheme or proposal.

Development Plan

www.go.walsall.gov.uk/planning_policy

Saved Policies of Walsall Unitary Development Plan

- GP2: Environmental Protection
- 5.4 to 5.8. The sequential approach
- Policy S7. Out-of-centre and edge-of-centre developments
- Policy GP2. Environmental Protection
- Policy GP6. Disabled People
- Policy ENV11. Light pollution
- Policy ENV32. Design and Development Proposals
- Policy ENV33. Landscape Design
- Policy ENV35. Appearance of Commercial Buildings
- Policy T1. Helping People to Get Around

- Policy T7. Car Parking
- Policy T13. Parking Provision

Black Country Core Strategy

- CEN5: District and Local Centres
- TRAN1: Priorities for the Development of the Transport Network
- TRAN2: Managing Transport Impacts of New Development
- TRAN4: Creating Coherent Networks for Cycling and for Walking
- TRAN5: Influencing the Demand for Travel and Travel Choices
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island
- ENV7: Renewable Energy
- ENV8: Air Quality
- EMP5: Improving Access to the Labour Market

Walsall Site Allocation Document 2019

- Policy RC1: The Regeneration Corridors
- T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

Development with the potential to affect species, habitats or earth heritage features

- NE1 – Impact Assessment
- NE2 – Protected and Important Species
- NE3 – Long Term Management of Mitigation and Compensatory Measures

Survey standards

- NE4 – Survey Standards

The natural environment and new development

- NE5 – Habitat Creation and Enhancement Measures
- NE6 – Compensatory Provision

Development with the potential to affect trees, woodlands and hedgerows

- NE7 - Impact Assessment
- NE8 – Retained Trees, Woodlands or Hedgerows
- NE9 – Replacement Planting
- NE10 – Tree Preservation Order

Designing Walsall

- DW1 Sustainability
- DW2 Safe and Welcoming Places
- DW3 Character
- DW4 Continuity
- DW5 Ease of Movement
- DW6 Legibility
- DW7 Diversity
- DW8 Adaptability

- DW10 Well Designed Sustainable Buildings

Air Quality SPD

- **Section 5 – Mitigation and Compensation:**
- Type 1 – Electric Vehicle Charging Points
- Type 2 - Practical Mitigation Measures
- Type 3 – Additional Measures
- 5.12 - Emissions from Construction Sites
- 5.13 – Use of Conditions, Obligations and CIL
- 5.22 - Viability

Shop Front SPD

- SF2: Shop front proportions
- SF3: Materials in shop fronts
- SF4: Colour finishes
- SF5: Access to shops
- SF6: Advertisements
- SF7: Illumination
- SF8: Shop front security

Consultation Replies

Coal Authority

No objection - concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

Community Safety

No objection- barrier to the car park system should be considered to secure car park when store is not open.

Fire Officer

No objection subject to meeting the requirements of approved document B.

Lead Local Flood Authority

Concerns raised regarding proposed drainage strategy, permeable paving necessary for car parking areas.

Local Highways Authority

Objection due to the introduction of a new access off a District Distributor road which would create an unacceptable impact on highway safety and is contrary to the adopted Development Plan. Specific consideration has not been given to the needs of each of the different users of the network, including pedestrians, cyclists, public transport, cars, and service vehicles and insufficient parking to serve the proposed development, insufficient land to deliver a sustainable level of parking.

Police Architectural Liaison Officer

No objection – secured by design principles recommended.

Environmental Protection

No objection subject to conditions within any permission to address Construction and Demolition management, construction and Demolition Management, contaminated land investigation and meeting requirements of the Air Quality SPD.

Sandwell Council

No objection – it is advised the applicant consider any mitigation measures necessary to ensure that the impact of the development offers a nil detriment to congestion/queue lights.

Severn Trent Water

No objection subject to a drainage scheme to address the disposal of foul and surface water run-off.

Strategic Planning Policy

No objection

Representations

One comment of support received in relation to:

- New store in close proximity to home which is convenient for a non-driver

Determining Issues

- Principle of Development
- Design, Layout and Character
- Amenity of Neighbours and Amenity of Future Occupiers
- Highways
- Flood Risk / Drainage
- Ground Conditions and Environment

Assessment of the Proposal

Principle of Development

The site is 1.2km outside the district centre of Darlaston and 2.18km from the strategic centre of Walsall, with high quality employment allocations adjacent as indicated in the Walsall Local Plan Policies Map (2019) of the SAD and within the regeneration for High Quality Employment uses under Black Country Regeneration Corridors (BCCP Annex 2) BCCS Policy CSP1.

