



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE

MONDAY 28TH JUNE 2010
AT 2.00 P.M.

COUNCIL CHAMBER, THE COUNCIL HOUSE, BURCOT LANE, BROMSGROVE

MEMBERS: Councillors E. C. Tibby (Chairman), G. N. Denaro (Vice-Chairman), Mrs. J. M. Boswell, Miss D. H. Campbell JP, R. J. Deeming, Mrs. J. Dyer M.B.E., B. Lewis F.CMI, Mrs. J. D. Luck, E. J. Murray, S. R. Peters, C. J. Tidmarsh, P. J. Whittaker and C. J. K. Wilson

An update to the Report of the Head of Planning and Regeneration Services will be available in the Council Chamber one hour prior to Meeting. You are advised to arrive in advance of the start of the Meeting to allow yourself sufficient time to read the updates.

Members of the Committee are requested to arrive at least fifteen minutes before the start of the meeting to read any additional representations and to ask questions of the Officers who will also make themselves available for at least one hour before the meeting. Members are also requested to give Officers at least forty-eight hours notice of detailed, technical questions in order that information can be sought to enable answers to be given at the meeting.

AGENDA

1. To receive apologies for absence and notification of substitutes
2. Declarations of Interest
3. Updates (if any) to be reported at the meeting (to be circulated prior to the start of the meeting)

4. 09/0365-DMB - Redevelopment of site to provide a new supermarket (Class A1) and retail units (Class A1-A3) with associated car parking access, highway, landscaping and other works - Land at Bromsgrove Retail Park, Birmingham Road, Bromsgrove, B61 0DD - Sainsbury's Supermarkets Ltd. (Pages 1 - 58)

K. DICKS
Chief Executive

The Council House
Burcot Lane
BROMSGROVE
Worcestershire
B60 1AA

17th June 2010

Agenda Item 4

Name of Applicant Type of Certificate	Proposal	Map/Plan Policy	Plan Ref. Expiry Date
SAINSBURY'S SUPERMARKETS LIMITED "B"	Redevelopment of site to provide a new supermarket (Class A1) and retail units (Class A1 - A3) with associated car-parking, access, highway, landscaping and other works Land at Bromsgrove Retail Park, Birmingham Road, Bromsgrove	SHOPP TCZ CA LBS	09/0365-DMB 05.08.09

As amended by:

- Application Site Plan SAIL1396/WS: received 15.12.09
- Proposed Site Plan PL(0)05 Rev E: received 29.03.10
- Proposed Roof Plan PL(0)06 Rev D: received 29.03.10
- Proposed First Floor Plan PL(0)08 Rev B: received 29.03.09
- Proposed Store Ground Floor Plan PL(1)01 Rev J: received 29.03.10
- Proposed Store First Floor Plan PL(1)02 Rev K: received 29.03.10
- Proposed Store Roof Plan PL(1)03 Rev D: received 29.03.10
- Proposed Store Elevations 1&2 PL(1)04 Rev G: received 19.02.10
- Proposed Store Elevations 3&4 PL(1)05 Rev H: received 19.02.10
- Indicative Hard and Soft Landscape Proposals 621-07 Rev F: received 28.04.10
- Illustrative Landscape Masterplan 621-08 Rev E: received 28.04.10
- Detailed Landscape Proposals 621-09 Rev E: received 28.04.10
- Tree Retention and Removal Plan 621-11 Rev D: received 28.04.10
- Illustrative Landscape Sections 621-12 Rev E: received 28.04.10
- Brook Restoration/Habitat Enhancement 621-13 Rev A: received 28.04.10
- Combined Proposals Overview (BDC Option) Tree Retention/Removal/Replacement 621-18 Rev B: received 28.04.10
- Proposed Highway Improvements Option 3 2007-502/SK020 Rev C: received 15.12.09
- Car Parking Strategy Rev E (April 2010): received 14.04.10
- Planning and Retail Statement: Addendum Note: received 11.06.10
- Schedule of Drawings: received 11.06.10
- Design and Access Statement Addendum Note: received 11.06.10
- Email received 07.09.09
- Email received 15.10.09
- Emails received 13.11.09
- Letter dated 11.12.09: received 15.12.09
- Letter dated 11.12.09: received 15.12.09
- Email received 23.12.09
- Email received 04.01.10
- Email received 18.01.10
- Email received 19.01.10
- Email received 20.01.10
- Letter dated 18.02.10: received 19.02.10
- Letter dated 12.03.10: received 15.03.10
- Letter dated 26.03.10: received 29.03.10
- Email received 14.04.10

As augmented by:

- Transport Assessment Addendum Report (October 2009): received 21.10.09
- Third Transport Assessment Addendum Report (December 2009) received 15.12.09
- Road Safety Audit: Stage 1 (November 2009): received 15.12.09
- Engineer's Response to Road Safety Audit: Stage 1 (November 2009): received 15.12.09
- Type A-C, B, D & E, F & G, H & I, J lighting specification: received 02.06.09
- External Level Car Park Lighting Statement (Issue 2) (May 2009): received 11.06.09
- Upper Car Park Proposed Lighting Layout (plan reference 3151): received 11.06.09
- Lighting Design Brief and Considerations (January 2009): received 22.01.10
- Photograph indicating existing view of Stourbridge Road Junction: received 11.06.09
- Air Quality Assessment (August 2009): received 21.10.09
- Noise Assessment Addendum (January 2010): received 19.02.10
- Bromsgrove Hydrology and Hydraulics Report (December 2009): received 22.01.10
- Addendum to Flood Risk Assessment (August 2009): received 18.08.09
- Tree Survey Schedules (July 2009): received 05.08.09
- Alternative Tree Retention and Removal Plan (Trees to Strand House Removed) 621-19: received 28.04.10
- Alternative Combined Proposals Overview (Trees to Strand House Replaced) 621-20: received 28.04.10
- Alternative Combined Proposals Overview (Trees to Strand House Replaced Option 2) 621-21: received 04.05.10
- Survey of Spadesbourne Brook Bromsgrove Town Centre RH/TS/860142/1 1of1: received 22.01.10
- Survey of Spadesbourne Brook Bromsgrove Town Centre RH/TS/860142/2 1of2: received 22.01.10
- Survey of Spadesbourne Brook Bromsgrove Town Centre RH/TS/860142/2 2of2: received 22.01.10
- Heritage Statement of Significance (June 2010): received 11.06.10
- Letter dated 09.06.09: received 11.09.09
- Letter dated 14.07.09: received 18.08.09
- Letter dated 16.07.09: received 18.08.09
- Letter dated 14.08.09: received 18.08.09
- Email received 07.09.09
- Letter dated 15.09.09: received 17.09.09
- Email received 15.10.09
- Email received 16.11.09
- Letter dated 24.11.09: received 26.11.09
- Email received 23.12.09
- Letter dated 21.01.10: received 25.01.10
- Email received 18.01.10
- Email received 17.02.10
- Email received 19.04.10
- Email received 27.04.10
- Letter dated 19.05.10: received 24.05.10
- Email received 02.06.10

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the application and issue **FULL PLANNING PERMISSION** following the satisfactory completion of a Section 106 Agreement to secure the following financial contributions:

- (a) £347,850 towards Bromsgrove Town Centre public realm improvement measures
- (b) £100,00 towards sustainable transport objectives
- (c) £50,000 towards walking and cycling schemes in Bromsgrove
- (d) £10,000 towards air quality monitoring on Birmingham Road, Bromsgrove

MINDED TO APPROVE

Consultations

- WH Consulted - final views received 20.04.10 (in summary)*:
- No objection subject to Conditions relating to:
 - Vehicle access construction
 - Access, turning and parking
 - Highway improvements / offsite works relating to engineering details of the junction improvements to the Strand signals, alterations to Market Street, footway improvements in the Strand and alterations to Birmingham Road
 - Parking for Site Operatives
 - Submission of a travel plan that promotes sustainable forms of access to the site

The applicant should enter into a section 106 agreement to provide:

- £250,000 - LTP2 / LTP3 (forthcoming) contributions to provide additional bus priority measure, additional bus infrastructure and amended services
- £25,000 - Walking schemes contribution
- £25,000 - Cycling schemes contribution

*Members are encouraged to read the full consultation response.

This includes policy considerations and application of public transport measures.

- Transport and Engineering Officer (Car Parking) Consulted - final views received 28.04.10:
- Given the final version of the Car Parking Management Strategy document categorically states that Pay on Foot will be implemented at the store, I raise no objection to the scheme.

- Economic Development and Town Centre Manager Consulted - views received 09.06.10:
- Economic Development supports the application
 - It is estimated that the new store will create approximately 400 new jobs. This would be welcome at any time but it is especially so during a recession. The location of the store is within easy travelling distance of wards which have higher than average unemployment.

- Besides the number of jobs created, Sainsbury's is well known to be a progressive employer providing career opportunities for younger residents who might otherwise leave the District. Bromsgrove has a higher than average age profile and the Council therefore seeks to retain young people within the District.
- The location of the new store is close to the high street which is currently subject to a regeneration programme. We believe that the store will have a beneficial spin-off effect on smaller specialist retailers, street markets and nearby cafes and restaurants.
- Sainsbury's have a good reputation for supporting local communities, schools and charities.

Urban
Designer

Consulted - views received 01.06.09:

- In July 2008 I commented on Sainsbury's initial development proposal and on the three further options which they had produced. I considered that, overall, the urban design quality of the schemes was unsatisfactory.
 - I considered that there were four key urban design priorities which any proposal on this site had to meet. They were:
 1. to contribute to the re-establishment of the enclosure of the road
 2. to provide active frontages to the road
 3. to respect the listed buildings and continue their meaningful life
 4. to create a new architecture which respects the scale of the remaining original buildings while providing a new and appropriate character and distinctiveness
 - I made a matrix which scored the four schemes against these four criteria. This is reproduced in the submitted Design and Access Statement.
 - I have examined the proposal submitted for planning approval. I consider that the applicants have responded extremely well to the urban design critique, and that, in urban design terms at least, the proposal is now a satisfactory one which meets the criteria. I shall give a more detailed assessment using the four criteria.
- 1. To contribute to the re-establishment of the enclosure of the road**
- The initial schemes did quite well against this criterion, and the submitted scheme does better still. The submitted scheme extends the built form along almost the whole frontage of the site on Birmingham Road, apart from the vehicle entrances at either end. The new retail building at the northern end of the site is on the same building line as the listed buildings. The supermarket frontage is set back slightly from this line, towards the recessed terrace of existing buildings beyond the south boundary, with a projecting canopy that comes forward to line up with the front of the listed buildings. This all seems satisfactory.
- 2. To provide active frontages to the road**
- the initial schemes did uniformly poorly against this criterion. The submitted scheme takes the urban design advice positively, and develops active frontages along the whole of the built edge. The vertical circulation of the supermarket is concealed behind six

small shop units facing Birmingham Road, and a further new two-storey building to the north contains three further shops, and conceals the two-storey car park behind it from the road. This is excellent site planning, and I only hope that the economics of the Town enable these shops to be occupied and to prosper.

3. To respect the listed buildings and continue their useful life

- Three of the four initial schemes scored quite well against this criterion, although it was not until the later meeting with the architects, that I fully understood the scheme's implications for the listed buildings, which were more damaging than I had earlier appreciated from the rather diagrammatic drawings. I consider that the exclusion of the listed buildings from the supermarket development is a very positive move, and will enable the integrity of the listed buildings to be satisfactorily maintained. The one concern I have is with the two-storey wall that will face the backs of the listed buildings. Care needs to be taken with the design of this, and I wonder whether one element might be a vertical garden, which could give a pleasant prospect from the rear windows of the listed buildings.
- I also have some concern with the design of the space between the listed buildings and the new retail building to the north. This is shown in an elevational drawing on page 38 of the Design and Access Statement, and captioned "store entrance". It is not clear from the floor plans how the store is entered from here. There is no means of access to the store visible on the ground floor plan. In any case, the space between the buildings does not appear to be a welcoming space. It is gated, which is indicative of a perceived problem, and it is enclosed between the blank gable wall of the listed buildings and the gable wall, presumably also blank, of the new retail building

4. To create a new architecture which respects the scale of the remaining original buildings while providing a new and appropriate character and distinctiveness

- The four initial schemes all scored poorly against this criterion. The submitted scheme represents a great improvement in this respect. The supermarket frontage of eight bays establishes a scale which is appropriate to a large supermarket, at the same time as devoting three-quarters of its frontage to independent shops. The scale and rhythm is appropriate in relation to the adjacent listed buildings. I do not understand why the eight bays are couples into four "mega bays"; I consider that it would look better if the projecting timber-clad columns were at every structural line, but there may be a reason why they are alternate.
- The new retail building to the north is an acceptable neighbour to the listed buildings, also with an appropriate scale and rhythm, although its language is perhaps disappointingly conservative. Unlike the other shopfronts, it appears to have no provision for fascia signs, which needs to be corrected.

Conservation Officer Consulted - views received 07.08.09:

- Thank you for consulting us on this application, which affects the setting of two listed buildings located to the front of the proposed development site.

Supermarket

- The new supermarket would provide approx 8500sqm of retail floorspace and would be located to the right of the two listed buildings on what is currently part of the retail park car park. The proposed building would be two storeys in height with full height glazing to the front elevation, relieved by several canopies on the ground floor, timber louvres and timber clad columns.
- The overall design concept is contemporary but does replicate Sainsbury's stores elsewhere - rather than being led specifically by the context of this site. The quality of the design is good with added vertical emphasis to break up to the mass of the rather bulky front elevation. The side and rear elevation however lacks any articulation or visual interest which could be somewhat improved by varying the materials to add definition and texture. The use of large areas of standard red brick will only emphasise the large footprint and reflects the functionality of the car park rather than relating well to an overall design concept. As the side elevation particularly will be visible from the street the architect should look at enhancing the way the glazing wraps around the corner and how this feature flows into the rest of the side elevation.
- Improvements should also be sought to the juxtaposition of the supermarket and the listed buildings, perhaps by added a transitional section of glazing to differentiate more strongly between the two buildings. This would lessen the impact on the setting of the listed building and give a stronger frame to the new building particularly when viewed from directly opposite the site. The set back already indicated does create an impression of separation between the old and new but only in distance views. It is important that the listed buildings retain some visual independence in streetscene views, rather than trying to recreate a terraced appearance.

Listed Buildings

- No external or internal alterations are proposed for the two listed buildings at 48-52 Birmingham Road. The existing tenants are intending to remain if the site is redeveloped for Sainsbury's. The Citizens Advice Bureau currently occupying 50-52 Birmingham Road have indicated their wish to replace the existing windows to improve noise insulation. This would require Listed Building Consent and our preference would be to retain and repair the existing windows with additional draught proofing or possibly secondary glazing rather than install new double glazed units.
- The historic setting of the two listed buildings has already been detrimentally affected by the loss of the original rear garden spaces to the retail park in the 1980s, and the earlier loss of the rest of the terrace which has distorted their historic context. Incorporating the buildings once again into an active street

frontage is therefore welcomed however it still needs to be legible that these are a surviving remnant of a larger terrace. The transition between the historic buildings and the new development on either side is crucial to ensure that the listed buildings are not overwhelmed by the sheer scale of the new buildings.

