



Planning Committee

Report of Head of Planning and Building Control on 01 December 2022

Plans List Item Number: 1

Reason for bringing to committee

Major Application

Application Details

Location: SITE AT, RAVENS COURT, BROWNHILLS

Proposal: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FOOD RETAIL STORE (CLASS E(A)) WITH ASSOCIATED ACCESS, CAR PARKING, SERVICING AND LANDSCAPING

Application Number: 22/0171

Case Officer: Sally Wagstaff

Applicant: ALDI Stores Limited

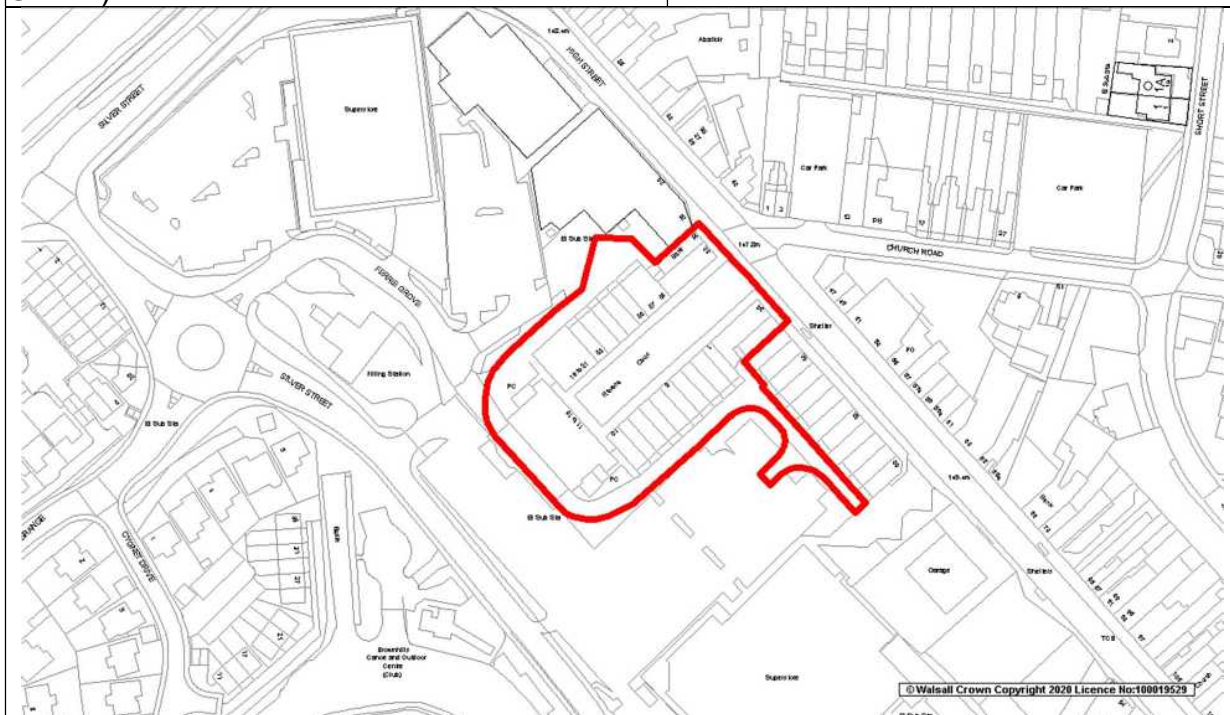
Ward: Brownhills

Agent: Neil Denison

Expired Date: 15-May-2022

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

Time Extension Expiry:



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Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 106 Agreement to secure a Travel Plan and subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- Overcoming the outstanding concerns raised by Local Highway Authority by removing the access from High Street and utilising access off Ferrie Grove via Silver Street and submission of a comprehensive car park management scheme to include Aldi related vehicles and non- Aldi related vehicles which service the existing units on High Street.

Proposal

This application proposes to replace the existing mix of small retail units set in the Ravenscourt Precinct in Brownhills with a large retail store.

The proposal includes vehicular access from Ferrie Grove, also a new access from High Street. Exit from the site is from Ferrie Grove only an associated 98 car parking spaces.

Pedestrian access would be provided from the High Street and off Ferrie Grove to the rear. The proposal also includes areas of servicing and landscaping.

The proposed development includes the demolition of the existing shopping centre precinct which is primarily two storeys laid out as a 'U shape' and replacement with a single storey building with the principal elevation fronting High Street.

The existing Aldi retail store which is also located on the High Street will close to allow for a new modern store to open. The submitted Retail and Planning Statement explains that the existing store is an older layout with compromised parking and access arrangements.

The proposed site area is 6755 sqm with the total store being 1880 sqm gross external floor space

The site includes 4 vehicle charging spaces and 6 disabled spaces to be located on the eastern elevation in close proximity to the store entrance.

The proposed building includes a sloping flat roof with the height being 8.3 metres at the highest point and 5 metres at the lowest. The building is approx. 37.5 metres in width and approx. 62 metres in depth. The proposed design is modern with cladding and glazing as primary materials.

The proposed store opening times are 07:00-23:00 Monday to Saturday and 09:00-17:00 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

Ravenscourt is a two storey flat-roof shopping precinct of 28 retail units located on the southern side of High Street in Brownhills. The units are positioned in a 'U' shape facing each other and facing the High Street with a central pedestrian section with landscaped features and trees. The retail units have a continuous flat roof canopy. The premises have been vacant for a number of years and subject to anti-social behaviour.

There are gates to the precinct set back into the site from the High Street entrance. In front of the gates is a landscaped circle feature with cobbled stones and seating. In front of this landscaped area towards the High Street there are two trees and lighting columns in the central pedestrianised area of the precinct. The site from the High Street is all level.

There are bollards on the public footpath along this part of the High Street and there is a signalised pedestrian crossing 15m away from the precinct entrance in a westerly direction. There are double yellow lines along this part of the High Street.