The current preferred use of the site is for E(g)(iii), B2 and/or B8 use (research and development, general industrial, storage or distribution), rather than retail due to the location adjacent to employment allocations, the shortfall of employment land and wider employment-promoting regeneration.

While the existing use was acceptable and long established the vacant unit belies a falling in demand for such uses in this location, which perform better within or on the edge of centres.

A retail use on this site would only be acceptable where a fully justified sequential test is presented ruling out alternative sites within centres; the current test presents a 5-minute catchment in what is agreed to be a predominantly urban area. At the request of the LPA, the applicant provided further evidence to justify the 5-minute isochrone

catchment area for the proposed store in relation to existing discount retail stores in the borough. As such, the findings of the sequential test can be supported having ruled out potentially available sites in the borough (within nearby centres).

On balance the principle of development is considered acceptable in this location.

Design, Layout and Character

The application site comprises the Lidl Store set towards Steelmans Road with car parking to the southwest of the site fronting Park Lane. A new vehicle access is proposed via Park Lane.

The pedestrian entrance to the store is located on the corner of the building fronting Park Lane with pedestrian entrance to the site from Park Lane and Steelmans Road.

The proposed store sits in an area of industrial style single and double storey buildings. The proposed store is low level to reflect the height of surroundings units. The palette of materials shown in elevation plans indicate a modern approach which fit with the 'Lidl' design brief. The proposed facing materials to construct the proposed development are considered acceptable, however further details regarding these materials and finishes will be sought by way of planning condition.

The glazing in the elevations provides an active frontage around the site as well as providing visual surveillance of the site and adjacent surrounding areas.

Submitted drawings include details of boundary treatments as part of the proposed development. Further details regarding the boundary treatments, heights and finishes will be sought by condition.

The landscape Strategy provided gives details of soft and hard landscaping including planting proposals. The strategy is considered acceptable in relation to the design of the site.

Amenity of Neighbours and Amenity of Future Occupiers

There are residential properties located opposite the site accessed from Park Lane. The properties are located approximately 28 metres from the application site.

A Noise Impact Assessment has been submitted in support of the application. The report provides an assessment of activities associated with the foodstore, specifically plant and delivery noise in relation to the residential properties around the site. The report concludes the plant and deliveries are acceptable during the day and night.

Environmental Protection concur with the findings of the Noise Assessment. It is considered noise impacts are unlikely to be significant however, details of external plant equipment will be required through condition to protect the amenity of local residents.

The development would be seen in context of the existing industrial development in the area. It is considered the scale, mass and design would have a limited impact upon neighbouring amenity.

If members are minded to approve the application the resolution could allow for a condition to secure the hours of operation to ensure minimal impacts on neighbouring amenity in relation to noise and disturbance.

On balance, it is considered the proposed development would not unduly harm the amenities of the neighbouring occupiers.

Highways

The principle of development is supported by Highways for the store building location, having existing safe and accessible highway links which serves the existing Former Gala Bingo Site. Lidl have not raised any concerns to the operation and use of these junctions.

Highways have been consistent, and provided Pre Application advice, and commented in relation to the proposed development and advised Lidl on the Planning Application requirement for firstly the removal of the proposal for direct access onto Park Lane, B4200 District Distributor and secondly dealing with highways concerns associated with the operation and safe use of the proposed Lidl Car Park where currently there are issues with the conflict with the proposed access and the level of parking proposed.

Access

The introduction of a new access onto the B4200 Park Lane Classified District Distributor is contrary to the Councils SAD Policy T4 (b):

The Council classifies the highway network as follows–

(b) "District Distributors, which are important routes connecting the main residential and employment areas of the Borough."

"Street parking and direct frontage access will be strictly regulated".

The proposed access would be contrary to National Planning Policy Framework (NPPF); where it states applications for development should:

NPPF Considering Development Proposals

NPPF Paragraph 112:

- a) *"Give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas."* The current proposal looks to introduce unnecessary conflict and safety concerns, with pedestrian and cycle movements across Park Lane with car and articulated HGV delivery vehicles.
- b) The application fails to address the *"needs of people with disabilities and reduced mobility in relation to all modes of transport."*
- c) The Application fails to *"Create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles."*
- d) The application would be contrary for the need to *"allow for the efficient delivery of goods, and access by service vehicles."*

The site is served by an existing safe access from the A4038 Classified Walsall Road and Darlaston Road, along with its own service road Steelmans Road. The applicant proposes a new access onto Park Lane which would be contrary to NPPF Para 112 where the proposal would create an unacceptable impact on highway safety.