- The submitted plans include creating a new landscaped courtyard to the rear of the listed buildings to provide private amenity space for the occupiers. This would form a small buffer between the listed buildings and the car park however I am concerned that this area will be constantly overshadowed. This new amenity area would be bordered by the rear of the car park and the side of the supermarket with some fencing to the front of the site. This rather harsh boundary therefore needs to be softened as much as possible by the sensitive use of materials and green landscaping. A solid brick wall to the side of the supermarket for example will only emphasise the oppressive nature of the amenity space. The architect indicated during the MADE presentation that the incorporation of climbing plants or a green roof had been looked at during the design development stage. This should be explored further to the elevations surrounding the amenity space - although it may not be practical on the car park because of the need for through ventilation.

New retail units

- The design of the new retail units to the left of the listed buildings is less successful than the supermarket. The architect has sought to incorporate elements of the listed building details but this has resulted in a modern version of a Georgian building rather than a contemporary building which stands on its own merits. The roof is particularly jarring when viewed from the side elevation and in distant views along Birmingham Road. Amending the roof form, adjusting the rhythm of the openings and revisiting the profile and location of the stone detailing would create a better contrast with the listed buildings. The relationship to the small public space alongside the access should also be improved to act more as a spill out area or entrance feature, adding a focal point to this junction. The size and height of the new building, the use of render and the 6m gap between the existing and new buildings are acceptable.
- The car park block beyond will be quite visible in views from opposite the site and again the use of large areas of plain facing brickwork should be revisited. The stairs leading to the upper parking deck could also be made more of a feature, reflecting the external treatment of the new retail units rather than a purely function led design which adds no visual interest. This could perhaps be incorporated into the proposed glazed cube to the side of the retail units.

English
Heritage

Consulted - views received 01.06.09:

- The application site immediately adjoins Bromsgrove Town Centre Conservation Area and envelops the site of two grade II listed

buildings Nos 48-52 Birmingham Road. The land is currently occupied by a filling station, car parking and a pair of undistinguished modern trading sheds. It forms an unattractive setting to the listed buildings and is an unprepossessing approach to the Town Centre from the north.

- English Heritage has no objection to the principle of redeveloping the site. We welcome the current proposals as an architectural enhancement to the Town for reinstating an active frontage to the Birmingham Road and recreating a continuous frontage line for the listed buildings.
- We are particularly pleased that the developers and their architects have been able to respond positively to the comments we offered at pre-application stage and have excluded the listed buildings from the development allowing them to retain their own curtilage and rear space. We consider that the scale and design of the new frontage ranges will sit comfortably alongside the listed buildings.
- Overall therefore English Heritage has no objection to the proposed redevelopment of this site. We are content to leave resolution of detailed issues such as selection of materials, landscaping etc with your Council.

CABE

Consulted - views received 01.06.09:

- Unfortunately on this occasion, due to limited resources, we are unable to review the application.
- However, there are a number of regional design review panels around the country with a remit to focus on significant schemes in their region.
- We have been in contact with the West Midlands Regional Design Panel to suggest that they consider putting the scheme before their panel.

Design Review West Midlands

- For the reference of Members, MADE (Midlands Architecture and the Designed Environment) is a regional centre for architecture and the designed environment, core funded by Arts Council England and the Commission for Architecture and the Built Environment (CABE)
- The aim of Design Review is to encourage design excellence in both the public and private sectors. Its role is to review development proposals and provide input to developers and clients that will enhance the quality of the design. Design Review West Midlands (DRWM) aligns with other regional strategies in an integrated partnership approach towards making the West Midlands a premier region. DRWM liaises regularly with Commission for Architecture and the Built Environment (CABE)'s national design review panel and Urban Vision North Staffordshire's design review panel. A key objective is to assist design teams, planning officers and Councillors in understanding and promoting quality design, encouraging the delivery of better schemes, whilst identifying and resisting poor quality development.

DRWM also has a wider role in promoting quality design and developing a more informed and aware community of practitioners in the region.

- Design Review West Midlands is the collective name for a Panel whom are an independent group (though not an organisation in its own right) that give impartial design advice and guidance in its own name; MADE is not responsible for the Panel's views given during the Design Review process. The Panel is not part of the statutory planning process. Schemes are put forward to the Panel freely and voluntarily from a variety of sources; Local Planning Authorities, developers, architects, design advisers, housing associations, etc with no obligation on any party to put forward a scheme for design review.
- The applicant and the District Council were invited to attend the Design Review Panel Meeting on 16 July 2000 where the scheme was reviewed.

The Design Review West Midlands Report was received 30.07.09:

- I refer to the proposals for the comprehensive redevelopment of Bromsgrove Retail Park by Sainsbury's Supermarkets Limited that were presented to the West Midlands Regional Design Panel at its meeting of 16 July 2009 in Bromsgrove. The following comments constitute the Panel's formal response to the current planning application.
- The Panel found much to praise in these proposals. It strongly supported the re-establishment of the built frontage to Birmingham Road with retail units, the public realm works that will be carried out from the development towards the Town Centre, and Sainsbury's continuing commitment to sustainable development.
- It is also relieved that the proposals do not affect the fabric of the listed buildings, Nos. 48-52 Birmingham Road.
- However, the Panel is concerned that the proposed store and car park are rather too large for the site.
- This results in two particular drawbacks to the scheme:
- Firstly, the store encroaches too closely upon the rear of the listed buildings, adversely affecting their setting by its overbearing and overshadowing presence. Secondly, it compromises the opportunity to provide an attractive landscaped space embracing Spadesbourne Brook.
- It is recognised that the proposed building is no closer to the brook than the existing buildings - but that is evidently too close, as the Panel's saw on its site visit. It is of course welcome that the project involves additional planting and the removal of the existing security fence alongside the brook, but this does not compensate for the lost opportunity to create a valuable amenity area, and to move the development away from the residential buildings to the east.
- The Panel considers that there is a risk of noise from the upper level service yard, causing a nuisance for these residents.
- The Panel supported the inclusion of six small retail units within the

main façade of the store, screening the travelator to the first floor. It suggested that the store's restaurant might be relocated on the ground floor frontage to animate the street more effectively. The Panel was also pleased to see three more retail units provided to the north of the listed buildings, but was not convinced by the attempt to relate their architectural appearance to the listed buildings.

- There is also a need to control the signage which in some of the illustrations appeared excessive.
- The Panel questioned the extensive use of brick to enclose the store, car park and service area; is this consistent with the Company's sustainability objectives? Might 'green walls' be a more sympathetic enclosure for the long rear and side elevations?
- Finally, the Panel considered that the vehicle entrance to the site may be unnecessarily large and difficult for pedestrians to cross. The continuation of the pavement materials with dropped kerbs and a crossover would have the effect of slowing approaching vehicles and indicating a priority for pedestrians. The Panel also urged the developer and Council to be careful about the management arrangements for the undercroft car park outside shopping hours if it is intended to support evening activities in the vicinity.
- In summary, the Panel generally supports the scheme, but has reservations about the size and site coverage of the store and car park with consequent impacts on the setting of the listed buildings and the Spadesbourne Brook, the architectural appearance of the three retail units alongside the vehicle entrance, and the design of that entrance.

Independent
Retail
Consultant

Consulted - views received 26.10.09:

- Having now had the opportunity to review in detail the relevant material I remain of the view that the proposal appears to be compliant with retail policy, and should be welcomed.
- There is a clear need for new retail to serve Bromsgrove, but with some notable exceptions centrally located sites on which this need can be accommodated are lacking. Unless creative proposals such as this are encouraged and, ultimately, realised, it is inevitable that pressure will grow for retail development away from the heart of Bromsgrove, which may be harmful to the centre.
- That said, there are some points of clarification that need to be addressed by the applicant before I can reach a final conclusion on the scheme. These include:
 - Setting out the quantitative need position having netted out sales associated with existing retailers on the site;
 - Identifying the source for comments made with regard to qualitative need; and
 - Providing further analysis in terms of impact

Additional views received 24.11.09 following receipt of additional retail

information requested above:

- There is no requirement to demonstrate quantitative need for the proposal. This notwithstanding, such analysis is useful as it speaks to questions of appropriateness of scale. I asked Turley Associates (TA) to provide a summary table of the net effect of the proposal in need terms. Their Table 1 does just this, and illustrates the point that the proposal can be accommodated in the local retail market.
- There is no requirement to demonstrate qualitative need for the proposal. That said, questions of qualitative need are helpful in establishing the rationale for the proposal, and providing further justification for it. TA have provided a minor point of clarification in this regard that I raised, and explained their position further. This provides additional support for the application.
- TA have, as requested, provided further analysis (their Tables 2 - 4) to estimate the likely distribution of trade diversion. The commentary to this rightly observes that there is strong evidence of "over trading" amongst existing main food retailers in Bromsgrove, and the new store would principally eat into and equalise this. Their assumptions in terms of the pattern of trade diversion generally seem appropriate; I would suggest they have understated the likely impact on Morrisons and overstated the impact on stores outside the area, but not to a significant degree, and neither point is material to the determination of the application.
- The key point is impact on the Town Centre - or more appropriately the redistribution of trade between different locations in the Town Centre in circumstances where the application site occupies a Town Centre location. Polarisation of trade towards the periphery of the centre arising from the proposal would be a potential cause for concern - but the TA analysis suggests this should not be the case. Trade diversion from Asda will be comparatively high, but this store should continue to trade at a healthy level. Trade diversion from other stores in the centre will be comparatively low. On balance the scheme is acceptable in impact terms.
- The calculation of "spin off" benefits to Town Centres associated with new superstore development is very difficult. This notwithstanding, the estimate provided by TA coincides with my own view that the spin off benefits to the existing high street (excluding Asda) are likely to outweigh the impact on it in expenditure terms; the proposal should make a positive contribution to the centre.
- TA observe that maximum flexibility is sought in terms of the unit shop provision, and this is reasonable. That said, the authority should seek to ensure via Condition or otherwise that an active frontage characterised by individual units in class A1 - A3 uses is retained here. This is important to the relationship between the development and the rest of the centre, to create diversity, and to avoid a monolithic scheme evolving. It strikes me that this is good planning and will help to ensure that, as encouraged by policy, the most is made in terms of the contribution of this important Town

Centre site. The design of the proposal suggests that reversion to a monolithic scheme would be unlikely, but it makes sense to ensure the character of the development is controlled.

- On this basis, and subject to my comments relating to use of Conditions in relation to the independent retail uses, I am of the view that the proposal is consistent with retail planning policy.

Additional views requested and received 23.01.10 following the publication of PPS4, and in light of Turley Associates' (TA) letter reviewing the new guidance and its implications for this application:

- As you are aware, PPS4 - Planning for Sustainable Economic Growth - was published on 29 December 2009. It brings retail and centres policy, previously addressed by PPS6, under the same umbrella as policy for other economic development, including the B use classes. In this way, it provides an overarching framework within which all types of economic development, broadly defined, is to be considered.
- The headline policy objective is the promotion of sustainable economic growth. To this end, objectives relating to the promotion of Town Centres are retained, but placed alongside wider objectives relating to improving economic performance and prosperity, promoting regeneration, tackling deprivation, reducing the need to travel, and responding to climate change.
- PPS4 adopts a positive and upbeat tone towards planning for the promotion of economic development and growth. Indeed, it provides (policy EC10.1) that: "Local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably."
- These themes are picked up by TA in their letter. At this general "headline" level it is clear that national policy continues to provide support for the application proposals. That said, it is also of course necessary to consider the detail contained within the "Development Management" policies of PPS4, and the extent to which they apply to this particular scheme.
- TA comment (page 4) that, "Importantly, one of the most notable changes in PPS4 is the removal of the requirement for an applicant to demonstrate need for a proposal." Strictly speaking, this is indeed the case. However, in my view, the headlines elsewhere suggesting that "need" has entirely disappeared as a "development management" test with the introduction of PPS4 are somewhat misleading. Reading the policy and accompanying practice guidance paper as a whole, it is clear that it will continue to affect development management decisions in at least three areas.
- The first is the application of the sequential test, as it is difficult to undertake this in a meaningful way without understanding the nature of the need and hence the locations that might potentially be capable of meeting it. Second, the impact test set out at EC16.1 includes (part d) reference to the requirement to take

capacity into account, indicating that an understanding of quantitative need is required. Third, the impact test (EC16.1 part b) also makes reference to local consumer choice; this together with more general themes of choice and competition indicate that an understanding of qualitative need is also required.

- That said, the issue of "need" was essentially not in dispute in the pre-PPS4 advice I gave you and to the extent that, as discussed above, it is still relevant with PPS4 in place, this remains the case. In a conventional PPS6 sense there is a clear need for the development, and need arguments still serve to support it, albeit now framed in a different way.
- TA correctly observe that PPS4 does not change the position in relation to the sequential test. The proposal remains compliant with the sequential test.
- In terms of PPS4 policy EC14, and particularly part 6 of that policy, it is not clear that the impact tests set out at EC16.1 should apply to this proposal. That said, TA review these tests in any event. There is nothing fundamentally new in the matters covered by the criteria at EC16.1, over and above the issues previously addressed by TA and reviewed in my earlier advice to you. The proposal remains acceptable in these terms.
- Finally, TA turn their attention to the requirements of policy EC10.2, against which all planning applications for economic development should be assessed. The criteria set out in parts a to e of this policy are clearly important and relevant, particularly in the context of policy EC17.1 b which establishes EC10.2 as a "gateway" test, i.e. where clear evidence of any significant impact should result in refusal. You will therefore obviously need to be satisfied that the requirements of EC10.2 are met. That said, this policy does not deal directly with retail matters and as such is outside the scope of my instructions.
- In summary, and subject to any views you may have in relation to EC10.2, the publication of PPS4 does not change my generally positive views about the scheme. It is consistent with retail planning policy. My previous observations on the use of Conditions similarly remain unchanged.

EA

Consulted - final views received 09.02.10:

- Further to your latest consultation with us on the above proposal and the receipt of additional information, we have no objection to the proposal subject to the inclusion of Conditions to mitigate potential adverse impact in terms of both flood risk and pollution prevention.

Surface water drainage/flood risk

- Hydraulic modelling of the Spadesbourne Brook undertaken by Royal Haskoning has shown that virtually all of this brownfield site falls outside Flood Zone 3 (high probability fluvial flood risk zone as in Table D1 of PPS25). Figure 7 of the FRA highlights that most of the site falls outside the 1 in 1000 year floodplain and is effectively in Flood Zone 1 (zone at lowest risk of fluvial flooding).

- The modelling has taken into account the impacts of climate change (20% on peak river flows) and blockage scenarios on the watercourse. A flood defence wall has been proposed which will protect the below ground parking areas of this "Less Vulnerable" development and Tables 13 and 14 of the Hydrology Report confirm that the proposed layout does not alter existing modelled river levels for all flood events.
- Rainwater harvesting and underground attenuation have been proposed although a detailed drainage strategy has yet to be designed. We would expect to see a reduction in surface water run-off post development in the region of 20%. It should be noted that all SUDS should be appropriate for the ground Conditions to avoid potential mobilisation of contaminants and to reduce flood risk.
- We are satisfied that a thorough assessment of flood risk in line with PPS25 guidance has been undertaken and we can therefore remove our former precautionary objection on flood risk grounds if the following Conditions are attached to any permission which may be granted.