Towards the rear of the site is a vehicular access off Ferrie Grove via Silver Street to provide a service road access for the existing retail units. The service road extends around the rear of the building servicing the precinct and numbers 34 to 60 High Street. Ferrie Grove also provides vehicular access to the Tesco filling station, existing Aldi store and Wilkinson's.

The rear of the site is set at a lower level than the front of the site. Numbers 11 to 18 extend out at the rear and above the service road providing an undercroft. The height of the existing shopping precinct at the rear varies from two to three storeys due to the ground level differences.

To the east and south of the precinct at the rear is Tesco car park, due to the height difference, there are stairs from Ferrie Grove and the service road to provide pedestrian access to the precinct from the rear of the site. Tesco superstore is located beyond the car park.

The nearest residential properties are located on Watermead Grange and Cygnet Drive, at a distance of 62m to the nearest property, 6 Watermead Grange beyond the canal basin. Number 6 Watermead Grange faces towards the canal basin and numbers 25 to 27 Cygnet Drive face towards the canal basin. Silver Street and the canal basin forms the boundary between the proposed site and these neighbouring houses.

The area is mixed in nature with a retail and other town centre uses along the High Street and within the District centre. To the south of the site beyond Silver Street highway is the Wryley and Essington Canal and canal basin. The site is within Brownhills District Centre.

Relevant Planning History

17/1131 - Part demolition of existing retail units and erection of 2 x A1 retail units with storage and gym at first floor and car parking and service area to the rear. Granted permission subject to conditions 29/07/2019.

10/0300/ND - Screening opinion to ascertain whether an Environmental Impact Assessment is required- Proposed replacement retail store, shop units, access improvements and car parking. Environmental Statement not required 2010.

This proposal was previously screened under the Environmental Impact Assessment Regulations (2010). The 2017 EIA regulations have now changed and the threshold for undertaking an EIA screening have been raised from 0.5hectares to 1 hectare. As the site is below this threshold, an EIA screening is not required.

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 8 – Promoting healthy and safe communities**
- **NPPF 9 – Promoting sustainable transport**
- **NPPF 11 – Making effective use of land**
- **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
- GP3: Planning Obligations
- ENV10: Pollution
- ENV11: Light Pollution

- ENV12: Hazardous Installations
- ENV14: Development of Derelict and Previously-Developed Sites
- ENV17: New Planting
- ENV18: Existing Woodlands, Trees and Hedgerows
- ENV32: Design and Development Proposals
- ENV33: Landscape Design
- ENV35: Appearance of Commercial Buildings
- 5.3 to 5.11 Strategic Policy Statement
- S1: Definition of Town Centre Uses
- S2: The Hierarchy of Centres
- S3: Integration of Developments into Centres
- S4: The Town and District Centres: General Principles
- S6: Meeting Local Needs
- S7: Out-of-Centre and Edge-of-Centre Developments
- T6 - Traffic Calming
- T7 - Car Parking
- T8 – Walking
- T9 – Cycling
- T10: Accessibility Standards
- T11: Access for Pedestrians, Cyclists and Wheelchair users
- T12: Access by Public Transport (Bus, Rail, Metro and Ring and Ride)
- T13: Parking Provision for Cars, Cycles and Taxis
- BR1: Primary Shopping Area
- BR4: Redevelopment / Refurbishment Schemes
- BR7: Environmental Enhancement
- BR8: Retail Development Opportunities
- BR13: Pedestrian Routes
- BR14: Cycle Access and Parking
- BR15: Car Parking Provision

Black Country Core Strategy

- Vision, Sustainability Principles and Spatial Objectives
- CSP1: The Growth Network
- CSP4: Place Making
- DEL1: Infrastructure Provision
- CEN1: The Importance of the Black Country Centres for the Regeneration Strategy
- CEN2: Hierarchy of Centres
- CEN3: Growth in the Strategic Centres
- CEN4: Regeneration of Town Centres
- CEN8: Car Parking in 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
- ENV1: Nature Conservation
- ENV2: Historic Character and Local Distinctiveness
- ENV3: Design Quality
- ENV4: Canals

- ENV5: Flood Risk, Sustainable Drainage Systems and Urban Heat Island

Walsall Site Allocation Document 2019

SLC1: Local Centres

SLC2: Local Centres Development Opportunities

EN1: Natural Environment Protection, Management and Enhancement

EN3: Flood Risk

EN5: Development in Conservation Areas

T4: The Highway Network

Supplementary Planning Document

Conserving Walsall's Natural Environment

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
- DW9 High Quality Public Realm
- DW10 Well Designed Sustainable Buildings

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
- SF9: Canopies

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

Consultation Replies

Archaeological Officer: No archaeological implications

Canal and River Trust: No objection subject to planning conditions regarding a Phase 2 Site Investigation and construction and environmental management plan.

Ecology Officer: No objection subject to conditions regarding construction environmental management plan, recommendations to be implemented as set out in the Ecological Assessment and lighting strategy

Fire Officer: No objection water for firefighting supplies and access for fire service should be in accordance with national guidance document.

Local Highways Authority: Objection: Concerns regarding introduction of a new High Street access and shared service arrangements. Support use of the existing vehicle access off Ferrie Grove and require submission of a car parking management plan prior to determination of this application.

Local Lead Flood Authority: No objection subject to a condition for a full detailed drainage design to be submitted to ensure no increase in flood risk during the construction phase.

Environmental Protection: No objection Subject to compliance with the Air Quality SPD, submission of an Asbestos Survey, construction and demolition plan and contaminated land investigation.

Police Architectural Liaison Officer: No objection, secured by design principles recommended

Severn Trent Water: No objection subject to a condition relating to foul and surface water drainage

Strategic Planning Policy: No objection

Tree Preservation Officer: No objection subject to conditions relating to the recommendations and guidelines as detailed in the Arboricultural Impact Assessment and Landscape Strategy being implemented.

Representations

The application has gone through three rounds of consultation with local residents due to the submission of additional information throughout the duration of this application. Local residents were consulted on 15/11/22 on information relating to the servicing plan in which any comments should be made by 29/11/22. Any additional

comments received will be added to the supplementary paper which accompanies the planning committee agenda.