The Applicant has raised no concerns in any respect to the existing access of the site along Steelmans Road. There is no Planning, Highway or Road Safety requirement to introduce a new access onto Park Lane, and in fact the development could be built and brought into safe operation without the need for any new access. The proposed access is purely to gain commercial advantage where no alterations are required, and its introduction would create conflict, with likely queuing on the highway which would be contrary to Highway Safety, and contrary to the safe use of the highway by others.

The justification for frontal and main road access is to “enhance the customer environment this is not a material consideration in Highway terms and should not be given any weight when determining the application as the criteria from a Highway perspective should be policy, guidance, sustainability, inclusive design, and safety related.

Car Parking Provision

All development within Walsall should comply with Walsall Local policies including Planning Standards. The applicant states in their submission UDP standards are based on GFA Gross Floor Area (GFA). The applicant has then calculated the parking provision on Retail Floor Area (RFA) which only requires half of the parking Provision. The Application requires 176 spaces, the applicant is providing 126 which is 71% provision with no justification. This cannot be supported in terms of safe use and adequate provision.

Car parking is not calculated to any formal standard and is based on how much space is once the store is introduced on the site and a route for the articulated delivery HGV.

It is understood from the submitted plans that the applicant owns the land to the south of site outlined in blue which is currently used as parking as part of the bingo site. If the land was made available for this development, the policy required level of car parking could be accommodated.

UDP Policy T7 - Car Parking states:

All development should satisfy the car parking standards set out in Policy T13. This will involve providing an adequate level of car parking to meet operational needs whilst not exceeding any maximum parking standards that are specified. Appropriate provision of parking for people with special needs must be included.

UDP Policy T13 - Parking Provision for Cars, Cycles and Taxis states:

C. Retail Development Food and convenience goods shops 1 car park space per 14m gross floorspace. At least 1 bike stand for every 20 car park spaces, and absolute minimum of 2 bike stands Taxi facilities

The site it does not meet the required levels or meet Walsall Councils adopted Local Transport Policy T13. The applicant states that the parking is within a range so there is not acceptable. Highways do not support this position.

There is insufficient parking to serve the proposed development.

Highway Status

Park Lane is a Classified Road and District Distributor in the Walsall Highway Hierarchy where SAD Policy T4 applies to the restriction of new accesses. It is the opinion of the applicant that the road is a Local Distributor, which is incorrect.

Statement of Community Involvement (SCI)

In the submitted SCI it states that 12,100 four-page colour Lidl Advertising brochures and questionnaires were sent out to surrounding residential areas. 4550 responded and were looking forward to a new store. That is not to say that those residents who did not respond would not also choose Lidl to do their weekly shop and weekly top up shop. Highways has stated this could have an impact on the available under-provision of parking within the area and movement on the highway network. Lidl have dismissed this and stated the potential extra trips from the promotion are already on the network and will not impact on trip generation or car park capacity, and when the store is built customers will already be travelling to other shops and will call to Lidl on their way. It is considered the proposal could result in increased trips to the new store, the applicant has not sufficiently demonstrated what impact new trips would have on the highway network.

Travel Plan

The proposed Travel Plan would be contrary to National Planning Policy Framework (NPPF); where it states applications for development should:

NPPF Considering Development Proposals

NPPF Paragraph 113:

Para 113 states: *“All developments that will generate significant amounts of movement should be required to provide a Travel Plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed”.*

The Travel Plan is not currently fit for purpose. The applicant considers food retail does not generate new retail traffic. They further state that if the car park becomes full, the Travel Plan Coordinator will force all staff cars out of the car park onto the highway network. This approach cannot be supported. This is not promoting sustainable travel or having due care for staff and other users of the highway. The Travel Plan needs to be secured by legal obligation due to the need for ongoing monitoring, however the applicant has advised they do not intend to make any further amendment to the document, and therefore it cannot be considered to support the application.

A Transport Assessment (TA) has been submitted but it fails to address and identify the likely impacts on the local and wider network, impacts on parking and providing sufficient parking to meet the needs of the development.