Contamination/pollution prevention

- Following receipt of additional information, we have no objection on contamination ground subject to the inclusion of the following Conditions which are necessary to protect controlled waters and the underlying aquifer.

Drainage Engineer	Consulted - views received 21.05.09: <ul style="list-style-type: none">• No objection subject to Conditions
EHM Noise	Consulted - final views received 27.04.10: <ul style="list-style-type: none">• No objection subject to Conditions
EHM Air Quality	Consulted - final views received 14.04.10: <ul style="list-style-type: none">• Following extensive negotiations, the applicant has agreed to a six months continuous air quality monitoring regime prior to any work on site to provide accurate baseline data.• If this exercise shows that the "with development" scenario will cause adverse problems then a mitigation action plan framework and attendance at relevant air quality steering group meetings (if applicable) by the applicant should be controlled through suitable Conditions• The cost of the monitoring Condition has been agreed by the applicant to form part of the Section 106 Agreement.
EHM Lighting	Consulted - final views received 07.06.10: <ul style="list-style-type: none">• I have studied the submissions relating to the provision of the above, including Car Park Lighting Statement 25-05-09 and amended design specification P158-463-F2-R6, date 20/01/2010 relating to the above application.• No objection subject to suitable Condition.

EHM
Contaminated
Land

Consulted - views received 01.07.09 :

- No objection subject to Conditions
- Please be aware that these comments relate to Human Health only, I believe that the Environment Agency has already provided comment regarding Controlled Waters.
- Section 15, "Existing Use", of the application form states that contamination is not suspected at the application site. When considering the long and varied industrial history of land-use at the application site we consider that it is not possible to state that contamination is not suspected until full site investigation has been undertaken.
- A review of the submitted DTS Raeburn Ltd "Geo-Environmental Appraisal of a Site at Birmingham Road, Bromsgrove" report dated February 2008 (Ref: E12109/1 - Issue 2) has been undertaken.
- The report comprises a desk study and initial intrusive investigation and risk assessment of the site. The site has been used for a variety of potentially contaminative uses since approximately 1840. These have included a corn mill and associated infilled mill pond, nail factory, cycle factory, engineering works, garages, two petrol filling stations and a laundry. It is therefore likely that a degree of contamination exists at the site.
- The intrusive site investigation and sampling work that has been undertaken to date is limited. Only 11 soil and made ground samples have been analysed and of these 6 were analysed for speciated TPH, 4 for VOCs and 3 for PCBs. However, the report does provide an initial indication of ground Conditions at the site. Given the history and size of the site it is considered that further intrusive investigation, sampling and risk assessment is required following the demolition of existing structures. Investigation can then be targeted to those areas where potentially contaminative uses have occurred.
- As recommended by the report, investigation of the existing petrol filling station is required. It is recommended that contact is made with the petrol filling station as a number of incidents at the site may have a impact upon any site investigation works. Any scheme for the decommissioning of the existing petrol filling station should be agreed with the Local Authority and the Environment Agency prior to being undertaken.
- The works undertaken to date have identified potential hotspots of elevated levels of THP (e.g. WS6, WS8 and WS9) and VOCs (e.g. WS8 and WS10). Further consideration must be given to these hotspots, including consideration of the potential for accumulation and inhalation of any vapours, both indoors and outdoors.
- It has been noted that borehole logs for WS6 and WS7 identify a geomembrane at 0.5m bgl and 0.8m bgl respectively. No reference to this has been made in the body of the report, it would be useful if some explanation as to its presence can be provided.
- Human health risk assessment has been carried out using SGVs

and GACs derived using the CLEA UK Model 2005 (Version 1.0) and LQM/CIEH GACs which have been derived using CLEA UK Model Version 1.03 Beta. At the time of the writing of the report these models were considered to be the most relevant. However, in January 2009 these SGVs and CLEA Models were formally withdrawn by the Environment Agency. They have been replaced by CLEA UK Model Version 1.04 and the Environment Agency are in the process of developing and publishing revised SGVs.

- Any future human health risk assessment using CLEA must be carried out in accordance with the current revised CLEA UK Model Version 1.04, the associated Science Reports and any available revised SGVs.
- To summarise, the information submitted to date provides a desk study and initial assessment of ground Conditions at the site. It is considered that further intrusive investigation and risk assessment is required in order that risks to human health and the wider environment can be fully evaluated.
- It is strongly recommended that additional site investigation strategies are discussed with the Local Authority and the Environment Agency prior to be undertaken.

Additional comments received 03.09.09:

- As in previous correspondence I have no objection to the proposed development and am happy to recommend the Conditions detailed in previous correspondence.
- My comments on the latest submission are:
- I expect that the Environment Agency will provide comment on the Royal Haskoning Addendum Flood Risk Assessment. I have also passed the document on to John Bailey, Drainage Technician for his comment.
- With regards to the DTS Raeburn letter of 14th July 2009 I welcome the proposals to undertake further investigation and risk assessment of the site and I am in general agreement with the proposals made. However I have the following comments to make:
 - The enclosed Figure 1 "Plan Indicating Previous Site Uses and Exploratory Hole Locations" is very useful and allows for easy identification of previous site uses and targeting of samples.
 - The former substation site, outlined in yellow on Figure 1 "Plan Indicating Previous Site Uses and Exploratory Hole Locations" must be targeted for sampling and tested for an appropriate analytical suite including PCBs. It is not clear from the plan provided that this previous use area has been specifically targeted.
 - We welcome the opportunity to comment on any PFS decommissioning proposals prior to the work being undertaken.
 - With regards to VOC inhalation I agree that the potential for VOC accumulation is low when the design of the proposed building is considered. However we welcome the proposal to undertake further risk assessment in respect to VOCs and TPH.

- With regards to ground gas monitoring it is considered that the monitoring programme should be extended and continued as part of the additional site investigation works. The presence of the large area of unknown fill material associated with the former mill pond and the presence of made ground across the site represents the potential for gas generation on the site. In accordance with the CIRIA guidance document C665 "Assessing Risks Posed by Hazardous Ground Gases to Buildings" the monitoring programme for a commercial development where the potential for gas generation is moderate consists of six monitoring events over a three month period. I acknowledge that gas monitoring undertaken to date does not indicate a problem however the extension of the monitoring programme will provide confidence in these conclusions.

Tree Officer Consulted - views received 14.06.10 (in summary):

- On balance, although the junction aspect of the development fails to meet policies DS13 and C17 of the BDLP, I consider that with the replacement tree planting and particularly the creation of the wetland habitat area is sufficient mitigation for the loss of the existing trees. Subject to Conditions, I therefore have no objection to the proposal.

Natural England Consulted - views received 10.07.09:

No objection

1. Ecology

- Natural England supports the findings and recommendations of the Ecological Assessment. This redevelopment provides an ideal opportunity to enhance the Spadesbourne Brook for biodiversity, including water vole. We welcome the removal of the existing fence and concrete revetment and the habitat enhancement measures proposed. In addition to the proposed enhancement measures, bat and bird boxes should be installed in trees along the brook. These enhancement measures should be secured through an appropriately worded planning Condition.
- Access to and maintenance of the brook and habitats must be considered. Access for management purposes needs to be considered and designed-in to the proposals. The species rich grassland adjacent to the brook needs to be accessible with a mower if it is to be successful. Spadesbourne Brook is an ordinary watercourse, and as such its maintenance is usually the responsibility of the riparian landowners, although the council can become involved if agreed. Maintenance responsibilities for the natural areas of the site need to be agreed. We recommend the production of implementation of a management plan, secured through an appropriately worded planning Condition.
- The measures recommended to protect features during the construction phase must be secured through an appropriately worded planning Condition. The responsibility for ensuring these measures are adhered to should ultimately lie with the site

manager, and requirements must be made clear to all contractors. Root protection zones in accordance with BS5837 should be applied to the off-site broadleaf woodland belt as well as on-site features. Pre-commencement checks for water vole should be carried out by appropriately qualified and experienced ecologists. An ecologist should be retained on-call throughout the development.

2. Drainage

- The site is located in Flood Zone 3a, and, although flood risk appears to be minimal, we would suggest that enhancement of the Spadesbourne Brook has the potential to provide flood attenuation, as well as ecological enhancement. As the drainage system for the development is yet to be completed, we recommend serious consideration of opportunities to link drainage with ecological enhancement through the provision of SUDS. This would help to overcome the identified capacity constraints with existing culverts and help to maintain existing discharge rates.
- We support the proposed permeable paving and rainwater recycling systems, and recommend that they are secured through an appropriately worded planning Condition.

3. Renewable energy and energy efficiency

- We support the proposed energy efficiency measures and installation of a biomass boiler to delivery 28% of the development's energy requirements. We would welcome the achievement of a BREEAM rating.

WWT

Consulted - views received 21.05.09:

- We do not wish to object to the proposed development but we would like to see several aspects of the final design closely controlled by Conditions.
- In particular we would hope to see significant ecological enhancement associated with the Spadesbourne Brook and the local water vole population in line with the recommendations made in the ecological survey. These recommendations should form the basis of a detailed Condition covering ecological mitigation and enhancement, the details of which must be agreed with the LPA, and we would be happy to provide further advice at a later stage if that would be of use. It is not clear whether the existing proposals include bank re-profiling as well as habitat management and this should be clarified as part of the Condition process.
- We note that the flood risk assessment includes details of a rainwater harvesting mechanism and potentially 'soakaway' solutions for the other hard surfaces. We would be keen to see biodiversity-friendly SUDS solutions used either instead of, or as well as, these. For example a green roof and overland swales and pools could also help to ameliorate runoff but would offer additional biodiversity benefit if correctly designed. We would recommend that the final drainage design is covered by Condition and that a robust set of reasons for not using the more biodiversity-friendly methods is provided if they are not forthcoming in the final

strategy. Paragraph 14 of PPS9 makes clear that where opportunities exist to build in beneficial biodiversity features as part of good design they should be maximised and it appears to us that this is a good example of where more could be done to enhance the built environment for wildlife.

West Mercia Constabulary: Crime Risk Manager (CRM) Consulted - views received 26.06.09:

- Objection
- The proposed ATM is located in a vulnerable position. Ideally, the ATM should be located as far as possible from doorways, recesses, passageways, secondary roadways, shrubberies, hoardings or other features that may conceal a potential threat such as hidden long-range surveillance equipment or a criminal hiding from view.
- Should the application be granted I ask that consideration be given to the inclusion of a planning Condition requiring the developer to install a CCTV system approved by the police
- I have concerns in relation to the undercroft car parking facilities. Unless pedestrian access is limited there will be incidents of crime and disorder and there is likely to be a fear of crime from the users of this facility.

Additional views received 05.03.10:

- With reference to Sainsbury's I have met with one of their development representatives and agreed a new location for the ATMs and the CCTV.
- This alleviates previous concerns and no objection is now raised to the application.

West Mercia Constabulary: Counter Terrorism Security Advisor (CTSA) Views received 24.06.10:

- CTSA's have a remit for the Protection of Crowded Places. The Sainsbury's Design and Access Statement (April 2009) page 21, when referring to the Public Space states 'It is expected that 5000 customers a day will pass through this public space to enter the store'. This does not include the many additional numbers attending by car. These numbers certainly contribute to a Crowded Place status.
- As a result I have viewed the proposed plans for the build in Bromsgrove. I note that the parking is to be an undercroft car park design, coupled with a smaller first floor area.
- The undercroft car park and the uncontrolled nature of the parking coupled with the crowded places site, raises the concern from the threat of and the impact of a vehicle borne improvised explosive device (VBIED).
- The international terrorist threat to the UK is currently assessed to be "severe". This is the second highest level of threat and means that an attack, which could occur without warning, is highly likely.
- The actual design of the build with the uncontrolled car parking underneath necessitates that the main shopping floor is supported

on columns and therefore any structural damage to these could result in damage to the store floor. This could be greater if this was caused by a VBIED.

- The uncontrolled first floor car park allows vehicles to pass along side the actual store wall. Vehicles in this location can be very large as the Service Yard is situated on this level. There is an absence of 'stand off' to give a distance between vehicles and the build itself. This adds to the damage impact that could be achieved by a VBIED.
- I would suggest that the following mitigation should be considered. Support columns and the store floor slab should be enhanced to take provision of a VBIED. The design should include the ability to close off the ground floor car park if necessary. Please remember that the exit could also be used as an entry point.
- The first floor parking area should also have the same ability to be secured. On this level 'stand off' should be introduced along the side of the store build to reduce any impact.
- Any physical control measures such as gates or barriers, should be to the appropriate standards.
- The glazing, particularly alongside the parking areas, should be laminated and the build structure next to parking areas should be designed to prevent secondary fragmentation.
- I hope you will feel able to look again at your proposal in the light of my comments and incorporate as many of the changes I have recommended as possible. From the point of view of counter-terrorism protective security these changes would lead to significant improvements and would be a welcome addition to the work we are doing to protect the public. But taking account of my view of the overall risk (which is informed by my views not only of the vulnerability of the proposed development to terrorist attack but also the terrorist threat **at this moment in time**, and the impact of any attack) I do not consider the changes I have recommended to be the highest priority.
- However I believe the ability for the premises to respond to an increased future threat, specific to their environment, will be made significantly easier and at less cost by planning and building in this way from the outset, rather than trying to retro fit mitigation measures at a later date.

West
Midlands
Regional
Assembly

Consulted - views received 20.05.10:

- As the amount of comparison floorspace proposed totals 1,745 square metres (885 square metres for Sainsburys and 860 square metres other units) the development is below out criteria for applications that we wish to be consulted upon
- For comparison floorspace the threshold is 5,000 gross square metres or more

Advantage
West Midlands

Consulted 19.05.09: views awaited

- Bromsgrove Society Views received 24.08.09:
- Whilst the Society is not registering an objection to the scheme, concern has been raised regarding the proposal to fell some of the mature trees fronting the old Parkside school building
 - The Heritage Statement (April 2009) is far too loosely worded and will allow for further tree felling later, as and when the improvements to Stourbridge Road are carried out
 - The Society also believes that that road improvement works should not be started until the new supermarket building is completed and open for business

- Publicity 15 identical site notices posted 12.06.09 (expire 03.07.09)
- 1 press notice published 22.05.09 (expires 12.06.09)
- 51 letters sent 21.05.09 (expire 11.06.09)
3 additional letters hand delivered 26.06.09 (expire 17.07.09)
- 68 letters sent 04.03.10 following receipt of amended plans relating to noise attenuation measures (expire 25.03.10)

Response from the *No Thanks* campaign received 23.06.09 (in summary):

- Possible inconsistencies in the Retail Capacity data used to justify the development
- The scale of the development is too large
- The development undermines efforts to regenerate the High Street and Market Hall
- Traffic movements outside the development will create a road safety hazard
- Concerned at the loss of independent shops and existing retail
- The benefits of the development have been overstated:
 - 400 new jobs
 - Regeneration
 - Economic benefits
 - The development is supported by the balance of public opinion

1 petition received 23.06.09 containing 795 signatures with the following heading:

No Thanks. Petition against a new superstore in Bromsgrove.