9 comments of support received from 5 supporters, responses of support include the following points.

- Benefit to see Ravenscourt redeveloped in terms of appearance and facilities for local people
- Proposal will create jobs within the area
- Will make shopping for food convenient for local people

Neutral comments and general queries from supporters include the following (Officer comments in italics)

- Queries as to the timescales for determination (*local residents who have submitted comments will have been notified the application is to be presented to Planning Committee*)
- Has the tenant of the unit been notified of the development? (*The LPA sent notification letters to the units on the High Street which are addressed to the owner/occupier of such units*).
- Request to be kept informed of all material relating to the planning application (*The LPA reconsulted local residents on additional information throughout the planning application*).
- Will there be any day to day impact to the adjacent units during and after construction? (*A Construction Environmental Management Plan secured by condition is required to ensure minimal impact upon adjoining occupiers and users of High Street Brownhills*)
- Party wall issue needs to be considered due to the demolition of no. 34 High Street (*This is not a material planning consideration, this is a civil matter between the relevant parties*)
- Security to be considered during construction to protect adjacent units to the proposal (*A Construction Environmental Management Plan secured by condition will detail site security*)

3 objections have been received by an owner of a unit on High Street Brownhills. Concerns raised are as follows: (*Officer Comments in italics*)

- Unit is to be demolished and included in the proposed development which would result in a substantial loss
- Content of 12th June 2022 letter from Turleys to the Council advised applicant has no obligation to mitigate losses of the tenant and therefore by implication that of the landlord.
- Advice sought on potential Compulsory Purchase Order process (*this falls outside of the planning process*);
- Loss of investment in a property (*this is not a material planning consideration*);

A comment of concern has been raised by a local resident who is a blue badge holder. They express they consider there are not enough disabled parking bays for the proposed enlarged store. (*The Local Highway Authority has not raised concerns in relation to disabled parking bay provision*).

A Letter has been received from MP Valerie Vaz on behalf of a constituent to request information on time scale for decision and if there is the potential to re-open Brownhills/Walsall line? (*A response was sent directly to MP Valerie Vaz on these points*).

Determining Issues

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

Assessment of the Proposal

Principle of Development

The principle of retail use on this site within the centre and Primary Shopping Area (PSA) is supported. The retail use is a continuation of the existing units in the Ravenscourt precinct and is within an opportunity for retail development identified in local policy. The proposal complies with the sequential test.

Both the combined loss of floorspace at the existing Aldi store and the precinct and the precinct alone are above the proposed net floorspace for the proposal. This deficit means the requirement to provide a Retail Impact Assessment under BCCS Policy CEN4 is avoided, though the applicant has included this which serves as useful nonetheless to show the anticipated impact on existing retail provision in and around Brownhills. An Impact Assessment is neither required under the NPPF.

It will not be necessary to notify adjacent local authorities in the case of this proposal given the net reduction in retail floorspace in Brownhills as a result of the proposal and the limited area of retail impact as evidenced by the applicant.

Trade diversion is at least in part offset by an anticipated net gain in local jobs associated with the proposal's larger store (though an indicative number of net jobs is not given).

The proposed customer parking provision is improved via a net gain compared to the precinct and the existing store, with two proposed accesses off the High Street and Ferrie Grove. This provision would offer a greater number of spaces available to the centre as a whole and planning conditions would be included to ensure that charges, stay limits and other measures employed by the applicant do not preclude its use as centre-wide parking provision.

In design terms, the proposal represents an opening up of the pedestrian and vehicular moveability and links between High Street and Silver Street, Ferrie Grove and an improved, active frontage along High Street, replacing the long vacant frontage and courtyard within the precinct. The active frontage along High Street is an

improvement on the comparatively poorly integrated existing store, while the new proposal represents improved dual aspect pedestrian access.

The applicants submission detailing trade diversion is considered to be a fair assessment of the stores potential impact on the surrounding area. The conclusions are that the proposal will not present a significantly adverse impact on existing retail provision, with the greatest trade draw likely from the adjacent Tesco store. More generally, the presence of two large convenience retail provision operators in the centre will continue the trading context of the existing centre and maintain consumer choice, while the net gain in additional expenditure flows to the store might be expected to inject significant numbers of linked trips into Brownhills, which will impact positively on the existing stores along the High Street and in the wider centre, where a range of leisure and other centre uses offer a varied shopping offer to residents and visitors.

In addition, the energy generation retained from the refrigeration system is considered to satisfy the renewable energy requirements for larger schemes under BCCS Policy ENV7. This and the siting of this development on brownfield land also reduces environmental impacts.

In summary the principle of this development is supported.

Design, Layout and Character

The application site comprises the Aldi Store with car parking to the rear. The proposed development would be positioned in the centre of the site towards the High Street frontage, which would enable the rear car parking and deliveries to be provided and also for the proposed development to relate to the High Street, especially given the site is within the primary shopping area.

Access for vehicle and deliveries will be made via a new access off Ferrie Grove and an additional vehicular access from the High Street. Pedestrians are linked to the store from the rear car park or from the High Street. Concerns are expressed by the Local Highway Authority in relation to non Aldi HGV vehicles and refuse collectors that would utilise the car park to service existing units on eastern side of High Street as swept path analysis plans provided in support of the application indicate hatched zones for pedestrians around vehicle charging points would be impeded if such vehicles were to travelling in the car park. This is explored further in Local Highway Authority comments below.

The proposed store will sit between existing retail units. The proposed store is low level to reflect the height of surroundings units on the High Street. The palette of materials shown in elevation plans indicate a modern approach which fit with the 'Aldi' 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 replacement planting proposals. The strategy is considered acceptable in relation to the design of the site however the Ecology officer requests minor amendments to include native planting within the shrub planting as recommended within the preliminary Ecological Appraisal and Bat Surveys.

