

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Aldi Stores Ltd	Construction of a new Class A1 Food Retail Store with Associated Car Parking, Servicing and Landscaping.	28.12.2015	15/0834
	29 Birmingham Road, Bromsgrove, Worcestershire, B61 0DR,		

RECOMMENDATION: That planning permission be Refused

Consultations

Worcestershire County Council Minerals & Waste

Requests a condition is attached to any permission to ensure the implementation of the submitted Geo-Environmental Assessment Report. The presence of a sand and gravel resource is noted, however due to the urban nature of the site safeguarding of the site would not be sought.

Worcestershire County Council Strategic Planning

Comments made in relation to public health

Worcestershire Regulatory Services- Noise, Dust, Odour & Burning Consulted
09.10.2015

Deliveries should not be carried out outside of the store opening times if practicable. The recommended acoustic screen should be fitted above the retaining boundary wall.

Waste Management Consulted 12.10.2015

No Comments Received To Date

Highways Department- Worcestershire County Council Consulted 08.10.2015

Recommends that any permission which the District Planning Authority may wish to give include conditions in relation to:

- Vehicle access construction
- Vehicular access closure
- Access, turning and parking
- Cycle Parking – 6 spaces to be provided
- Provision of a Construction Environmental Management Plan to keep the highway clean, details of site operative parking areas, material storage areas and the location of site operatives facilities and the hours that delivery vehicles can use the site.

And an informative relating to the requirement for a Section 278 Agreement.

Worcestershire Regulatory Services- Contaminated Land Consulted 08.10.2015

WRS consider the report represents an appropriate site investigation. It is noted the site investigation was constrained by the presence of existing buildings and the presence of known Underground Storage Tanks associated with a previous use have yet to be located. Furthermore hydrocarbon impacted soils and water have been identified. Further investigation is required in order to locate the UGST and fully understand the extent of the associated contamination.

A condition is recommended to be applied to any permission granted to the development to ensure outstanding contaminated land concerns are appropriately investigated and mitigated.

Landscape & Tree Officer Consulted 08.10.2015

No Comments Received To Date

Community Safety Team Consulted 08.10.2015

No Comments Received To Date

Economic Development & Regeneration Service Consulted 08.10.2015

No Comments Received To Date

Drainage Engineers Internal Planning Consultation Consulted 08.10.2015

No objections to the proposed development, and if the drainage strategy outlined in the report is implemented there is potential for some betterment in terms of drainage and water quality in the area.

Conservation Officer Consulted 08.10.2015

Does not object to the principle of the site being redeveloped, but more thought requires to be given to the design of the proposed building and its position within the site, so that it positively responds to the character of the buildings around it and especially the listed buildings.

Strategic Planning- Consulted 08.10.2015

Comments received relating to the likelihood of the site being developed as an office led scheme as required by the emerging Bromsgrove District Plan policy.

Martin Ashcroft – Projects and Partnerships Manager Consulted 08.10.2015

No Comments Received To Date

Parks & Green Space Development Officer Martin Lewis Consulted 08.10.2015

Endorses the general recommendations made within the Preliminary Ecological Assessment (Middlemarch Environmental September 2015).

Place Services (Urban Design consultants) Consulted 08.10.2015

It is clear that the irregular shape of the site limits options for the location for a standard Aldi store. It is also clear that the site fronts onto two very different public frontages (Stourbridge Road and Birmingham Road) which will inevitably mean that the store will have to be sympathetically designed to respond to each contrasting setting. At present the proposals fail to suitably address either of the frontages. To develop a coherent scheme on this site, the proposals need to be designed to address the site and settings with a tailored designed response rather than squeezing in a standard Aldi store.

Without considerable amendments and consideration for the points made above I would not be in a position to endorse this proposal.

Worcestershire Regulatory Services- Air Quality

Worcestershire Regulatory Services (WRS) have reviewed the application for potential air quality issues. Nitrogen dioxide (Nox) is monitored at a couple of locations along the Birmingham Road and is shown to have been around 35 micrograms per cubic metre on average over the last few years compared to the national objective of 40. We are aware of a number of developments going ahead in the area such as Norton Farm and the potential for some others such as Sainsbury's and the proposed commercial/supermarket development at the Market Hall Site, St Johns Street. It is considered that an appropriate air quality assessment should be undertaken to determine the impact of this development on the local air quality as well as the impact from cumulative development. Worsening air quality along the Birmingham Road may result in the future declaration of a new air quality management area.

The air quality assessment should be undertaken by a suitably qualified professional(s) and must consider the impact of the development on local air quality and relevant sensitive receptors, the impact of existing local air quality on the development and relevant sensitive receptors and any necessary mitigation measures required. Additionally, the cumulative impact of all locally committed developments (small scale and large scale major sites i.e. >10 properties) on existing local air quality must be considered to assess if mitigation measures are required.