11 responses **objecting** to the scheme on the following principal grounds:

- Over provision of supermarket provision in Bromsgrove
- Such a big building should be built out of Town, not in a built up residential area
- It is noted that the store would have a café, other small shops and an Explore Learning Centre for small children. This clearly

demonstrates that Sainsbury's are determined to create a one stop shop that positively discourages shoppers from going onto the High Street

- The development will isolate the High Street
- Impact on High Street which is already suffering
- Increased car movements - the highway improvement works will not ease the sheer volume of traffic that comes through the Town
- Concern over lorry movements, including noise emanating from increased deliveries
- Sainsbury's claim they will create approximately 400 jobs but how many will be lost [from the existing Retail Park] due to this development?
- Loss of light to dwelling and garden (56 Birmingham Road)
- Loss of light on the east facing gable, which will be overpowered by the store and also on the north facing gable which will be overlooked by the three units intended to be constructed onto Birmingham Road (50/52 Birmingham Road)
- Concern over proximity of lorry parking to boundary
- Concern over out of hours security
- Concern over the noise generated from construction work
- Noise generation - mitigation measures are not sufficient

1 letter received from Cushman & Wakefield LLP (acting on behalf of Midland & Regional Limited owners of retail premises within Bromsgrove Town Centre) 15.06.09:

- My client hereby objects to the proposed application principally on the basis that there is a sequentially preferable site, capable of being developed for a food supermarket and available for development within the Town Centre and fronting onto the primary shopping streets as designated in the adopted local plan.
- My clients site, along with adjoining Council owned premises, is not only sequentially preferable but is located where a new food store is both physically capable of being developed, would provide both a physical and visual anchor to the established High Street (the primary shopping street), which is in stark contrast to the application site.
- My clients site, along with the Council's adjoining land, is recognised in the adopted Local Plan policy as specifically designated for retail and mixed use redevelopment (BROM17), where retail development would normally be permitted (BROM13) and the emerging Town Centre Action Area Plan (which would be prejudiced by this application), also specifically identifies my clients site and adjoining land as being suitable for the delivery of a new quality food store.
- My client is further of the opinion, that the proposed Sainsbury store, is of a scale to appeal to the car borne weekly food shopper and that when this characteristic is also combined with the physical orientation and design of the proposed store, coupled with its inferior location within Bromsgrove, (relative to both my Client's

site and the existing high street retail activity) would, inevitably, detract from the High Street and diminish the potential to maximise linked trips that would otherwise arise through the redevelopment of my clients' premises which more properly accords with policy.

- The Bromsgrove Retail Park location is therefore an inferior site in terms of environmental sustainability, public transport accessibility, pedestrian access, and particularly in respect of the adopted local plan policy, emerging action area plan policies and national planning policy.
- Consequently, my client considers that the application should be refused.

1 letter received from Harris Lamb Property Consultancy (acting on behalf of Lushair Designs Limited, trading as Lush Furniture Store) 11.06.09:

- We do not believe it would be appropriate to grant planning permission for the proposed supermarket for the following reasons:

The loss of a sustainable business

- The current Lush Furniture business is financially viable and continues to trade well despite an unfavourable economic climate. There are few opportunities for Lush to relocate if this site becomes unavailable. If planning permission were to be granted there is some uncertainty as to whether Lush Furniture could find similar premises within Bromsgrove. Consequently the Town could lose an established local business.
- We are aware that the Market Hall site in the Town Centre is soon to become vacant which could accommodate a supermarket without adversely affecting local businesses. It is inappropriate to approve a planning application that could unnecessarily have a detrimental effect on local businesses when there are alternative opportunities available.

Bromsgrove Town Centre AAP - Issues and Options Document

- The AAP identifies a site for "quality food" to the south east of the High Street on the Market Hall and George House site.
- As such a new superstore can be developed in this location without disrupting local business. Consequently the Market Hall site is a preferable location for the delivery of a food store.

Deliverability

- It is premature to grant planning permission for the development as it can not be delivered for over four years. Lush has a 25 year lease on the site that expires in November 2003.
- Other sites may come forward for a supermarket in the meantime that are immediately deliverable and are better suited to a supermarket development, such as the Market Hall site. Granting planning permission at this time could prevent such proposals coming forward.
- Granting planning permission for the proposed development whilst there remains some uncertainty over the deliverability of the scheme could have a significant impact on the formulation of planning policy and for all other planning applications for other

retail developments in the future. These impacts are significant enough to warrant the application being refused.

1 additional letter received from Harris Lamb Property Consultancy (acting on behalf of Lushair Designs Limited, trading as Lush Furniture Store) 07.10.09:

- We disagree with the applicant's agent that the existence of the lease for Lush Furniture, which does not expire until November 2013, is not a planning consideration that would prevent the Council from granting planning permission.
- It is our understanding that should the Council grant planning permission for the proposed store then this permission would be accompanied by the standard time Condition which states that the planning permission must be implemented within three years of the granting of planning permission.
- On this basis it is considered that should planning permission be granted for the Sainsbury's scheme this would create a planning consent which could not be implemented
- This makes the scheme undeliverable which may have an effect on future retail capacity studies and preclude the development of subsequent retail floorspace within the Town Centre which can be brought forward and implemented.
- It is therefore considered that planning permission for the proposed scheme should not be granted until the applicants have proved that they have a site which is ready to be developed within the three year period of a planning consent.

16 responses **supporting** the scheme on the following principal grounds:

- Development would revitalise and improve the Town Centre
- Enhancement of the area - it will add greatly to a rather drab and lifeless end of the Town
- The store would be a start to uplifting a part of Bromsgrove and perhaps that would encourage other notable shops to invest in Bromsgrove
- Beneficial to the regeneration of Bromsgrove
- The store will provide a magnet to draw more people into the Town as opposed to visiting out of Town shopping centres or retail parks
- The significant development could provide the impetus to further improve the High Street and the surroundings areas
- Provide welcome additional parking facilities
- Highway improvement works which will help the Town and its future prosperity
- Welcome employment opportunities - this will bring more prosperity and wealth that can be built on
- Boost to the overall Town economy
- Would attract more people from outside to come to Bromsgrove
- Provide more choice for Bromsgrove residents

Members are encouraged to review all submitted documentation detailed above, including the views of consultees in full, the pack of information submitted by the *No Thanks Campaign* and the third party letters summarised above. These are available to view online on the Council's Public Access system and are also contained within the planning application file.

The site and its surroundings

The application site is split into two elements:

- Bromsgrove Retail Park, Birmingham Road
- The Birmingham Road/Market Street/Stourbridge Road junction to the south

(a) Bromsgrove Retail Park

The Retail Park element of the site measures 1.7 hectares and currently accommodates three large scale retail units, associated areas of surface level car parking and a petrol filling station, equating to 5,406 square metres of existing retail floorspace. The retail units are occupied by Somerfield/The Co-operative supermarket, Lush (furniture retailer) and Focus (DIY retailer). The petrol filling station contains a small ancillary retail element. The three main retail units are set back from Birmingham Road, positioned on the eastern and southern boundaries of the site.

A large area of surface level parking is provided in front of the retail units fronting up to Birmingham Road, accommodating 190 car parking spaces. Vehicular access/egress to the site is provided by an all movements junction in the north eastern corner of the site directly from Birmingham Road, with a separate exit only at the southern end of the site. Service vehicles for the retail units share the customer access, with the retail units serviced at the rear. Within the site, the service yards to the retail units extend right up to the Spadesbourne Brook bank to the rear of the store which is retained by a concrete revetment.

Fronting Birmingham Road, adjacent to the petrol station at 48 -52 Birmingham Road, are a pair of listed buildings dating from the early 19th century. These are excluded from the application site, although the site includes land fronting Birmingham Road either side of these buildings. 50-52 Birmingham Road is in office use and is accessed from the rear rather than the principal front entrance. 48 Birmingham Road has also undergone total internal modernisation and been converted from residential to office use. The buildings currently provide office accommodation for the Citizens Advice Bureau and Oakley Accountants.

The southern and east boundaries of the site are marked by the Spadesbourne Brook, with the site screened from views from the south and east by vegetation that occupies the banks of the Brook. Beyond this is residential development along School Drive and Oakhurst Drive. In the vicinity of the application site, Birmingham Road is characterised by secondary frontage retail units, with a small parade to the south, car showroom, business premises, community facilities, the former Bromsgrove museum and TIC building and residential development. Development within the vicinity of the site along

Birmingham Road does not have a prevailing architectural style, with buildings of varying styles and age.

To the north-east, private gardens bound the site with tall, brick walls and, further to the east there is a dense screen of conifers. To the south west, a dense leylandii hedge prevents views between the site and the business premises beyond. On the far side of the brook the ground is relatively well wooded. Recent housing development has triggered a programme of habitat restoration activity, which has thinned out some of the trees and attempted to improve waterside biodiversity.

(b) The Local Highway Network

Birmingham Road links the A38 to the north with the A448 to the south. The road is generally of standard single carriageway width and is the subject of a 30 mph speed limit. Within the vicinity of the site on-street parking is generally prohibited, however there are stretches of uncontrolled on-street parking along Birmingham Road. The junction of Birmingham Road with the A448 to the south comprises of a four-arm cross road signal controlled junction with the B4091 Stourbridge Road and A448 Market Street and Stratford Road.

Commercial properties lie to the north and south-east of the junction whilst to the south-west Parkside car park abuts the junction (to the back of pavement). To the north-west, the junction adjoins the curtilage of Parkside Middle School and associated grounds. The former school building is currently vacant and is listed Grade II.

The retail park element of the site is located in the Town Centre Zone and a recognised secondary shopping street as detailed in the Bromsgrove District Local Plan. The highway network the subject of this application is also located in the Town Centre Zone, with The Strand and part of Stratford Road falling into the designated Town Centre Conservation Area.

Proposal

This full application proposes the comprehensive redevelopment of site to provide a new supermarket (Class A1) of 8,449 square metres, individual retail units (Class A1 - A3) totalling 1,076 square metres (GIA) with associated car parking, access, highway, landscaping and other works.

The application includes highways improvements, both along Birmingham Road and The Strand to improve vehicular and pedestrian access to the site, and improvements to the Stourbridge Road/Birmingham Road/Stratford Road/Market Street junction to the south of the site.

The scheme also includes a programme of landscape and tree planting within and outside the site.

Scheme Components

(a) Sainsbury's Store

The scheme will provide a new Sainsbury's store comprising 8,449 square metres gross internal area (GIA) made up of retail sales floorspace, back up areas, customer restaurant, Explore Learning Centre, customer toilets and staff facilities. The store will offer a comprehensive range of food items and everyday convenience goods and complementary comparison goods (such as clothing, footwear, kitchen and homeware, media and recreational goods, pet products and seasonal items). It is envisaged the store will create approximately 400 job opportunities.

The table below provides a breakdown of the floor areas of the various components of the scheme:

Use	Area
Sales Area	4,147 square metres
Restaurant	269 square metres
Explore Learning Centre	232 square metres
Atrium, lobby and facilities	1,812 square metres
Back Up	1,989 square metres
TOTAL	8,449 square metres

The frontage of the new store is located directly onto Birmingham Road, either side of the Listed Buildings. It is intended that they will form the central feature of the strengthened building frontage to Birmingham Road, with the new buildings set away from the flank walls of the listed building on each side. To the rear of the listed buildings an enlarged private walled courtyard is to be created, around which the two storey store will wrap.

The main store will be located on the first floor, with undercroft car park at ground floor, and additional deck car park at the northern end of the store. There are three pedestrian access points to the store along Birmingham Road. Two are located within the main glazed atrium, either side of the new retail units proposed within it, which fronts Birmingham Road to the south of the listed buildings. Access to the first floor store will be gained via travelators, lifts and stairs. The further access from Birmingham Road will be located to the south of the listed buildings, in between these and further additional retail units that form part of the scheme. Further pedestrian access will be provided at the rear of the atrium, providing access from the car park. Access from the first floor deck car park will be provided directly into the store at the northern end of the checkout line.

The new building will be two storeys high, to reflect the scale of the adjacent listed buildings and the predominant building height in the locality. The building line of the new store to the north will follow the building line of the listed buildings, whilst the new building line to the south will be set back slightly to create an area of public space by the entrance.

The design of the new development will be modern and utilise modern materials. The entrance building and retail units will be largely executed in glass and metal, with full height glazing to the main store frontage. In terms of other facing materials, a red brick will be selected as the façade material for the new retail units to Birmingham Road. This brick will be matched to brick from neighbouring existing buildings. The brick will also be utilised for the store plinth to enclose the car park. Render panels have been introduced

to the gable ends of the retail units. Timber louvres have been incorporated as a natural building material.

At the rear of the site, adjacent to Spadesbourne Brook the building is stepped downwards in order to better relate to the existing residential development on School Drive and Oakhurst Drive. In this area, the proposed building will be lower than the existing retail units currently on the Retail Park.

Vehicular access to the site remains fundamentally the same as the existing layout with an all-movements access to the north and an exit-only to the south. The northern access will serve as the main access/egress for the store and will also accommodate all servicing vehicles.

It is proposed to provide a total of 479 car parking spaces with 395 spaces on the ground floor and 84 on the first floor. The car parking composition is summarised below.

	Standard Bays	Disabled Bays	Parent and Child Bays	Total
Ground Floor	358	21	16	395
First Floor	79	2	3	84
TOTAL	437	23	19	479

The disabled and parent and child bays on the ground floor are located close to the travelators, stairs and lifts that will take customers up to the store at first floor level. The bays on the first floor are located close to the main customer entrance.

44 cycle spaces and 25 motorcycle spaces are also proposed as set out below. The cycle spaces will be provided in the form of sheffield stands, and these will be located within the ground floor level car park near to the store entrance.

	Cycle Parking	Motorcycle Parking	Total
Ground Floor	44	25	69
First Floor	0	0	0
TOTAL	44	25	69

The service yard for the store is located at first floor level, to the rear of the store and will be accessed by a ramp, which also provides access to the decked car park area. It is also proposed to incorporate a home delivery service at the store, called Sainsbury's Goods Online (GOL). This service allows customers to place their shopping orders online via the Sainsbury's website, which is then delivered to their home by the Sainsbury's vehicles. A typical GOL delivery vehicle is a 3.5 tonne box van capable of delivering up to ten drops per trip and carrying out two trips per day. The service yard will accommodate four GOL loading bays which allows up to eight GOL vehicles to operate at any one time.

It is anticipated that the Sainsbury's store will typically receive eight articulated lorry deliveries per day direct from the Sainsbury's depots. These deliveries are usually carried out outside of the highway peak hours but will include night time deliveries. In addition, the store will typically receive an additional four daily deliveries direct from bread and milk

suppliers, usually in 18 tonne rigid vehicles. Similarly, these deliveries are also carried out before the morning highway peak hour. The service yard will accommodate two service docking bays allowing for two articulated vehicles to be unloaded at any one time. Provision has also been made for a holding bay at the top of the ramp for a third articulated vehicle to wait on the occasion where a vehicle arrives whilst the two docking bays are already occupied.

The opening hours of the store are likely to be 08:00 - 22:00 Monday to Saturday and 10:00 - 16:00 Sundays.

(b) Individual Retail Units

In addition to the Sainsbury's store, nine independent retail units are proposed, both incorporated within the glazed atrium at the southern end of the development, and to the north of the listed buildings at the northern end of the site. All these units front onto Birmingham Road with independent access. The units will be serviced from Birmingham Road. The units in the atrium will be incorporated into this design with glazed frontages. The units at the northern end of the site will be two storey and have a pitched roof design, with elevational treatments to reflect the adjacent listed buildings.