It is considered that the proposed development would improve the visual amenity of the primary shopping area when compared to the existing dilapidated condition of Ravenscourt precinct. Comments from local residents have expressed their support of the redevelopment of the site considering the improvement it will have to the aesthetic of Brownhills High Street.

Amenity of Neighbours

Noise impacts are considered unlikely to be significant due to distance to nearest residential occupiers at Cygnet Drive. However, details of external plant equipment, and acoustic fencing to the equipment, will be required through condition to protect the amenity of local residents.

The proposed development would not unduly harm the amenities of the neighbouring occupiers. The development would be seen in context of the existing retail/commercial development in the area.

A number of units within on the High Street within the vicinity of the application site have requested details on how the development might affect their units through the construction phase. The LPA considers that the owners/tenants of the units contact the developer in relation to any party wall agreements or other matters which relate to the operation of units throughout construction if they have any questions. It is to note however that a condition is recommended to secure an Construction Environmental Management Plan to ensure minimised disruption to surrounding occupiers and users of the High Street.

Highways

A Transport Assessment has been submitted in support of the proposals in addition to a Travel Plan, Servicing Plan and a response to the Local Highway Authorities initial comments.

The proposal includes both vehicular access from High Street (Strategic Highway Network) and Ferrie Grove, with the exit being restricted to Ferrie Grove. Pedestrians can access the store from the rear and off the High Street.

Aldi servicing vehicles will enter the site from Ferrie Grove and park to the western elevation of the store. Submitted details explain that these manoeuvres would be marshalled by Aldi staff.

Ferrie Grove provides as an access for vehicles servicing High Street. The service road continues under the Ravenscourt building canopy and provides the service road access and egress to shops facing the High Street to the east of the Ravenscourt

site. This includes Waste Management collections, service deliveries, pick-ups, and parking.

The proposal includes a no. 98 space car park to the rear of the store. Vehicles servicing High Street will travel through Aldi Car Park from Ferrie Grove to the rear of shops to the east of the store to continue to service the shops as is the current position.

The Highway Authority and the LPA have engaged with the applicant providing pre application advice on the proposal. Concerns were raised at pre application stage regarding the introduction of a new access into the site from High Street in which it was expressed that the access could not be supported.

The Local Highway Authority object to the proposed High Street access for the followings reasons:

- 1) Introduction of a new access onto the High Street Brownhills A452 Strategic Highways Network, which is contrary to Policy T4.
- 2) Safe and suitable access to the site needs to be achieved for all users.
- 3) Development should be prevented on highways grounds as there would be an unacceptable impact on highway safety, (NPPF)
- 4) Specific consideration needs to be given to the needs of each of the different users of the network, including pedestrians, cyclists, public transport, cars, and service vehicles.

The proposal is for the introduction of a new bigger Aldi store in Brownhills on the same retail park as a current Aldi store. It is considered the new store were to be granted permission, it would not require any additional access for the store to operate. There is no planning requirement for the new proposed access to enable the development to go ahead. The policy objection of the Strategic Highways Network in the UDP Policy T4 supports the Highway objection.

The introduction of a new access onto the Strategic Highways Network is contrary to Policy, is unnecessary, and unjustifiable. The current store is served from Ferrie Grove from the North, and Silver Street from the South. Aldi have raised no concerns or issues with the existing junctions and Highway access arrangements, other than for their customers to get to the new store they will have to travel past other existing retailers, where they want customers to be able reach Aldi first with their own direct access from the High Street.

The applicant considers that the access would have limited impact in capacity terms, but it is considered that there will be unnecessary conflict and highway safety issues on the High Street that is not there at the moment, and will be exacerbated by not only Aldi customers, but other car borne trips from shoppers who could use the access as an alternative to the current access arrangements to the retail park shops and petrol station.

The applicant considers the introduction of the new access is to “enhance the customer experience,” notwithstanding the policy objection, Highways consider that a new access onto the High Street could only be for commercial advantage and is not a Planning or Highway matter and therefore cannot be supported.

In addition, at pre application stage the Local Highway Authority expressed concerns regarding the operation and safe use of the proposed Aldi Car Park.

The proposal is to allow the customer car park to be shared with Aldi customers including pedestrians, disabled users, cyclists, and family parking space users, and to share the car park aisles with not only Aldi articulated delivery HGV's but also all commercial traffic including HGV waste collection, service and delivery vehicles to all of the shops fronting the High Street to the east of Ravenscourt. It is noted that as swept path analysis plans provided indicate hatched zones for pedestrians around vehicle charging points would be impeded if such vehicles were to travelling in the car park.

As submitted, the application did not reference or consider for the movement of commercial waste, delivery, and service vehicles through the Aldi Customer car park to the service area at the rear of the High Street Shops. This was raised with the applicant by Highways and Planning officers and a Survey was conducted by Connect Consultants on behalf of Aldi of commercial vehicles visiting all the shops to the east of Ravenscourt.

The outcome of the survey is that over a 7-day period, twenty-four vans and 7 HGV's will use the Aldi customer car park to access and egress the site at the rear of the High Street shops for servicing and deliveries.

A concern is that the Aldi Survey conclusions state that because the busiest times for Aldi stores are the weekend, no service deliveries are recorded at the weekend. Of the thirty-one commercial trips that were recorded only four were early deliveries or collections, the remaining twenty-seven commercial trips were made within the Aldi store opening times.

The car park needs to be safe and meets the needs of different users including, people with disabilities. Pedestrians, cyclists, visitors motorised and non-motorised users, cars, waste management and service delivery vehicles, this currently has not been demonstrated.

Highways would wish to see an overarching Car Park Management Strategy to take account of all users for the safe use and movement within the car park.

In summary, the Local Highway Authority are supportive in principle of the store building location and the use of the existing Ferrie Grove access however it is considered in order to support the application firstly the removal of the proposal for direct access onto the Strategic Highways Network (A452) High Street Brownhills is necessary, and secondly concerns associated with the operation and safe use of the proposed Aldi Car Park need to be addressed where currently both issues are contrary to NPPF para 110-112, National Design Guide 2021 (Movement) and Policy T4 of Walsall's UDP.