The proposal is contrary to the Council's Black Country Core Strategy policy TRAN2- Managing Transport Impacts of New Development.

The application has failed to meet the definition of the National Design Code for Movement. Development should create linked routes and connections for people and vehicles to go and move through places and spaces.

Specific consideration has not been given to the needs of each of the different users of the network, including pedestrians, cyclists, public transport, cars, and service vehicles.

The applicant provided, 'SCP Technical Note dated 1st September 2022' in response to concerns raised by the Local Highway Authority. Highways do not consider that this has addressed the above concerns therefore an objection to the granting of planning permission is maintained.

Sandwell Council

Sandwell Council were consulted on the application due to the sites proximity to the boundary with the authority. They have not raised an objection to the proposal however advise no junction analysis has been completed at the Axeltree Way/ Park Lane traffic Island therefore they cannot confirm if the proposals would have a significant impact on its highway. Sandwell Council advise the applicant consider any mitigation measures necessary to ensure that the impact of the development offers a nil detriment to congestion/queue lights.

Flood Risk / Drainage

The site is located within Flood Zone 1. A Flood Risk Assessment and Drainage Strategy has been submitted in support of the application. Overall the flood Risk Assessment concludes there is no significant risk of flooding to the development itself. Mitigation measures are considered necessary to ensure surface water run-off from the development will not adversely impact areas downstream. There is a low surface water risk at the south and the north of the existing building which will be mitigated by *'providing a new levels drainage strategy which ensures that there is no flooding during the critical storm events and if any flooding should occur during the exceedance events, that it is contained on site with no risk to neighbouring properties'*.

The Lead Local Flood Authority provided comments of concern regarding insufficient detail to fully demonstrate that an acceptable drainage strategy is proposed therefore they recommend that planning permission is not granted until this has been resolved. Subsequently the applicant's engineer has been in liaison directly with the Lead Local Flood Authority negotiating an acceptable drainage scheme. At the time of writing this has not been concluded however the officer is aware the LLFA have requested permeable paving for the car parking areas. If members are minded to approve the application the resolution could allow for resolve of flood risk matters with the LLFA.

Severn Trent Water advise no objection to the proposals subject to the inclusion of a condition relating to drainage plans for disposal of foul and surface water flows. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Ground Conditions and Environment

The application site falls within the defined Development High Risk Coal Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past and historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

In addition, a mine entry is located to the south east of the application site with its zone of influence encroaching the site boundary. However, this mine entry was used to extract ironstone and is therefore not under the responsibility of the Coal Authority.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform a Coal Mining Risk Assessment (or equivalent) (February 2022, prepared by Obsidian Geo-Consulting) to accompany the planning application.

The report identifies the potential for shallow, unrecorded, worked coal seams to be present beneath the site. It indicates that this will need to be further assessed by exploratory holes advance to a sufficient depth within the bedrock. If worked seams are confirmed, then a programme of proof drilling and grouting will likely be required in order to prevent collapse within the worked seams and the overlying strata, which may compromise the integrity of the proposed building.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. This can be secured via condition.

Although parts of the existing Bingo building appear to be relatively new, it is recommended that prior to demolition, an asbestos survey be undertaken and any identified removed. A Demolition and Construction Environmental Management Plan to prevent or minimise local environmental impacts during the course of said works needs to be implemented from the start of works through to their completion.

The Applicant has undertaken an intrusive ground investigation to inform about geo-technical issues and contaminated land, 'Geo-Environmental Investigation Report', by Obsidian Geo-Consulting Limited, April 2022, ref. 21-1557-P-R2.

The report identifies that all the site has not been investigated due to the presence of the Bingo Building and advises the Applicant that they should consider further investigation once it has been demolished and the site cleared. For completeness, Environmental Protection are of the opinion that this should be considered by the Applicant.

The investigation has determined the presence of made ground, of varying depth, throughout the site. Within the made ground the contamination levels of heavy metals and solvents does not appear to be that significant, given the intention is for

redevelopment into a commercial building. However, the investigation has determined asbestos within the made ground and the Consultant is advising the Applicant that it is likely to be present across the site within the made ground, we would agree with these deductions.

The Construction Management Plan and any engineering works will need to consider the presence of asbestos within made grounds and any additional precautions that will be required.