(c) Explore Learning Centre

The Explore Learning Centre will be located at first floor level adjacent to the restaurant. The facility will provide tailored computer-based english and mathematics learning programs for children aged 5 to 14 supported by tutors. The programs are designed to link to the national curriculum and compliment conventional school-based learning. The facility allows parents to drop their children off at the centre while they visit the Sainsbury's store, other shops or café. The centres are typically open from 3pm to 8pm during term times and all day during the holidays. The facility will be run by Explore Learning who also operate 33 other similar facilities across the UK.

(d) Highways Improvements

A number of improvements to Birmingham Road are proposed to improve traffic flow and through the two access points to the site. The right-turn lane into the northern access of the site is proposed to be lengthened. The right-turn lane into Bromsgrove Rovers Football Club and its adjacent residential access road on Birmingham Road will also be improved.

In order to accommodate these improvements, it is proposed to remove sections of on-street parking, allowing for improved flow of traffic through the area. A pedestrian crossing facility is also proposed along Birmingham Road near to the main entrance of the foodstore.

A significant programme of junction improvement works is proposed to enable this junction to operate with increased traffic levels, to maximise the operational capability of the junction and to enhance pedestrian crossing facilities.

The proposed improvements are as follows:

Stourbridge Road

- Additional right-turn lane on approach
- Staggered pedestrian crossing with central refuge
- Improved exit lane

Birmingham Road

- Change in lane allocations on the approach
- Additional exit lane
- Reverse staggered pedestrian crossing central refuge

Stratford Road

- Additional right-turn lane on approach
- Widening of footway adjacent to Strand House

Market Street

- Additional lane for ahead movements
- Additional exit lane
- Reverse staggered pedestrian crossing central refuge
- Reconfiguration of junctions with car park and Recreation Road to consolidate two junctions into one

These works fall within the setting of the Town Centre Conservation Area (to the south) and the Grade II Parkside School (to the north and west).

(e) Landscaping

The scheme includes a comprehensive landscape strategy that includes screening in the form of trees and other planting on the southern and eastern boundaries, along the bank of the Spadesbourne Brook. Planting is also proposed along the south-west and northeast boundaries of the site to screen and soften the appearance of the development from the neighbouring uses.

The landscape strategy includes planting and other remedial works along the banks of the Spadesbourne Brook to enhance the biodiversity of this area, and create habitats suitable to attract species such as water voles, which are known to inhabit the Brook.

In addition to the works around the store, a landscape strategy is also proposed in conjunction with the highways works at the Birmingham Road/Stourbridge Road junction to the south of the site. This proposes additional planting along both sides of Market Street and at other locations around the junction.

The application has been accompanied by the following documents:

- Air Quality Assessment
- Arboricultural Management Plan
- Design and Access Statement
- Ecology Assessment
- Flood Risk Assessment

- Ground Conditions Report
- Heritage Statement
- Hydrology and Hydraulics Report
- Landscape and Public Realm Strategy
- Lighting Scheme
- Noise Report
- Planning and Retail Statement
- Renewable Energy and Energy Efficiency Assessment
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Tree Survey

Relevant Policies

WMSS	PA1, PA6, QE1, QE2, QE3, QE4, QE5, QE7, QE9, EN1, EN2, T1, T2, T3, T4, T5, T7, UR3
WCSP	CTC.5, CTC.6, CTC.8, CTC.9, CTC.14, CTC.15, CTC.19, CTC.20, D.31, D.32, D.34, D.43, IMP.1, SD.2, SD.3, SD.4, SD.5, SD.9, T.1, T.3, T.4, T.10
BDLP	BROM11, BROM12, BROM13, BROM14, BROM18, BROM19, BROM22, C5, C6, C10A, C12, C16, C17, DS3, DS10, DS11, DS13, E4, E9, ES1, ES2, ES4, ES6, ES7, ES11, ES14, ES14A, ES15, S20, S29, S35A, S36, S38, S39, S41, S43, S44, S45, TR1, TR6, TR8, TR10, TR11, TR13

- Others
- PPS: Development Management: Proactive Planning from Pre-Application to Delivery (Consultation Draft)
 - PPS1 Delivering Sustainable Development
 - PPS4 Planning for Sustainable Economic Growth
 - PPS5 Planning for the Historic Environment
 - PPS9 Biodiversity and Geological Conservation
 - PPG13 Transport
 - PPS23 Planning and Pollution Control
 - PPG24 Planning and Noise
 - PPS25 Development and Flood Risk
 - Circular 11/95
 - Circular 05/2005
 - Circular 06/2005
 - Circular 02/2009
 - Crime and Disorder Act 1998
 - Bromsgrove Town Centre Study 2004
 - Bromsgrove Town Centre Retail Capacity Analysis Update 2007
 - Bromsgrove Town Centre Area Action Plan: Issues and Options Report 2008
 - Conservation Principles, Policies and Guidance (English Heritage, 2008)
 - Core Strategy (Consultation Draft) (October 2008)
 - Annual Monitoring Report 2009
 - Bromsgrove District Employment Land Review 2009
 - Local Air Quality Management Technical Guidance (DEFRA, 2009)
 - Planning for Town Centres Practice Guidance on Need, Impact and the Sequential Approach (CLG, December 2009)
 - Safer Places: A Counter Terrorism Supplement (A Consultation Document) (April 2009)
 - Working Together to Protect Crowded Places (A Consultation Document) (April 2009)

For the reference of Members, the Department of Communities and Local Government issued a letter on 27 May 2010 advising Local Planning Authorities of the Government's intention to abolish Regional Spatial Strategies and return decision making powers on housing and planning to Local Councils. The letter is a material planning consideration to any application being determined. Members should therefore give no weight to the West Midlands Regional Spatial Strategy planning policies referred to above.

Relevant Planning History

The most relevant planning history for the site relates to the development of the retail park, which was granted consent in January 1988 (reference B15842). This application proposed a DIY retail warehouse of 2,787 square metres gross, a retail unit of 1,254 square metres gross and a retail warehouse 929 square metres. A number of planning Conditions were attached to the original planning permission, the two most relevant to this application related to restrictions on the sale of goods, and have been the subject of a number of further applications to vary or remove them.

In June 1991 planning permission (reference B/1991/0304) was granted in relation to retail unit C to allow occupation by a food retailer. The application sought to vary Condition 2 on planning permission B15842. The application was made by KwikSave who wanted to relocate their Birmingham Road store to the retail park, moving it to within the Town Centre. The application was permitted on the basis that it would not result in a dispersal of an existing major store from the Town Centre. Condition 2 of the planning permission was thus varied to state that food retailing shall only apply in respect of Unit C and shall not apply to other units on the site. Unit C is currently occupied by Somerfield/The Co-operative.

In 1999 a further application was made (B/1999/0076) to vary Conditions 2 and 3 of the original 1988 planning consent for the Retail Park (B15842) to allow the sale of pets, pet food and associated pet products. The application was approved in April 1999.

Following this, a planning application was submitted by IM Properties Plc in May 2002 (B/2002/0604) to remove Conditions 2 and 3 of the original planning permission (B15842). This was approved on 9 July 2002.

Notes

Background

Prior to the submission of the application, the applicant independently undertook public consultation in a number of formats. This included the form of an A5 6-page colour brochure with a tear-off response card (October 2008) and a public exhibition held in the reception of the Dolphin Centre on School Drive, Bromsgrove on 17/18 October 2008. In total 869 individuals attended the exhibition, 269 responses were submitted as a result of the response cards (as of April 2009), 38 calls were made to the Sainsbury's freephone line and 73 entries were made in the comments book.

The public consultation exercise resulted in a combined total of 337 responses with 232 expressing support (69%), 35 expressing some support (10%), 66 not supporting the proposals (20%) and 4 not clearly indicate a preference (1%).

From the analysis of the comments made during the consultation process, five key issues were identified:

1. Increased traffic congestion on Birmingham Road
2. The loss of the petrol station
3. The loss of the existing traders in the retail park
4. The effect on traders in the Town Centre
5. The increased number of supermarkets in Bromsgrove

Concern was also raised regarding the incorporation of the listed buildings on Birmingham Road and the location of the recycling centre (now deleted from the scheme).

Appraisal

It is considered that the main issues in determining the application are as follows:

- Planning Policy considerations
 - Retail matters, including the compliance of the proposals with the *Town Centre first principle*, the issue of need and scale and the impact on the vitality and viability of Bromsgrove Town Centre
 - Design and heritage asset issues
 - Trees and Landscaping
 - Accessibility
 - Highways, including junction capacity issues and the impact of the proposed development upon traffic flows in the surrounding area
 - Car-parking issues
 - Noise
 - Lighting
 - Air quality
 - Residential amenity
 - Flooding and drainage issues
 - Ecology
 - Security issues
 - Other matters
-

Planning Policy Considerations

The application was submitted at a time when PPS6 was the relevant national policy in relation to retail development. The government's advice on retail development, however, has changed since the submission of the application in May 2009. PPS6 was replaced by PPS4 *Planning for Sustainable Economic Growth* on 29 December 2009. The new PPS4 is not dissimilar to PPS6 in terms of policy directions but it contains requirements for the assessment of **all** planning applications for economic development (which includes retail development). It brings retail and centres policy, previously addressed by PPS6, under the same umbrella as policy for other economic development, including the B use classes.

The overarching aim of PPS4 is sustainable economic growth (sustainable within environmental limits). To achieve this, key objectives include, amongst other things, improving the economic performance of Towns, delivering more sustainable patterns of development, promoting the vitality and viability of Towns and other centres. This latter objective is to be achieved through focussing economic development and growth in existing Town Centres and competition between retailers through the provision of efficient shopping services in Town Centres. Objectives relating to the promotion of Town Centres are retained, but placed alongside wider objectives relating to improving economic performance and prosperity, promoting regeneration, tackling deprivation, reducing the need to travel, and responding to climate change.

PPS4 therefore adopts a positive and upbeat tone towards planning for the promotion of economic development and growth. Indeed, it provides (policy EC10.1) that *Local*

Planning Authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

PPS4 will continue to affect planning decisions in at least three areas. The first is the application of the sequential test, as it is difficult to undertake this in a meaningful way without understanding the nature of the need and hence the locations that might potentially be capable of meeting it. Second, the impact test set out at EC16.1 of PPS4 includes (part d) reference to the requirement to take capacity into account, indicating that an understanding of quantitative need is required. Third, the impact test (EC16.1 part b) also makes reference to local consumer choice; this together with more general themes of choice and competition indicate that an understanding of qualitative need is also required.

Policy EC19 encourages Local Authorities to make effective use of planning Conditions to implement their Policies and proactively manage the impacts of development. Conditions, for example, can prevent sub-division, ensure ancillary elements remain ancillary and restrict delivery times and management of service provision to minimise impact on neighbouring residents.

Retail Matters

The application site is deemed to represent a Town Centre opportunity under the terms of PPS4. The site is located within the Town Centre Zone of Bromsgrove and the Birmingham Road frontage is identified as a Secondary Shopping Frontage in the Bromsgrove District Local Plan. The site is additionally identified as an Opportunity Site to provide a single more substantial retail offer in the emerging Town Centre Area Action Plan (AAP). Members will also note that the site is already an established retail location and provides in excess of 5,400 square metres gross of A1 retail floorspace. The principle of the development of the site for retail uses is therefore established in policy terms and its redevelopment anticipated by the emerging planning policy position.

As a result of the Town Centre location, there is no policy requirement to demonstrate how the proposals accord with the retail tests set out in PPS4. In PPS4 terms, the development relates to a superstore as the scheme involves the creation of a self-service store selling mainly food, or food and non-food goods of more than 2,500 square metres trading floorspace, with supporting car parking.

Members will note the views of the detailed and extensive views of the Council's Independent Retail Consultant. PPS4 sets out a revised mechanism for assessing retail developments. The sequential approach is retained, but the needs test has been subsumed into a wider test of impact. Policy E10 sets out the approach to be taken towards all proposals for 'economic development'. Policies EC15 - EC17 set out transitional arrangements for the assessment of applications in advance of the new approach being adopted in development plan policy.

National, Regional, County and District policy and guidance all broadly follow the *Town Centre first* approach to retail development, which seeks to ensure the vitality and viability

of Town Centres by making them the focus for retail activities. Only when sites are not available in these locations should alternatives be considered.

Local Plan policy DS3 aims to centre the majority of growth in the District on the urban area of Bromsgrove, which has the majority of the population and is well served by existing public transport networks including the railway station. Policy S20 seeks to ensure that Bromsgrove remains the main location for general shopping facilities relative to other locations within the District. Policy S21 sets out a sequential 'Town Centre first' approach to site selection for retail facilities, in accordance with the Structure Plan.

The proposal can be considered in the context of the retail studies completed by CBRE for the District Council in recent years. The most relevant points arising from the 2004 study concluded that there would be a comparatively substantial quantitative need for new retail development, whilst the requirement for a general uplift to and improvement of the Town Centre offer was also identified so that the expectations of those living in the core catchment can be met. However, at that time the qualitative need in the convenience sector was considered to be for a deep discount retailer. The 2004 study was partly updated in 2007. This identified an even greater quantitative need for new retail development. On this basis, the detailed analysis and consultancy advice that has been provided to the Council over the last five years includes important elements which are supportive of the principle of the current proposal.

The analysis set out below is based on the currently adopted planning policy framework. However, it is worth noting at the outset that aspects of the emerging LDF would also be supportive of the proposal. For example, the Core Strategy Issues and Options report continues to place emphasis on the role of Bromsgrove Town Centre. Draft Core Strategy retail policy seeks to strengthen, improve and expand the Town Centre to meet the needs of Bromsgrove and its surrounding area. The proposal would appear to be generally consistent with these objectives.

The Town Centre Issues and Options report again emphasises the role of the Town Centre. It refers to the need for new retail development, having regard to the findings of the 2007 CBRE study discussed above. The definitions used to describe the Town Centre spatially and to direct retail investment to it are not materially different to those in the adopted Local Plan. The application site is identified as a potential development opportunity site, with the potential to, "consolidate the existing retail units and provide a single more substantial retail offer which compliments that already provided in the Town Centre." Members will be aware that the weight that can be attached to these documents is obviously limited in circumstances where they are at a comparatively early stage in their preparation. That said, they do identify the direction of travel of policy, and this is generally supportive of the application.

Need

The issue of "need" was essentially not in dispute in PPS6 and this remains the case with PPS4. On this basis there is no requirement to demonstrate the need for this proposal, but the submitted Retail Assessment contains such an assessment in any event for the sake of completeness. This assessment is also helpful insofar as it addresses the issue of appropriateness of scale.

The predicted turnover of the Sainsbury store set out in the Retail Assessment is of the right order on a company average basis. The predicted turnover of the unit shops is based on an average sales density which is on the low side in circumstances where these will be modern, well configured shops benefiting from a close association with a major retail attraction. That said, the proportion of the gross floor area assumed to be devoted to retail sales is on the high side of what might reasonably be applied, and it may also of course be the case that some of these units are used for A2 or A3 rather than A1 purposes. These factors will by and large cancel one another out and so on balance the estimated sales from the unit shops are of about the right order.