A Travel Plan has been submitted which would need to be secured for ongoing monitoring through a S106 agreement.

The Local Highway Authority advise the original Proposed Site Plan shows six car parking spaces on the existing store car park to serve staff employed at the new development.

Highways queried how is the off- site car parking can be legally secured through the determination of the planning process, as this element is outside of the main application site. Queries were also raised as to how would this impact on the future use of the existing site once the new store was built. The applicant has removed the staff parking at the existing Aldi site from the drawing. It is considered that the level of car parking provision provided is acceptable without the 6 car parking spaces off site.

Concerns have been raised by a local resident regarding the number of disabled spaces provided which is 6. This is lower than the 10 per cent requirement as part of policy T13 of UDP. Whilst an objection has not been raised by the Local Highway Authority in relation to disabled parking provision, a condition can be secured for 9 spaces to be provided in accordance with the policy.

It is considered on balance, the proposal can be supported subject to amended plans/information being received before determination of the application taking into consideration the points raised above.

Ground Conditions and Environment

To the rear of the site, behind Silver Street is Wyrley & Essington Canal. The Canal and River Trust have advise that they require further information by way of condition in relation to potential contaminants to the Canal from demolition and protection of the Canal from dust as 'The Land Contamination Report' submitted does not provide this information. The Canal and River Trust recommend a Phase 2 Site Investigation to be secured by condition to quantify levels of contamination and required remediation. It is also recommended as part of a Construction Environmental Management Plan, specific reference is made to how the development will manage dust during the demolition and construction phases.

The Canal and River Trust advise that the tow path is mentioned as a route for pedestrians and cyclists to access the site in the Transport Assessment and Travel Plan, but the applicant appears to assume that people will cross from the towpath at Clayhanger via Pier Street Bridge and continue up Pier Street to access the shop from the High Street frontage. However, cycle parking is only provided adjacent to the loading bay to the rear of the shop at distance from the entrance. Whilst the position of the cycle parking does not directly affect the Canal/tow path, the encouragement of use of the tow path to get to the site should consider how users of the tow path would then easily access the store.

Due to the age and nature of the existing buildings an Asbestos Survey is required to be submitted and approved prior to demolition of the buildings. Any Asbestos identified should be removed. A Demolition and Construction Management Plan to prevent or minimise local environmental impact during the course of said works needs to be implemented from the start of works. Conditions are recommended to secure an Asbestos Survey and Demolition and Construction Management Plan.

Environmental Protection have confirmed 'The Construction Method Statement', by DSP Construction Management is satisfactory, however, the demolition should not commence until it has been confirmed that any asbestos identified has been removed.

The 'Land Contamination Phase I Environmental Site Assessment', by Webb Yates Engineers, Ref. BI 384-16-Doc-0, Revision: XI, 16/04/21, is recommending that the Applicant undertake an intrusive contaminated land and ground gas investigation to further inform on potential mitigation/remediation measures for gases and pollutants and also for historical coal mining activities. Based on the Phase 1 report, Environmental Protection agrees, planning conditions for contaminants and ground gases are considered necessary.

The site is within a low risk Coal Area. The Coal Authority provide standing advice should a coal mining related hazard be uncovered during the development. This is added as a note to the applicant.

Air Quality

As the Aldi store is relocating its existing store to the new location, Environmental Protection are of the opinion that although the air quality impacts may be slightly more due to increased usage, they are not significant enough to warrant a full air quality survey.

The Air Quality Supplementary Planning Document (SPD) is relevant, which sets out guidance on minimising air quality impacts, in particular the requirements for promotion of alternative travel choices. As part of Section 5, 'Minimising Unacceptable Air Quality Impacts through Mitigation and Compensation', the SPD states that 'as a minimum, new developments should include the provision of electric vehicle charging points' (Type 1). Having regards to the SPD and to allow users of the development a readily available infrastructure to switch to environmentally sustainable transport in the future, it is recommended that the Applicant make provision for future electric vehicle charging points.

From the application (Planning and Retail Statement), the proposed car park will include 4 charging points. Although this falls slightly short of the SPD requirements of 5%, for the proposed 92 spaces, Environmental Protection are of the opinion that it would be acceptable. The Applicant has advised that if demand required then there is the scope to increase this provision in the future.

The Applicant has submitted a Travel Plan with their Application, which meets the requirements of the Air Quality SPD.

Ecology

A Bat Survey was submitted in support of the application dated April 2021. The report advises Middlemarch Environmental Ltd had previously carried out a Preliminary Bat Roost Assessment (Report RT-MME-125431-01) and Nocturnal Emergence and Dawn Re-entry Bat Surveys (Report RT-MME-125700) at this site in relation to a previous planning application in 2017.

Due to the time lapse an updated report was considered necessary which was undertaken April 2021. The findings advised that all three buildings were classed as having high potential to support roosting bats. Further survey work, in the form of updated dusk emergence and dawn re-entry surveys, was undertaken between 14th June 2021 and 19th July 2021. Three bat species were recorded during the dusk and dawn surveys; common pipistrelle, soprano pipistrelle and noctule. No bats

emerged from or re-entered any features associated with the site. Low levels of commuting and foraging activity were recorded during the survey period.

The Survey concludes, no bat roosts present in the buildings on the site. This is due to no bats emerging from or re-entered any of the buildings and only a limited amount of bat activity were recorded on site during the surveys, it is concluded that there are no bat roosts present in the buildings on site.

The report considered the proposed works are not expected to impact roosting bats.

The Ecologist has reviewed the information submitted and has no objections in relation to the potential impact upon protected species. Conditions are recommended to ensure that the recommendations and mitigation set out are adhered to.

Flood Risk and Drainage

The application site is located within Flood Zone 1 (Low probability). As such the site is considered to be of low risk of fluvial flooding. A drainage strategy and additional technical note supplemental to the drainage strategy has been submitted in support of the application and to respond to points raised by the Local Lead Flood Authority (LLFA). The drainage strategy advises the site is at low risk of surface water flooding but in the event a storm exceeds the design event, surface water may collect in the car park but would not be significant. The Local Lead Flood Authority have reviewed the proposed drainage information submitted and no objections have been raised. The LLFA have requested further details as part of the drainage strategy to be secured by condition.