The investigation has determined elevated levels of ground gas and based on these levels the consultant is advising that gas ingress protection measures will need to be incorporated into the building foundation design. This will need to be included into the Remediation Statement.

Given that additional ground investigations have been recommended, relevant conditions in related to contaminated land and should be incorporated into any permission.

The Applicant has submitted an air quality survey, 'Air Quality Assessment', by NALO, Tetra Tech, Ref. 784-B031433. The Assessment predicts that the overall air quality impacts from the proposed will not have any significant increases against current background levels. Environmental Protection have reviewed the assessment and tend to agree with the contents, based on the Consultants/Applicants predictions for traffic movements to the proposed store.

The Air Quality Supplementary Planning Document (SPD) remains relevant. The SPD sets out guidance on minimising air quality impacts, in particular the requirements for promotion of alternative travel choices.

Section 5.6 of the SPD advises 5% of parking provision will be sought with charging points to comply with EN 62196-2 (J1772) Type 2, Mode 3, 7 pin, 32 amp, 7kw. Appropriate cable provision shall be in place for a further 5% to meet any future increase in demand. From the application, the Site Plan indicates that the proposed car park will include 2 charging points. This falls short of the SPD requirements of 5%, for the proposed 126 spaces, i.e. a minimum of 6 Charging Points will be required. Environmental Protection are of the opinion that the Applicant needs to increase the number of Charging Points and provide provision (infrastructure) for further Charging Points if demand requires it in the future.

The Applicant has submitted a Travel Plan with their Application, 'Travel Plan' Proposed Lidl Food Store Park Lane, Darlaston, by SCP, Doc Ref: SCP/210094/TP/01, which includes an Action Plan that meets the requirements of the Air Quality SPD. The 'Travel Plan Action Plan' needs to be implemented at least 1 month prior to commencement of store activities.

The applicant has included a 'Noise Impact Statement', by Acoustic Consultants Ltd, Reference: 9524/JL. This indicates that based on the current locality, there should not be any significant noise impacts. Environmental Protection agrees with the assessment and do not require any further assessment or restrictions.

Conclusions and Reasons for Decision

On balance weighing up the merits of the scheme the proposal cannot be supported in relation to highway safety due to the introduction of an unacceptable new vehicle access via Park Lane, inadequate car parking to serve the development and an insufficient Travel Plan in support of the application. It is concluded that this application is contrary to the adopted Development Plan and NPPF.

Given that there are no material planning considerations in support of the proposals it is concluded that this application should be recommended for refusal

Positive and Proactive Working with the Applicant

Refuse

Officers have spoken with the applicant's agent and in this instance are unable to support the proposal.

Recommendation

Refuse

Reasons for Refusal

1. The introduction of a new vehicle access onto the B4200 Park Lane Classified District Distributor would create conflict between Lidl HGV delivery vehicles, customer vehicles, pedestrian movements and cyclists, and would lead to subsequent likely queuing on the highway which would be contrary to highway safety, and contrary to the safe use of the highway by others. The creation of a new vehicle access is contrary to the Council's adopted Development Plan, in particular Site Allocation Document Policy T4 (The Highway Network) and NPPF Paragraphs 111 and 112 (a,b,c and d) (Considering Development Proposals).
2. The proposal fails to provide an acceptable level of car parking which is insufficient to serve the proposed development. As stated in the 'Statement of Community Involvement' 12,100 promotional brochures were sent out to local residents, 4,450 responded in support of the store. The Local Highway Authority requested additional information on the impact of new vehicle trips, the applicant claims this will have no impact as those customers are already on the highway network. The applicant has failed to demonstrate there is sufficient parking to meet its own need. The proposal is therefore contrary to the Council's Saved Unitary Development Plan Policy T13 (Parking Provision for Cars, Cycles and Taxis) and NPPF Paragraph 113 (Considering Development Proposals).

3. The submitted Travel Plan is insufficient and fails to promote sustainable travel and fails to have due care for intended employees of the proposed discount foodstore, and other users of the highway. The Travel Plan Transport Assessment also fails to address and identify the likely impacts on the local and wider network, impacts on parking and fails to provide sufficient parking to meet the needs of the development. This application also fails to secure the necessary ongoing monitoring of the required Travel Plan. This application is contrary to the Council's Black Country Core Strategy policy TRAN2 (Managing Transport Impacts of New Development paragraph) and NPPF Paragraph 113 (Considering Development Proposals).

END OF OFFICERS REPORT