In any event, measured against the capacity identified in the 2004 and 2007 CBRE reports, there is a clear quantitative need for retail development of the scale proposed.

Appropriateness of Scale

PPS4 indicates that the scale of the proposal is only considered relevant if it is located in or on the edge of a Town Centre. Having regard to the comments at paragraphs 5.33 - 5.34 of the submitted Planning and Retail Assessment and the additional PPS4 assessment submitted by the applicant's agent, the important role of the Town Centre, and in particular the identified quantitative need, I consider that the proposal is of an appropriate scale in PPS4 terms. On this basis the scale of the proposals is commensurate with the role and function of Bromsgrove Town Centre and its catchment.

The Sequential Test

The application site should be regarded as occupying a Town Centre location for the purposes of the sequential test. As such it represents a preferred location for retail development. The proposal thus complies with the sequential approach to site selection.

In addition, the site is already a locally significant shopping location with well established and comparatively large scale retailing already in place. Albeit slightly peripheral, the site would appear, on balance, to currently function as part of the Town Centre.

Furthermore, the general principle of open A1 development here, and its status as a Town Centre location, has already been established through various planning decisions including most recently the removal of restrictive Conditions limiting the range of goods that may be sold (as set out in the *Planning History* section of this report detailed above). As such, whilst the detail of what is currently proposed still requires justification and careful consideration, these factors should again count in its favour. The existing site is not capable of occupation by Sainsbury's in their preferred format, but it is certainly capable of being used in a manner that would be less appealing and less valuable to the Town Centre than the development proposed.

Impact

In terms of PPS4 policy EC14, and particularly part 6 of that policy, it is not clear that the impact tests set out at EC16.1 should apply to this proposal. That said, the applicant has reviewed these tests in any event. The Retail Consultant is of the view the proposals are consistent with this, together with Policy S20 of the BDLP which seeks to strengthen

Bromsgrove's shopping role, and its competitiveness. On this basis the proposal is acceptable in these terms.

Other Retail Matters

PPS4 EC10.2 states that all planning applications for economic development should be assessed against the following impact considerations:

- (a) whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change;
- (b) the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured;
- (c) whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions;
- (d) the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives;
- (e) the impact on local employment.

The criteria set out in parts (a) to (e) of this policy are clearly important and relevant, particularly in the context of policy EC17.1 b which establishes EC10.2 as a "gateway" test, i.e. where clear evidence of any significant impact should result in refusal.

The table below assesses the application proposals against these criteria.

Carbon dioxide emissions and climate change	<p>The Renewable Energy and Energy Efficiency Assessment sets out a range of sustainability measures to be incorporated into the design and operation of the proposed store.</p> <p>These include:</p> <ul style="list-style-type: none"> • Keeping waste to a minimum throughout the construction phase by the use of economical design and construction processes • Sustainable drainage (including water use) • The reduction of carbon based energy by sourcing energy responsibly, minimising energy demand and promoting efficient consumption • Use of biomass heating through a Biomass Boiler Plant • Inclusion of sunpipes <p>I suggest that a Condition is attached to ensure that sustainability measures are confirmed and implemented prior to the occupation of the development.</p>
Accessibility	<p>The design and layout of the site encourages customers to use alternative modes of transport, providing improved pedestrian routes, cycle parking, and links with the local public transport network. It is located within a well</p>

	<p>connected street network and has good public transport access.</p> <p>This will provide enhanced pedestrian connectivity to the site and reduce dependency on car-bourne access. A travel plan framework promoting sustainable forms of access has been submitted and it is recommended that the content of this document are implemented and controlled through the imposition of a suitable Condition.</p>
Design	<p>The proposed store would be of contemporary design, representing an improvement over the existing buildings on the site.</p>
Regeneration and social inclusion	<p>As is noted above, the proposal would improve the physical quality of the site. Members will note the views of the Economic Development and Town Centre Manager. The EDM has commented that besides the number of jobs created, Sainsbury's is well known to be a progressive employer providing career opportunities for younger residents who might otherwise leave the District. Bromsgrove has a higher than average age profile and the Council therefore seeks to retain young people within the District.</p> <p>The location of the new store will also have a beneficial spin-off effect on smaller specialist retailers, street markets and nearby cafes and restaurants.</p>
Local employment	<p>The applicant states that the proposals would generate around 400 employment opportunities. The location of the store is within easy travelling distance of wards which have higher than average unemployment and this will enable job opportunities for local residents.</p>

Conclusions on Retail Matters

Members will note the positive views of the Independent Retail Consultant and the application of the dynamics of the scheme to the policy base detailed in PPS4. Inevitably the development will lead to a loss of some trade for the Town Centre given the scheme will act as a diversion for activity away from the Town Centre. Although this is regrettable, I am of the view that such a shift would not be to such an extent to warrant a refusal of the application on this issue alone. This approach is advocated by the Retail Consultant. Furthermore, the applicant is willing to provide monies towards public realm improvements to enhance connectivity between the new store and the High Street and this will serve to mitigate against potential trade reductions.

On this basis I am satisfied that the proposal is consistent with retail planning policy.

Design and Heritage Asset Issues

Since the original submission of the application, national policy guidance in relation to the historic built environment is now provided by PPS5 which replaced PPG15 and PPG16 in March 2010. As a result the applicant has submitted a revised document that

incorporates a Heritage Statement of Significance to demonstrate an understanding of the significance of related heritage assets. These include listed buildings and the Town Centre Conservation Area in this instance.

The preservation or enhancement of the setting of a listed building is a material consideration in the Local Authority's consideration of any development application under Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE120 of PPS5. Local Plan Policy S39 reflects PPS5 by stating that only development that preserves listed buildings and their settings will be permitted. Policy HE10 of PPS5 notes that the desirability of conserving or enhancing the setting of Heritage Assets, such as Conservation Areas, should be a material consideration in the determination of development proposals.

Policy HE7 of PPS5 emphasises the importance of sustaining and enhancing the significance of heritage assets, and of utilising their positive role in place shaping. This policy also seeks to ensure that new development makes a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use. Policy HE10 of PPS5 states that in the consideration of applications for development that affect the setting of a heritage asset, Local Planning Authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of an asset. The policy adds that Local Planning Authorities should identify opportunities for changes in the setting to enhance or better reveal the significance of the heritage asset. Taking such opportunities should be seen as a public benefit and part of the process of place shaping.

Members will note the views of the Council's Conservation Officer, the Council's Independent Urban Designer and English Heritage. The proposals were also the subject of a MADE assessment in July 2009. MADE concluded that there was much praise in the proposals, including the establishment of the built frontage to Birmingham Road, the proposed public realm works, Sainsbury's commitment to sustainable development and the retention of the listed buildings on Birmingham Road.

Members will be aware that good design lies at the core of national planning policy guidance. Planning Policy Statement 1 *Delivering Sustainable Development* (PPS1) advises at paragraph 43 that design which is inappropriate in its context, or fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted. As such I am of the view that the proposed development would be of an appropriate scale and character for the site.

The main aspect of the application site sits on a main approach to the Town Centre from the north. The existing large, unattractive warehouse type buildings with somewhat basic materials and design are set back into the site behind a mass of carparking and this forms an uninspiring and poor first impression for visitors to Bromsgrove Town Centre. Although the buildings can be glimpsed from other locations, the site is more noticeable by its lack of visual presence within the street scene, appearing more as a void in the otherwise built up areas that surround the Town Centre. It is my view that the site currently detracts from the appearance of the locality and the re-development of the site consequently represents a significant opportunity to improve its contribution to Bromsgrove and the streetscene immediately surrounding the site.

Members will note a contemporary approach to the design of the building has been taken, using a simple palette of materials. The submitted Design and Access Statement provides a comprehensive analysis and rationale behind the development of the proposal. The proposed building would be two storeys in height with full height glazing to the front elevation, relieved by several canopies on the ground floor, timber louvres and timber clad columns. The new retail units will have red brick façades, with this brick also utilised for the store plinth to enclose the car park. Render panels are located to the gable ends of the retail units.

No external or internal alterations are proposed for the two listed buildings at 48-52 Birmingham Road, which are of a typical late-Georgian style. The historic setting of the two listed buildings has already been detrimentally affected by the loss of the original rear garden spaces to the retail park in the 1980s, and the earlier loss of the rest of the terrace which has distorted their historic context. The design of the development has sought to re-establish an active street frontage along Birmingham Road, to reflect historic development and this is welcomed. The listed buildings were originally part of a terraced row and this design seeks to reflect this historic street pattern, whilst maintaining a degree of separation through the differing architectural style of the adjoining buildings. This approach has been supported by English Heritage.

I note the third party views relating to the impact of the development on the rear aspects of the listed buildings. The agent has responded by stating that the elevation of the new building that will face onto the rear of the listed buildings has been carefully designed so as to maintain a usable space and appropriate relationship between the buildings. This view has again been accepted by English Heritage.

I consider that the retention of the listed buildings and the incorporation of these structures into the façade on Birmingham Road will prevent the coalescence of the building into a visually overwhelming homogenous mass. The resultant interplay of vertical and horizontal emphases similarly provides a strong architectural rhythm to the building. The various parts of the proposed building would respond well to the streetscene for different users, with the fully glazed façade allowing views of the lighting and activity within the store (in addition to the independent retail units) thereby bringing vitality and an active frontage to be experienced at close quarters by pedestrians. The store will also present itself as a distinctive part of the urban fabric that responds and contributes to the scale of the urban grain of Birmingham Road.

Whilst MADE complimented the provision of the additional retail units to the north of the listed buildings, it was not convinced by the perceived attempt to relate their architectural appearance to the listed buildings. The applicant's agent responded to this view by emphasising that these units have been designed to be consistent and comparable in scale to the listed buildings and thus represent a contemporary interpretation of their architectural style. The objective of the frontage design is to ensure the whole street frontage links and bonds architecturally, whilst ensuring that each element and use has a clear identity. As such I am of the view that the proposals comply with Policy HE10 and HE7 of PPS5.

The proposed highway works would enhance the designated Town Centre Conservation Area by reducing stationary traffic through capacity improvements. I do not consider the

setting of Parkside School would be compromised by these improvements. These works therefore meet the requirements of Policy S43, S35a and S36 of the BDLP. The associated public realm and tree planting works will also promote and improve the environmental quality of the area, in compliance with national and local Conservation Area policy.

The proposals represents an opportunity to create a development with its own distinct character and sense of place, compatible with the different scale and character of the adjoining uses to Birmingham Road. The scheme will enable the re-creation of a street frontage and revitalise this section of Birmingham Road, improving the connection between the site, The Strand and Bromsgrove High Street.

Trees and Landscaping

The landscape strategy covers both the site of the new store together with land surrounding the proposed junction improvements to the south of the site. Planting is proposed along the northern, eastern and southern boundaries of the site, with additional planting along the Spadesbourne Brook to restore and enhance local habitats.

Members will note the views of the Council's Tree Officer.

In relation to the site of the new store, the development proposes the loss of 20 existing medium-small trees. The majority of these are from within the interior or rear of the development site where they are of lesser visual amenity value. Three of these trees, however, are shown removed from the frontage on Birmingham Road including one of the last remaining Lime trees of the historic avenue forming the approach to the Town Centre.

The latest submitted scheme indicates a total of 24 trees to be planted in replacement for those lost. Of these 23, the majority are shown planted to the rear of the proposed store. Five trees are shown planted towards the frontage with Birmingham Road and these will in part mitigate for the effect on the street scene caused by the loss of the existing trees. The belt of trees to be planted to the rear of the proposed store, while not widely visible, will contribute to offsetting the environmental impact of the development and will create effective visual screening of the new store from the residential properties on School Drive.

Although the loss of the existing trees is contrary to Policy C17 of the BDLP, the Tree Officer considers this approach to be acceptable in this instance given the lack of wider visibility of the majority of the trees and the increased number of new tree planting proposed in the revised and latest landscaping scheme.

Dealing with the works to the highway junction, this aspect of the application requires the removal of 28 existing trees from the area immediately around the junction. The majority of these are only of medium size although, as most form part of avenue features alongside the road, they are highly visible and significant in the street scene. Those trees being lost consist of three groups:

- Avenue of 17 young Lime trees alongside Parkside car park

- Group of 1x mature London Plane, 1x mature Lime and 1x semi-mature Holly at the corner of Birmingham Road and Stourbridge Road
- Line of 5 medium-sized Lime trees to the northern boundary of Strand House on Birmingham Road/Stourbridge Road

Although I note the concerns of the Tree Officer that the widening of the carriageway at this point on Birmingham Road will require or cause the loss of the Lime trees at Strand House, the applicant's landscape consultants are of the opinion that the works will not result in the loss of these trees. Whilst the retention of existing trees would usually be desirable, the Tree Officer has commented that the planned removal and replacement of these trees is the better and more sustainable option to retain the long-term screening, visual and environmental benefit of this line of trees and their effect on the street scene.

I have noted these views. In order to provide comfort to the Local Authority and in recognition of the concerns expressed by the Tree Officer, drawings have been submitted detailing two options for the replacement of these trees should they be damaged. The first option replaces the trees within the curtilage of Thomas Horton Solicitors with eight substantial new Lime trees; the second option provides replacement compensatory tree planting elsewhere in the locality. Strand House and its associated curtilage sits just outside the application site but the landowner, Thomas Horton Solicitors, has provided written confirmation to the District Council agreeing to the additional scheme of planting if required. The approach put forward by the applicant can thus be controlled through a suitable Condition to cover both eventualities and thus enable the Council to maintain control over these tree specimens in this location.

In mitigation for the 28 trees being lost, the submitted landscaping scheme includes a total of 38 trees to be planted around and on the approaches to the new Stourbridge Road/Birmingham Road/Stratford Road/Market Street junction. Although the new trees will be smaller at the planting stage than those they replace, they are still substantial trees at between 3 and 5.5 metres in height so that a proportion of the visual amenity and environmental value will be immediately replaced. The siting of the new trees should also allow for more sustainable growth pattern. This will permit these trees to grow more successfully, achieve their greatest visual and environmental potential and substantially enhance the northern approach to the Town Centre.

In conclusion, although the junction aspect of the development fails to meet policies DS13 and C17 of the BDLP, the Tree Officer considers that the replacement tree planting regime and the creation of the wetland habitat area to the rear of the store is sufficient mitigation for the scheduled loss of the existing trees. With the exception of the retention/replacement issue to the Lime trees at Strand House, the Tree Officer consequently raises no objection to the scheme, subject to the imposition of suitable Conditions.

Accessibility Issues

The design and layout of the site encourages customers to use alternative modes of transport, providing improved pedestrian routes, cycle parking, and links with the local public transport network. It is located within a well connected street network and has good public transport access. The nearest bus stops to the site are located 230 metres

north of the site's northern access and are served by five bus services. There is a stop on both sides of Birmingham Road providing to access to services in both directions. There is also a pedestrian crossing 150 metres north of the site's northern access that allows for safe pedestrian movement across Birmingham Road in order to access the northbound services. The bus services that serve these stops provide connections between to Birmingham, Redditch and Halesowen. Bromsgrove bus station is located approximately 500 metres to the south west of the site on Market Street, which is approximately a 7 minute walk.