Severn Trent Water raise no objection in relation to foul and surface water drainage subject to a condition for full details to be submitted to them for approval prior to commencement of development.

Trees/Protected Trees

The development site and immediate vicinity does not have any protected trees within it. An Arboricultural Impact Assessment was undertaken by Middlemarsh Environmental Ltd in January 2022 and submitted in support of the application.

The survey explains the proposal will require the removal of two trees and one group of trees as well as the partial removal of two groups of trees. The two 'London Planes' which are planted on the High Street are considered to be of visual amenity in the High Street and confirmed as retained.

12 new trees are proposed as set out in the Landscape Strategy (Drawing Reference: MEL-515-001) to mitigate the loss of existing trees on site.

The survey concludes that majority of the trees within the site will be retained which is considered the proposal is unlikely to significantly impact on the site. In addition, the proposed works are unlikely to significantly impact upon the long term health of retained trees.

Mitigation and protection measures as set out in the survey are required to be adhered to. A condition is considered necessary to ensure that the recommended methods of mitigation and protection are put into place.

An Arboricultural Method Statement is also required and will be secured by condition to ensure that all site operation can occur with minimised adverse impact upon trees to be retained.

The Tree Officer has reviewed the submitted information and raised no objection to the loss of trees on site subject to replacement planting as set out in the Landscape Strategy and conditions recommended above.

Planning Obligations/S106 Agreement

A Travel Plan has been submitted by Connect Consultants in support of the application. The Travel Plan includes details of a monitoring programme within section 5 of the Plan. Due to the inclusion of monitoring the Travel Plan will be secured by legal obligation through a S106 agreement.

Conclusions and Reasons for Decision

The proposal in principle is considered acceptable.

The existing shopping precinct is vacant, it is considered the redevelopment of the site with new retail would enhance the vitality and viability of the District Centre and would be in accordance with the NPPF and town centre policies as set out in the Development Plan.

The design of the proposed development is considered acceptable.

The proposed development would not unduly harm the amenities of these neighbouring commercial properties to warrant refusal of the proposal.

At present the proposed introduction of a new vehicle access from High Street is contrary to policy T4 of UDP and NPPF. Removal of this vehicle access is sought. Further information is also required in the form of a car parking management scheme in order for the Local Highway Authority to support the scheme.

The proposal complies with the NPPF, Policies CSP4, DEL1, CEN1, CEN2, CEN3, CEN4, CEN8, TRAN1, TRAN2, TRAN4, TRAN5, ENV3, ENV4 and ENV5 of the BCCS, saved policies GP2, ENV10, ENV11, ENV14, ENV32, ENV33, ENV35, ENV40, S1, S2, S3, S4, BR1, BR4, BR7, BR8, BR13, BR14 and B15 of the UDP, policies NE4 to NE10 of Conserving Walsall's Natural Environment, Policies DW1 to DW10 of Designing Walsall SPD and the Air Quality SPD.

Taking into account the above factors it is considered that the application should be recommended for approval subject to addressing outstanding matters as set out.

Positive and Proactive Working with the Applicant

Approve

Officers have spoken with the applicant's agent and in response to concerns raised regarding the access from the High Street and the proposed car park. Amended plans/Information is sought in order for approval of the scheme.

Recommendation

Planning Committee resolve to Delegate to the Head of Planning & Building Control to Grant Planning Permission Subject to Conditions and a Section 106 Agreement to secure a Travel Plan and subject to:

- No new material considerations being received within the consultation period;
- The amendment and finalising of conditions;
- Overcoming the outstanding concerns raised by Local Highway Authority by removing the access from High Street and utilising access off Ferrie Grove via Silver Street and submission of a comprehensive car park management scheme to include Aldi related vehicles and non- Aldi related vehicles which service the existing units on High Street.

Conditions and reasons

1) The development hereby permitted shall be begun not later than 3 years from the date of this permission.

Reason: To ensure the satisfactory commencement of the development in accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2) The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans details and documents:

- Proposed site plan drawing no. F18A130-P00s Revision F
- Landscape strategy drawing no. MEL-515-001 Revision P1
- Arboricultural Impact Assessment by Middlemarch Environmental report no. RT-MME-156891-02 dated January 2022
- Preliminary Ecological Appraisal submitted 14/02/22
- Bat Surveys submitted 14/02/22
- Pallisade Fencing and Gate details AD5308 submitted 14/02/22
- Proposed Flood Plan, P200 Rev B, submitted 14/02/22
- Proposed Elevations, P201, submitted 14/02/22
- Proposed Roof Plan, P203, submitted 14/02/22
- Proposed Site Section, P300, submitted 14/02/22
- Construction Method Statement submitted 14/02/22
- Drainage Strategy submitted
- Land Contamination Phase 1 Environmental Site Assessment submitted 14/02/22
- Noise Impact Assessment submitted 14/02/22
- Planning and Retail Statement submitted 14/02/22
- Sustainability Statement submitted 14/02/22
- Transport Assessment submitted 14/02/22
- Proposed Access Layout 1905-010 Rev C 25/04/22
- Response to Council's comments 05/07/22
- Response to Policy comments 13/06/22

- Technical Note supplemental to Drainage Strategy submitted 28/06/22

otherwise than in accordance with the terms of the application on the basis of which planning permission is granted, (except in so far as other conditions may so require).

3a) Prior to demolition and removal of any buildings and/or structures hereby permitted a site survey to identify any potentially hazardous materials including asbestos shall be carried out and a Method Statement shall be submitted to the local planning authority and agreed in writing detailing actions and time scale to be taken to prevent localised contamination, including how and where the hazardous materials will be removed from site and to where it will be removed too.

3b) Following demolition and removal of any buildings and/or structures a validation report shall be submitted to the Local Authority to demonstrate that no ground contamination has occurred as a result of the removal of any hazardous materials therein. Including any mitigation measures put in place to control risks to future occupiers

Reason: To ensure safe development of the site and to protect human health and the environment in accordance with saved policies GP2 and ENV18.

4a) Prior to the commencement of development hereby permitted a detailed surface water drainage design shall be submitted to and approved in writing by the Local Planning Authority.

i) The design must include the name and contact details of the body(-ies) responsible for management and maintenance

4b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development and to ensure the site is maintained for the lifetime of the development In accordance with saved policies GP2 and ENV5.

5) Notwithstanding the details of the drainage design, the developer is to ensure that satisfactory arrangements for the control of surface water are in place as part of any temporary works associated with the permanent development, to ensure that flood risk is not increased prior to the completion of the approved drainage strategy and flood risk assessment.

Reason: To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development and to ensure the site is maintained for the lifetime of the development In accordance with saved policy GP2 and ENV5.

6a) Prior to the commencement of development hereby permitted an Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority and should address the following:

- I. Tree Surgery.
- II. Site setup and logistics.

- III. Works within Root Protection Areas.
- IV. Working space to construct new buildings.
- V. Suitable site access, material storage contractor's car parking and site compound locations.
- VI. Final protective barrier and ground protection locations and specifications.
- VII. Phased approach to development works to ensure retained trees are not impacted through demolition.
- VIII. Extent of access facilitation pruning works to be undertaken.
- IX. Pre-commencement site meeting.

Reason: To safeguard the retained trees on and adjacent to the site in accordance with saved policies GP2, ENV17 of Walsall's Unitary Development Plan.

7a) Prior to the commencement of building operations above damp proof course of the development hereby permitted details of the proposed boundary treatment of the site, including heights, positions and extents, materials and finishes of all walls, fences, gates or other means of enclosure, shall be submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include all internal site divisions in addition to the perimeter boundary treatments and all gates shall be designed and installed so they cannot open outwards onto a highway.

7b). The development shall not be carried out otherwise than in accordance with the approved schedule and the boundary treatments shall thereafter be retained for the lifetime of the development.

7c) The development hereby permitted shall not be occupied until all boundary treatments have been erected in accordance with the approved schedule.

Reason: To ensure the satisfactory appearance and functioning of the development in accordance with the saved policies GP2 and ENV32 of the Walsall Unitary Development Plan and in the interest of highway and pedestrian safety in accordance with the saved UDP policies T7 and T13 of the Walsall Unitary Development Plan.

8a) Prior to the commencement of development hereby permitted and any site clearance a Construction Environmental Management Statement shall be submitted in writing to and approved in writing by the Local Planning Authority. The Construction Environmental Management Statement shall include:

1. Construction working hours
2. Parking and turning facilities for vehicles of site operatives and visitors
3. Loading and unloading of materials
4. Storage of plant and materials used in constructing the development
5. A scheme for recycling/disposing of waste resulting from construction works
6. Temporary portacabins and welfare facilities for site operatives

7. Site security arrangements including hoardings
8. Wheel washing facilities and/or other measures to prevent mud or other material emanating from the application site reaching the highway
9. Measures to prevent flying debris
10. Dust mitigation measures including prevention of dust impacting Wyrley and Essington Canal
11. Measures to prevent site drag-out (including need for wheel cleaning and use of a road-sweeper)
12. Noise and vibration (if piling and/or ground stabilisation is to be conducted) mitigation measures

8b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved Construction Environmental Management Statement and the approved Construction Environmental Management Statement shall be maintained throughout the construction period.

Reason: To ensure that no works commence on the site until a scheme is in place to safeguard the amenities of the area and the occupiers of the neighbouring properties and to control the environmental impacts of the development in accordance with saved policies GP2 and ENV32 of Walsall's Unitary Development Plan.

9a) Prior to the commencement of building operations above damp proof course of the development hereby permitted a schedule of materials to be used in the construction of the external surfaces including details of the colour, size, texture, material and specification of bricks, render, roof tiles, windows, doors, rainwater products and soffits shall be submitted in writing to and approved in writing by the Local Planning Authority.

9b) The development shall not be carried out otherwise than in accordance with the approved details and the approved materials shall thereafter be retained for the lifetime of the development.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

10a) No external lighting shall be installed on the site unless details of the lighting including the intensity of illumination and predicted lighting contours have first been submitted in writing to and approved in writing by the Local Planning Authority

10b). No external lighting shall be installed on the site otherwise than in accordance with the approved details.

Reason: In the interests of the visual amenities of the area in accordance with saved policies GP2, ENV11 and ENV32 of Walsall's Unitary Development Plan.

11)The retained trees as indicated on the Landscape Strategy drawing no. MEL-515-001 Revision P1 shall be protected in accordance with the recommendations and guidelines as detailed in the Arboricultural Report by Middlemarch Environmental dated March 2022. The tree protection measures shall be implemented prior to the demolition of the site and maintained throughout the construction phase until completion of the development.

Reason: To safeguard the retained trees both on and adjacent to the site in accordance with Policy ENV18 of the UDP and Conserving Walsall's Natural Environment SPD.

12)The Landscape Strategy drawing no. MEL-515-001 Revision P1 shall be fully implemented within 12 months of any part of the development being brought into use, or such other period as may be agreed in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the development and to comply with saved policies GP2 and ENV32 Walsall's Unitary Development Plan.

13)Recommendations for the protection of habitats and protected species as outlined within the Ecological Assessment by Middlemarch Environmental dated August 2021 and January 2022, respectively shall be incorporated within the design of the proposals. This should include:

- i. Retention of the trees and shrubs, where possible, with additional native tree and shrub planting incorporated within the design.
- ii. Provision of two bird boxes (25mm and 32mm entrance hole box or similar) attached to or integrated within new buildings or retained trees on site; and
- iii. Provision of two bat boxes attached to the proposed building or retained trees.