I therefore consider the site to be well located in terms of pedestrian accessibility and able to tap into footfall in the area immediately around the site as a result of existing pedestrian infrastructure that offers good links to the High Street and public transport facilities. This is likely to result in a reduction of overall private car mileage as a consequence of attracting those customers who presently travel by car to other more distant supermarkets, as well as those who might choose to walk or switch to public transport because of the proximity of the proposed supermarket to other attractions in the Town Centre. This links with the advice in PPG13 that identifies that walking *offers the greatest potential to replace short car trips, particularly under 2 kilometres*. There are a number of national and local cycle routes in the vicinity of the site, together with a number of roads identified as on-road cycle routes which would provide safe access for cyclists. These include School Drive, Chapel Street, North Road and Slideslow Avenue. This again accords with the guidance in PPG13. As such I am of the view that the development is therefore within a sustainable location for this type of use.

The application has been accompanied by a Travel Plan Framework. This document is intended as a permanent and ongoing strategy for reducing the dependence of staff, customers and visitors on travel by private car to the store.

The aims of the strategy are two-fold:

- To increase the awareness of staff, customers and visitors of the potential for and advantages of travel to the site by more sustainable transport modes; and
- To facilitate the introduction of physical measures and management initiatives that will encourage staff and customers to travel by non-car modes.

Such measures and initiatives will include:

- The display in a prominent location within the site of a local bus information including nearest bus stops, timetables, routes, and costs;
- The display of local walking and cycling routes to and from the site including approximate journey times;
- The display of the potential health and financial benefits that travelling by sustainable modes can offer;
- The inclusion of the above measures into a new Sainsbury's employee starter pack to encourage sustainable travel from the first day of employment;
- The enforcement of the car park management plan to ensure long stay parking and hence commuting by car is discouraged;
- The promotion of any shopping delivery services that the store will offer;
- The introduction of a Cycle Salary Sacrifice Scheme for Sainsbury's staff.

It is intended to submit a completed Travel Plan document to the District Council for approval no later than one month before the store is opened for public use. Subject to

approval the Plan would be initiated immediately upon opening of the store and all systems and infrastructure will be in place to enable this to happen. The Travel Plan is intended to be an evolving strategy and will remain in place for the life of the store.

The submission and subsequent implementation of this document can be controlled through Condition. This approach is advocated by Worcestershire Highways.

Highway Issues

The Transport Assessment accompanying the application outlines the existing situation in terms of traffic movements and issues and then considers the impact that the proposed development will have including any mitigation measures proposed. The report concludes that the site is situated in a location that is accessible by means of a range of sustainable transport modes, including walking, cycling and public transport. The report further concludes that with the proposed off-site highway improvement works the development would not have a detrimental impact on the operation of the adjacent highway network and would, in fact, serve as a significant improvement.

Members will note that vehicular access to the new store remains fundamentally the same as the existing layout, with an all-movements access to the north and an exit-only to the south. The northern access will serve as the main access/egress for the store and will also accommodate all servicing vehicles. The scope of the traffic assessment includes the analysis of the following junctions:

- Birmingham Road/A38
- Birmingham Road/Site access junctions
- Birmingham Road/Market Street/Stourbridge Road/Stratford Road
- Market Street/Parkside car park access
- Market Street/Recreation Road

Birmingham Road links the A38 at the north with the A448 to the south. The road is generally of standard single carriageway width and is the subject of a 30mph speed limit. The road provides direct access to various businesses along its route. Within the vicinity of the site on-street car parking is generally prohibited; however there are stretches of uncontrolled parking to accommodate approximately 11 cars to the southwest of the site access and 8 cars to the north-east. In addition there is a section of car parking bays to the north-east to accommodate approximately 6 cars.

The junction of Birmingham Road with the A448 to the south comprises of a four-arm cross road signal-controlled junction with the B4091 Stourbridge Road, A448 Market Street and A448 Stratford Road. This signal-controlled junction is an identified problem junction in Bromsgrove, and a commitment to improve the junction is detailed in the Bromsgrove Town Centre AAP.

Various improvements to Birmingham Road are proposed to improve the traffic flow along the road and through the site's two accesses. The right-turn lane into the northern access of the site will be lengthened to take account of the increase in vehicles that would use it. A right-turn lane into Bromsgrove Rovers Football Club and its adjacent residential access road will also be provided. In order to accommodate these improvements to

Birmingham Road it is proposed to remove the various sections of on-street parking, allowing for an improved flow of traffic through the area.

As part of the proposed improvements, a signalised pedestrian crossing facility is proposed on Birmingham Road near to the main entrance of the foodstore. As well as providing a safer route for pedestrians crossing Birmingham Road, the crossing will serve to reduce vehicular speeds in the vicinity of the foodstore whilst also creating gaps in traffic streams that will aid traffic turning into and out of the various properties along Birmingham Road.

The AAP identifies the Birmingham Road/Stourbridge Road/Market Street junction as congested and running close to capacity. The AAP also identifies this junction for highways improvement works to alleviate this problem, with a scheme of junction improvement works developed by the applicant's transportation agent to be carried out as part of this application through a Section 278 Agreement. The works intend to increase the capacity of the junction. These are detailed in further detail under the *Proposal* section of this report.

Members will note the views of third parties raising concern on highway and traffic congestion issues. The detailed Transport Assessment concludes that the proposed development would have an acceptable impact upon traffic flows on the surrounding highway network, subject to improvements to the Birmingham Road/Stourbridge Road/Market Street junction to improve its capacity. The results and recommendations of this Assessment have been accepted by Worcestershire Highways (WH) acting at the highways authority and Members will thus note that WH has raised no objection to the scheme, subject to the imposition of suitable Conditions.

It is anticipated that the proposed physical highway works to Birmingham Road and the Birmingham Road/Stourbridge Road/Market Street junction would be carried out via an agreement between the applicant and Worcestershire County Council under Section 278 of the Highways Act 1980. This also includes physical works to the Spadesbourne Brook to the rear of the site, including landscape improvements. The applicant has costed these works as equating to a monetary figure of £1,519,991.00, in addition to £5000 costings for the reinstatement of the boundary wall serving Parkside car park. The applicant is seeking to commence the Section 278 Agreement quickly after planning consent if Members resolve to approve the application. It is proposed to secure these works by imposing restrictive Grampian Conditions on any planning consent.

In relation to construction traffic, Members should note the contents of Paragraph 71 *Lorry Routing* of Circular 11/95 *The Use of Conditions in Planning Permissions*. This states that *planning Conditions are not an appropriate means of controlling the right of passage over public highways. Although negatively worded Conditions which control such matters might sometimes be capable of being validly imposed on planning permissions, such Conditions are likely to be very difficult to enforce effectively. It may be possible to encourage drivers to follow preferred routes by posting site notices to that effect, or by requiring them to use a particular entrance (or exit from the site). But where it is essential to prevent traffic from using particular routes, the correct mechanism for doing so is an Order under either Section 1 or Section 6 (as appropriate) of the Road Traffic Regulation Act 1984.*

However, given the scale of the proposals and the proximity of the site to residential dwellings, I consider it pertinent to impose a suitable Condition requiring the application to submit a Construction Method Statement for approval, to include the fencing of the site and the restriction in site working hours. This will aid to minimise the impact of the construction works upon neighbouring occupiers and to ensure public safety. This approach is also advocated by the EHM.

Car-Parking Issues

The redevelopment of the site will provide car parking provision to accommodate 479 car parking spaces, including spaces for disabled users and parent and child spaces. Cycle spaces and motorcycle spaces are also to be provided. The car-park will service the Sainsbury's store and users of the independent retail units and provide Town Centre parking lost as part of the re-development of the retail park site. The car-park will also be available to the existing occupiers of the listed buildings with spaces specifically allocated to these uses.

Members will note the submission includes a car-park management strategy. This management plan has been developed by the applicant in conjunction with the District Council to ensure the store car-park is appropriately managed. This document includes details of the length of stay restrictions, as well as the details of any formally reserved parking spaces and has been devised with all parties to ensure consistency with the existing parking strategy for Bromsgrove Town Centre.

The objective of the car park strategy is to promote short-stay parking to allow for shopping trips to Sainsbury's and to encourage linked-trips with the surrounding businesses and retail areas in Bromsgrove that will contribute towards the regeneration of the Town. Long-stay parking will be discouraged in order to prevent commuters from parking during the day. The car-park will be free of charge for Sainsbury's customers (subject to shopping receipt validation) and will charge other users a fee in accordance with the Bromsgrove District Council Car Parking Charter which is currently set at £0.70 for a stay of up to 1 hour and £1.40 for up to 2 hours. In order to ensure long-stay customer parking is avoided, a maximum duration of stay will be set to 2 hours, which would be sufficient enough to allow for a shopping trip to Sainsbury's as well as a visit to the surrounding businesses and retail areas. Blue badge holders who park in the disabled users bays will be permitted to stay for an additional hour, in line with the District Council's parking policy.

Sainsbury's staff will be permitted to park within the car park for free, however no formal staff parking area is proposed and thus these users will be informed to use the parking spaces that would be the least attractive to customers (i.e. those furthest away from the store entrance). Staff will also be encouraged to travel by modes other than by car as part of the Travel Plan measures; and this will keep the number of staff parking at the store to a minimum. Any staff allowed to park at the store by the Travel Plan Coordinator will be issued with a parking permit.

The car park will be open to coincide with the opening hours of the Sainsbury's store which is likely to be from 08:00 - 22:00 Monday to Saturday and 10:00 - 16:00 Sundays. The car park will be operational 30 minutes either side of the store opening hours.

Barriers will be put in place to allow for the car park to be closed outside of these hours in order to prevent anti-social behaviour, together with 24 hour security and CCTC operation. Sainsbury's or their appointed car park operator will be responsible for the general operation and management of the car park and as such will ensure that the car park is appropriately managed to ensure that any security issues, obstructions or incidents are dealt with promptly and appropriately.

A pay on foot system is to be adopted. Sainsbury's customers would be able to have their ticket validated when they make a purchase in store, whilst non-Sainsbury's customers would be required to pay the appropriate parking charge at a kiosk prior to returning to their vehicle. All users would then insert their validated tickets upon exit. The pay on foot system would be generally self-enforcing in that drivers would not be permitted to exit the car park without either validating their ticket at Sainsbury's or paying the appropriate fee. The system would however be monitored to ensure that it is adhered to in order to prevent any potential misuse, and any offenders would be issued with a £35.00 fine. Any enforcement will be at the discretion of Sainsbury's or the car park operator, but will be consistent with the overall objective of discouraging long-term car parking.

The car parking strategy will be subject to review after three months of the opening of the foodstore to ensure that the Strategy remains appropriate. The District Council will be consulted on any proposed amendments to the Strategy and this will be managed and reviewed in conjunction with the Travel Plan for the store in order to ensure that the objectives of both documents are consistent.

I am content with this approach. Compliance with the content of this document, together with the three month review, can be controlled through the imposition of a suitable Condition.

Noise

Policy ES14A of the BDLP states that proposals for noise-sensitive developments (for example, housing) must be located away from existing sources of significant noise. Proposals potentially noisy developments must be located in areas where noise will not such an important consideration or where its impact can be minimised. This is the stance set out in PPG24. The impact of noise is a material planning consideration and the impact of this issue can have a significant effect on environment and on the quality of life enjoyed.

An assessment of potential noise impacts from the proposed development has been undertaken by the applicant's agent. In terms of noise from the development during the short term construction phase, it is considered that the impact will be moderate adverse or less with the introduction of mitigation measures, including a noise barrier. This will consist of the implementation of a solidly-built hoarding fence to the site perimeter of at least 2.4 metres in height. This measure will be implemented prior to construction commencing. Further mitigation of noise during construction will be achieved through the application of Best Practicable Means (BPM) and other site management techniques including the controlling of hours of work, employing quieter working methods and the implementation of an effective public relations campaign to keep local residents informed

of the type and timing of works involved. This will be further enforced by the intention of the principal contractor to submit a Section 61 of Control of Pollution Act 1974 to the Worcestershire Regulatory Service. These measure will ensure that the likelihood of noise disturbance to adjacent residential properties will be minimised as far as is reasonably practicable.

The proposed foodstore is located within a mixed environment comprising retail, commercial and residential uses. Members will be aware that noise is currently experienced from existing activities on and within the vicinity of the application site, including deliveries, road noise and the comings and goings to the existing retail premises and petrol filling station. Nevertheless, Members will be aware that consideration of impact in terms of noise at the adjacent residential properties requires careful consideration, especially given the proximity and elevated nature of the proposed service/delivery area to residential properties on Birmingham Road, Blackmore Lane and School Drive.

The store will benefit from night time deliveries and thus noise impacts from the completed development relate primarily to delivery or service vehicles manoeuvring and operating on the elevated ramp and servicing yard. The yard is located at first floor level, with access gained via the access road along the eastern boundary of the site and ramp to the first floor. Members will also note the scheme also has the potential to produce noise through the operational characteristics of the store, for example, the refrigeration/air handling plant, and from general activity within the site during store opening hours.

Following discussions, the application has been amended to include the provision of a 3.5 metre high acoustic fence to the site boundary in the eastern corner of the site; a ramp edge barrier of 2.5 metres, a 5 metre high close boarded timber acoustic screen at first floor level along the north-east elevation and a 5 metre acoustic fence to the service yard boundary (south-east elevation). All first floor boundary treatments remain below the roof level of the proposed store.

In addition, the following measures will be implemented:

- installation 'dock curtains' which effectively form a seal between the delivery trailer and the store's delivery bay, to attenuate noise occurring within the delivery bay
- limitation to one delivery unloading in the service yard at a time
- the service yard gate will remain closed while unloading operations are in progress
- empty cages will be returned to delivery vehicles during daytime only
- loading of 'goods online' delivery vehicles limited to daytime only
- operation of the waste compactor limited to daytime only
- staff to be trained regarding minimising noise levels

The Addendum Noise Assessment concludes that by implementing the proposed mitigation measures, the predicted receptor noise levels from night-time deliveries would be acceptable. The report also provides an assessment of noise effects from the junction improvement works and takes the view that the predicted change in noise levels is considered negligible.

Given the submission of additional information on noise attenuation measures to overcome initial concerns, the EHM is content that the proposal would not be unduly detrimental to neighbours amenities and raises no objection to the proposal on this issue.

On this basis, although it is acknowledged that night time deliveries will take place, I consider that the proposals include sufficient mitigation measure to ensure that the development will not be unduly detrimental to neighbouring residents' amenities, in accordance with Policy ES14A of the BDLP.

These measures can be controlled through Condition.

Lighting

Following negotiations with the applicant's agent and the submission of an amended lighting scheme and design specification for store lighting, including car-parking (with particular regard to the impact on the occupier of 56 Birmingham Road), the Environmental Health Manager has raised no objection to the scheme.

This is subject to the imposition of a suitable lighting Condition to ensure compliance with the agreed details.

Air Quality

The submitted Air Quality Assessment provides a review of the existing air quality in proximity to the proposed development site and the potential impact of the proposed development on local air quality. The report considers pollution effects from construction activities at the site and changes to road traffic movements as a result of traffic generation associated with the proposed development.

Local Plan Policy ES14 states that where a proposal for a new development may itself be a potential source of pollution, the District Council will seek to ensure that the conflict between such land uses can be ameliorated to its satisfaction. Planning Policy Statement 23: *Planning and Pollution Control*, requires the cumulative impact of multiple developments on the air quality of an area to be considered. The site falls outside an Air Quality Management Area (AQMA).