Reason: To preserve and enhance the natural environment and safeguard any protected species in accordance with Black Country Plan policy ENV1, saved Unitary Development policy ENV23 and Supplementary Planning Document Conserving Walsall's Natural Environment.

14a) If bat/s or evidence of bats are found during construction of development hereby permitted:

- i. The works should halt until Natural England or the ecologist for this project is consulted.
- ii. The bat/s should not be handled or touched, and the vicinity of the roost shall be immediately reinstated.
- iii. No further destructive works shall be carried out to the building until the need for Natural England licence has been established.
- iv. Within one week of finding bats or evidence of bats, a written report by the ecologist shall be submitted for the approval in writing of the Local Planning Authority, recording what was found, and proposing appropriate mitigation measures, including a timetable for their implementation
- v. Work on the building shall only continue in accordance with the approved mitigation measures and on the approved timetable

and/or in accordance with the terms of any Natural England licence issued.

14b) Commencement of work should be no later than May 2023, otherwise an update bat assessment would be required to confirm that bats remain likely absent from the building.

Reason: to conserve local bat populations and to be in accordance with National legislation; wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural habitats, & c.) Regulations 1994.

15a) Prior to the occupation of any part of the development hereby permitted, details of the proposed covered and illuminated cycle shelters including their locations within the site, shall be submitted in writing to and approved in writing by the Local Planning Authority.

15b) The development hereby permitted shall not be carried out otherwise than in accordance with the approved details and the approved details shall thereafter be retained for the lifetime of the development and used for no other purpose.

Reason: To encourage sustainable modes of travel and in accordance with UDP policy T13 and Black Country Core Strategy TRAN4.

16) Site clearance and dismantling works shall be undertaken outside the bird nesting season. The bird nesting season extends between March and August inclusive but is weather dependant and nesting may take place outside this period. If nesting birds are discovered, clearance works should be delayed until the young have fledged.

Reason: To conserve local bird populations and to comply with NPPF11, BCCS Policy ENV1, saved UDP Policy ENV23 & policies NE1 to NE6 of the Natural Environment SPD.

17a) Prior to first occupation of the development hereby permitted details of electric vehicle charging points for the development shall be submitted in writing to and agreed in writing by the Local Planning Authority.

17b) Prior to first occupation of the development the approved electric vehicle charging points shall be installed in accordance with the approved details and shall be retained and maintained for the lifetime of the development.

Reason: In the interests of creating a sustainable form of development and to encourage the use of ultra-low emission vehicles in accordance with Policies ENV8 and DEL1 of the Black Country Core Strategy.

18) The development hereby permitted shall not be open otherwise than between the hours of 0700 hours to 23.30 hours Mondays to Saturdays and 0900 hours to 1700 hours Sundays, Bank and Public Holidays.

Reason: To protect the amenities of nearby residential occupiers in accordance with saved UDP policies GP2 and ENV32.

Notes for Applicant

The Coal Authority Standing Advice - Development Low Risk Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2021 until 31st December 2022

Canal and River Trust

The applicant/developer is advised to contact the Canal & River Trust in order to ensure that any necessary consents are obtained, and the works are compliant with the Trust's current "Code of Practice for Works Affecting the Canal & River Trust". For further advice please contact Shomsur Khan, Works Engineer in the first instance on Shomsur.Khan@canalrivertrust.org.uk or by telephone 0303 040 4040

Highways

Prior to the commencement of the development, a highway Stopping Up Order made under S247 of the Town and Country Planning Act 1990 shall be confirmed, certified and implemented for that part of Ravens Court Precinct required to be stopped up to enable the development to proceed. Note to Applicant: Stopping Up Orders are a democratic process and the public or other interested parties can object which may result in a public inquiry and ultimately the Order being rejected. A Stopping Up Order application can be in parallel to the planning application up to draft Order stage. For further information the applicant is advised to contact the Government Office, National Transport Casework Team. Reason: To satisfy the legal requirements for stopping up of a public highway to enable the development to proceed.

Severn Trent

Severn Trent Water advise that there is a public 450mm surface water sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could

significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

· 300mm to 999mm diameter – 5m either side of the pipe, measured from the centreline of the sewer.

Contaminated Land

Contaminated Land

CL1

Ground investigation surveys should have regard to current 'Best Practice' and the advice and guidance contained in the National Planning Policy Framework 2018; British Standard BS10175: 2011 +A2:2017 'Investigation of potentially contaminated sites – Code of Practice'; British Standard BS5930: 1999 'Code of practice for site investigations'; Construction Industry Research and Information Association 'Assessing risks posed by hazardous ground gasses to buildings (Revised)' (CIRIA C665); Land contamination risk management (LCRM) or any relevant successors of such guidance. You are strongly advised to consult with the Local Planning Authority on the construction, location and potential retention of any boreholes installed for the purposes of ground gas and or groundwater before installation of same.

CL2

When making assessments of any contaminants identified as being present upon and within the land considering their potential to affect the proposed land use and deciding appropriate remediation targets regard should be had to the advice given in CLR 11 'Model Procedures for the Management of Land Contamination', The Contaminated Land Exposure Assessment (CLEA) model (Latest Version), Science Report – SC050021/SR3 'Updated technical background to the CLEA model' and Science Report – SC050021/SR2 'Human health toxicological assessment of contaminants in soil' or any relevant successors of such guidance. This list is not exhaustive. Assessment should also be made of the potential for contaminants contained in, on or under the land to impact upon ground water. Advice on this aspect can be obtained from the Environment Agency.

CL3

Validation reports will need to contain details of the 'as installed' remediation or mitigation works agreed with the Local Planning Authority. For example, photographs of earth works, capping systems, ground gas membranes, and structure details should be provided. Copies of laboratory analysis reports for imported 'clean cover' materials, manufacturer's specification sheets for any materials or systems employed together with certification of their successful installation should also be submitted. Where appropriate, records and results of any post remediation ground gas testing should be included in validation reports. This note is not prescriptive and any validation report must be relevant to specific remedial measures agreed with the Local Planning Authority.

END OF OFFICERS REPORT