The submitted air quality assessment found that the short term construction phase of the development will result in a minor adverse impact through the generation of localised dust. A Code of Construction Practice (CoCP) will be implemented with the development to minimise and manage this impact. The air quality modelling illustrates that the vehicle exhaust emissions resulting from the completed development is predicted to result in, at worst, moderate adverse impacts on local air quality.

The Tree Officer has raised concern that the trees being lost (as detailed above) are of suitable species and size that they currently have a substantial effect in reducing pollution and creating improved air quality. Although a larger number of trees are being planted in replacement, these new trees at planting will be substantially smaller than those being lost. In the short to medium term, however, the loss of so many of the existing large trees means that the development will have a detrimental effect to the immediate area with greater numbers of vehicles and less overall foliage to counteract the environmental impact of those vehicles.

The submitted Air Quality Assessment concludes that whilst the additional development traffic will lead to a marginal increase in pollutant concentration levels in the surrounding area, these will remain below accepted compliance levels. Following extensive negotiations with the applicant's agent exploring these conclusions, the EHM has raised no objection to the scheme on air quality grounds. However, this is subject to a contribution being made by the applicant to monitor air quality in the locality in advance of works commencing on site for a continuous period of six months. A suitable Condition will be imposed to ensure that if this monitoring exercise shows that the "with development" scenario will cause adverse problems then a mitigation action plan framework and attendance at relevant air quality steering group meetings (if applicable) by the applicant will need to be undertaken.

The cost of the monitoring regime has been agreed by the applicant to form part of the Section 106 Agreement.

Residential Amenity

The concerns of third parties relating to the impact of the development on residential amenity are noted. In terms of the site of the proposed store, residential dwellings are located to the north (Birmingham Road), the north-east (Blackmore Lane), the east (School Drive), the south (School Drive and Oakhurst Drive) and to the west (Birmingham Road). The dwelling to the end of run of properties adjacent the store entrance (56 Birmingham Road) has a gable facing the access road, with a small ground floor window facing the application site. The southern and eastern boundary of this property forms the boundary to the application site. The dwellings on Blackmore Lane to the north-east have rear gardens facing the application site, with a garage block serving these dwellings abutting the boundary of the site. On this basis it is considered that the occupiers of residential properties adjacent the site would be sensitive to any effects caused by the development.

Policy DE7.1 of the Draft Consultation PPS *Development Management: Proactive Planning from Pre-Application to Delivery* states that *The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.* Policy E4 of the BDLP serves to protect, amongst other criteria, the existing amenities of adjoining occupiers. SPG1 is silent with respect to separation distances between commercial and residential dwellings.

The closest part of the proposed store building to residential properties is the element facing 56 Birmingham Road. The immediate view of the proposal would be approximately 23 metres from the side gable of the dwelling and approximately 13 metres from the side boundary containing the rear garden space to this property. The rear of the building would be located approximately 16 metres to the nearest property on Oakhurst

Drive. The residential units above the existing retail units on Birmingham Road would be located approximately 10 metres from the new building.

I accept the development would have a greater impact on the amenities of these occupiers than the present situation. However, given the approach advocated by the Draft PPS, a balanced view needs to be reached in respect of the inter-relationship between the redevelopment of the site and the protection of existing amenity levels. As such I do not consider this issue to be so sufficient to warrant refusal of the application on this issue alone.

In addition, Members will note that measures to prevent the adverse impacts of noise and lighting have been incorporated into the scheme, with the control of such measure achieved through the proposed use of restrictive Conditions.

Flooding and Drainage Issues

A Flood Risk Assessment has accompanied the application. Part of the site is located within the Environment Agency's currently defined Flood Zone 3a which indicates area is at risk from flooding from events with an annual exceedence probability of 1%, equivalent to 1 in 100 year event.

The report concludes that there are no records of sewer or surface water drainage flooding and the risk is therefore low. Surface water car park run-off from the proposed development will be discharged into the soakaway system and roof run-off will be recycled in a rainwater harvesting system. The existing discharge rate into Spadesbourne Brook will not exceed current levels. The submitted Hydrology and River Modelling Study concludes that the proposals for the site will not impact on the current flood risk and the majority of the site remaining free of flood risk in the future.

PPS25 classifies retail food stores are classed as Less Vulnerable development and it is therefore considered appropriate in Flood Zones 3a. The Drainage Engineer and the Environment Agency has raised no objection to the proposals subject to the imposition of Conditions controlling the form of the development in relation to flood risk and pollution prevention.

Ecology

In terms of protected species, the submitted Ecology Report concludes that the existing buildings provide negligible potential for roosting bats and the site in general has negligible ecological value given the majority of habitats within the site consist of hardstanding with occasional ornamental shrub and immature tree planting. On this basis the scale of impact of the development is neutral. The survey found a significant infestation of Japanese Knotweed just outside the site to the southern corner. A Management Plan is recommended to determine the most efficient way of ameliorating and monitoring this to ensure no adverse affects to building structures.

As part of the development of the proposed store site, the applicant has also included indicative details of a scheme of landscaping and planting of the area to the rear of the

store adjacent to the Spadesbourne Brook. This is identified in the Ecological Survey as being of local ecological value. The scheme proposes to create an area of wetland wildlife habitat to complement that recently created on the opposite side of the Brook. This should create improved Conditions for the statutorily protected water voles present on the site and also contribute to reducing flood risk both on the site itself and downstream into the Town Centre. The Tree Officer is satisfied that this aspect of the scheme will enhance the existing habitat and wildlife corridor and thus meets the requirements of Policies C12 of the BDLP.

Security Issues

Members will note the views arising from the West Mercia Constabulary Counter Terrorism Security Advisor (CTSA) and the West Mercia Constabulary Crime Risk Manager (CRM). The CTSA refers to a current low level of risk and thus has not formally objected to the scheme. However, recommendations for consideration have been put forward.

I am mindful of the government's aim to create safe and accessible environments where crime and disorder, or fear of crime, does not undermine quality of life or community cohesion (paragraph 36 of *Planning Policy Statement 1: Delivering Sustainable Development*). Sites for such schemes have to be found. Section 17 of the Crime and Disorder Act 1998 states that a LPA has a duty "to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area".

The CTSA comments relate to the risk of VBIED attack, with the development judged to fall within the Crowded Place status, which is used to categorise developments such as shopping centres and sports arenas. This criterion has been applied as the store is anticipated to attract 5,000 customers per day. The applicant's agent, however, has pointed out that this number will be spread out across the length of the opening of the store, with the development designed to accommodate a maximum of approximately 1,000 customers at any one time for fire strategy purposes.

Although the applicant's agent raises concern that the application of the Crowded Places status to not be applicable in this case, Sainsbury's is nevertheless committed to reducing the prospect of crime providing a safe shopping environment for their customers. The development will be in accordance with Building Regulations Part A3 Disproportionate Collapse, Section 5, Table 11, Class 2B. The requirement of Class 2B buildings ensures that the structure is designed to contain sufficient robustness to ensure that the effects of damage are not disproportionate to the potential cause. In addition to this, and depending on the building construction, it will either need to comply with Structural Steelwork to British Standard 5950 or Reinforced Concrete to British Standard 8110, which cross reference to Building Regulations to ensure structures are designed to be suitably robust and fit for purpose.

Members will note the comments of the Crime Risk Manager relate to the positioning of the ATMs, the provision of CCTV and the management of the car park. The ATMs are proposed to be located on the ground floor of the development within the proposed atrium and will be serviced from the rear via a locked door which will not be publicly accessible.

The ATMs will be highly visible, subject to natural surveillance and monitored by CCTV. The ATMs will not be accessible when the store is closed. Following discussions with the CRM, the position of the ATMs have been altered from opposite the lifts to under the travelators to address these concerns. The CRM has removed his objection to the scheme on this basis.

In relation to other concerns raised by the CRM, the car park will be open to coincide with the opening hours of the Sainsbury's store, and barriers of an adequate standard will be put in place to allow for the car park to be closed outside of these hours in order to prevent anti-social behaviour. Sainsbury's or their appointed car park operator will be responsible for the general operation of the car park and will ensure that the car park is appropriately managed to ensure that any security issues, obstructions or incidents are dealt with promptly and appropriately. In addition, 24 hour security, appropriate lighting and CCTV will be in place.

Other Matters

Section 106 Agreement

Members will be aware that Section 106 obligations are legal agreements negotiated between Local Planning Authorities and developers in the context of a grant of planning permission. Such agreements are intended to make development proposals acceptable, which might otherwise be unacceptable, and provide a means to ensure that a proposed development contributes to the creation of sustainable communities, particularly by securing contributions towards the provision of infrastructure and facilities.

Government advice in terms of Section 106 Agreements is set out in Circular 05/05. Strict tests are imposed on planning obligations. Section 106 Agreements must be necessary in relation to national and local planning policy and be directly and fairly related in scale and kind to the proposed development. In particular, any requirement must be:

- Relevant to planning
- Necessary to make the proposed development acceptable in planning terms
- Directly related to the proposed development
- Fairly and reasonably related in scale and in kind to the proposed development
- Reasonable in all other respects

Members will note the following Heads of Terms breakdown of contributions for inclusion in the Section 106 Agreement:

Amount	Reason for contribution	Payable To
£50,000	Walking and cycling schemes in Bromsgrove	Worcestershire County Council
£100,000 of which: £50,000	Sustainable transport objectives To expand/upgrade Bromsgrove bus station to include shelters, improved	Worcestershire County Council

£50,000	accessibility to accommodate additional services Enhancement of bus services	
£300,000	Public realm improvements	Bromsgrove District Council
£47,850	Hard landscaping public realm improvements to the Strand and High Street, Bromsgrove	Bromsgrove District Council
£10,000	Air quality monitoring along Birmingham Road	Bromsgrove District Council

It is considered that the level of contributions meet the Circular tests in that they are relevant to planning, are considered necessary to make the proposed development acceptable in planning terms, are directly related to the proposed development and are fairly and reasonably related in scale to the proposed development.

Members will note the views of WH arising from the consultation exercise and the request for an enhanced level of financial contributions for sustainable transport objectives. This level of contribution has been the subject of extensive discussions between the applicant and the parties involved. Although I acknowledge the views expressed by Worcestershire Highways in the consultation response, the division of monies reflects the District Council's vision and priorities, with particular regard to the Council's broader regeneration objective to create an attractive and vibrant Town Centre at the heart of a thriving market Town.

I am of the view that the monies to be distributed to Worcestershire County Council will still go some way to achieve sustainable transport objectives. The financial contribution towards public realm improvements will enable tangible works to be undertaken to provide a clearer footfall physical link between the new store and the Housman Statue in the High Street. This will be delivered by environmental improvements to include, amongst others, high specification surfacing material, improved lighting, new street furniture and signage and replacement planting. By linking the store and the wider Town Centre, this will facilitate greater connectivity, provide the impetus to regeneration and thus reinforce Bromsgrove's quality of character and attractiveness as a destination.

The applicant has agreed to this approach and the Section 106 Agreement is currently being drafted. I will update Members at your Committee on the progress of this document.

Length of Planning Permission

In recognition of the current economic climate, the Government has introduced measures to keep planning permissions alive for longer, which is available for permissions granted after 1 October 2009. Local Planning Authorities have discretion under Section 91 and Section 92 of the Town and Country Planning Act 1990 to grant planning permissions for

a longer time than the default period of three years, if they are satisfied that there are good planning reasons for doing so.

Members will note the comments arising from the consultation process, in particular the agency representing Lushair Designs Limited (trading as Lush Furniture). The current lease terms of occupiers within the site may preclude securing vacant possession until 2013, when a three year permission would have expired. A longer period for the permission would overcome this and possibly assist in securing earlier vacant possession and delivery of the scheme. The applicant's agent has expressed the commitment of Sainsbury's to deliver the proposed new store and associated works in Bromsgrove. In light of recent guidance and the lease issue, the applicant has requested that the time limit of the planning permission provides for a period of five years.

Although I note the views of the third party, the presence of the lease is not a planning consideration that would prevent the Council from granting planning permission should the proposed development be considered acceptable in planning terms. I am thus content to suggest Members that consent is granted on the extended time limit basis.

Town and Country Planning (Consultation) (England) Direction 2009 (Circular 02/2009)

For the reference of Members, under the provisions of Section 5(1) of the Town and Country Planning (Consultation) (England) Direction 2009 (Circular 02/2009) the application does not fall within land that is either edge-of-centre, out-of-centre or out-of-Town (as defined in PPS4, Annex B, the land falls within the Town Centre). Given these circumstances the proposal would not need to be referred to the Secretary of State should Members be minded to approve the proposal.

Conclusions

The application proposals seek to provide a comprehensive redevelopment of this Town Centre site, which accords with national and local plan policy and the draft AAP. The redevelopment of this brownfield site will make full and effective use of this previously used and highly sustainable Town Centre site, enhancing the attractiveness of Bromsgrove Town Centre as a retail location.

The need for an improved convenience and comparison retail offer in the Town Centre has been well established by both the retail studies carried out, the conclusions of which are supported in the AAP. The proposed Sainsbury's store and additional retail units will attract new retail expenditure to the Town and will have a positive effect on the trading vitality and viability of the centre.

The design and layout of the scheme will re-integrate the site with Birmingham Road, re-establishing the traditional building line and increasing the active frontage along on of the main routes into the Town. The new retail units will provided the opportunity for new retailers to locate within Bromsgrove by providing modern well configured premises currently lacking in the centre. This should increase the diversity of the retail offer within the Town.

The junction improvement works are significant and will address a long standing issue with the Town Centre. The scheme provides sufficient junction capacity to address the current congestion (at peak times) and accommodate the proposals and other schemes that are likely to come forward in the future. Pedestrian accessibility into the centre will be improved and the investment in the public realm will further enhance pedestrian linkages and encourage linked trips for shoppers to access retail facilities in the remainder of the Town Centre as part of their shopping experience. This will consequently assist in encouraging inward investment and regeneration of the remainder of Bromsgrove Town Centre, in addition to increasing the attractiveness and sense of place of Bromsgrove.

The impact on adjacent occupiers is acknowledged. However, the application proposals have been formed in accordance with the policy requirements laid down in PPS4 and will act as a catalyst to future regeneration of the Town Centre. It is therefore considered that the on balance that the impact of this proposal on the amenities of the adjacent occupiers is outweighed by the wider benefits of the development.

The proposal would not give rise to any adverse highway Conditions and there would be no increased likelihood of flooding as a result of the development. Any adverse impacts arising from the loss of tree cover and on the issues of highway capacity, ecology, residential amenity, noise, lighting and air quality have been adequately mitigated.

I am thus minded to approve the application.

RECOMMENDATION: that **DELEGATED POWERS** be granted to the Head of Planning and Regeneration to determine the application and issue **FULL PLANNING PERMISSION** following the satisfactory completion of a Section 106 agreement to secure the following financial contributions:

- (e) £347,850 towards Bromsgrove Town Centre public realm improvement measures
 - (f) £100,00 towards sustainable transport objectives
 - (g) £50,000 towards walking and cycling schemes in Bromsgrove
 - (h) £10,000 towards air quality monitoring on Birmingham Road, Bromsgrove
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