Publicity

A total of 166 letters were sent on 8th October 2015 which expired on 29th October 2015.

5 identical site notices were posted at various points on Birmingham Road and Stourbridge Road on 9th October 2015 and expired on 30th October 2015.

1 press notice was published 16th October 2015 which expired on 30th October 2015.

61 comments have been received in relation to the application which comprises 54 in support, 1 objection and 6 neutral comments. The large majority of these comments are as a result of Aldi supplying attendees of the public consultation exercise, who expressed support towards the scheme, with 1st Class stamped addressed cards to return to the council with their comments.

The comments received in support largely relate to matters which are not material planning considerations. Those matters raised which can be considered in the determination of the application are:

- The visual improvement/tidying up of the site
- Easy access for people without their own transport or with mobility issues
- The additional employment opportunities

In objecting to the scheme comments received that can be taken in to account relate to:

- Traffic congestion issues at the Stourbridge Road/Birmingham Road junction
- Impact on air quality
- Additional light pollution
- The appearance of the proposed store, particularly with reference to the wall on the west elevation of the building
- The lack of landscaping proposed

Relevant Policies

National Planning Policy Framework (NPPF)

Emerging Bromsgrove District Plan (BDP):

BDP1 Sustainable Development Principles
BDP17 Town Centre Regeneration

Bromsgrove District Local Plan 2004 (BDLP):

DS3 Main Locations for Growth
DS13 Sustainable Development
S20 Main Shopping Location
BROM11 Town Centre Zone

Relevant Planning History

The application site has a lengthy planning history largely relating to the use of the site as a car show room. However none of this history is relevant to the current proposal to demolish the structures and redevelop the site for an A1

Assessment of Proposal

The Site and its Surroundings

The site comprises an irregular shaped plot positioned between the Birmingham Road and Stourbridge Road on the northern approach into Bromsgrove town centre. It is currently occupied by the vacant DDS&S club, a former car showroom and a building now used as a children's soft play centre (Imagination Street). The forecourt fronting the Birmingham Road is utilised for the display of cars for sale.

Surrounding and adjacent to the site are a number of listed buildings: 31/33 Birmingham Road occupied by the Mint Lounge, Davenal House doctors surgery and Parkside all listed at Grade II. The Bromsgrove Town Centre Conservation Area extends up the Birmingham Road on the opposite side from the application site as far as Davenal House.

The existing development on the Stourbridge Road is largely domestic in nature and takes the form of two storey dwellings. By contrast the development on Birmingham Road is more mixed with a number of commercial premises to the eastern side and largely residential to the west. To the south of the application site is the council owned car park and red brick buildings occupied by a car sales and fireplace business.

Proposed Development

The application proposes the construction of a single storey A1 retail supermarket. Associated improvements to the highway access are proposed to incorporate an enhanced vehicular access/egress off Birmingham Road broadly in the position of the existing access. The building will be positioned hard up against the Stourbridge Road side of the site with customer parking and the building entrance facing the Birmingham Road side. It is proposed to contain the site on the northern and southern boundaries with 2.4 metre high close boarded fencing. The development will provide a total of 1254 square metres of retail floor space.

Planning Considerations:

The main issues to consider in the determination of this application are:

- The principle of the proposed use on the site
- The impact of the development on protected species
- The design of the proposed development, including the impact of the development on the heritage assets which surround the application site

The principle of the proposed use on the site

The application site is located towards the northern end of the defined Town Centre Zone. Policy BROM11 of the BDLP supports the provision of A1 uses within this zone. Furthermore, the emerging Bromsgrove District Plan allocates the site, in conjunction with the council owned car park immediately to the south, for redevelopment (reference TC8). Whilst the emerging plan seeks to redevelop the site as an office led mixed use development the council are aware that the market for this type of development is currently weak. Taking these matters into account the principle of the development on

the site is considered acceptable in the absence of any realistic opportunities for office led development coming forward in the short to medium term.

The impact of the development on protected species

The application is supported by a Preliminary Ecological Assessment which considers the presence of protected species on the site, the habitats which are likely to support such species and the presence of any other ecological features.

The assessment makes a number of recommendations in relation to the redevelopment of the site. The majority of the recommendations are matters that can be reasonably controlled by condition if planning permission was forthcoming and cover issues such as: light pollution, the presence of water voles in close proximity to the application site, protection for terrestrial mammals and nesting birds, habitat loss and the control of the spread of Japanese Knotweed.

However, the assessment also recommends further survey work is undertaken in order to definitively establish the presence of bats within the buildings on the site. Evidence that this further work has been undertaken has not been supplied to the council. The Wildlife and Countryside Act 1981 (WCA) protects bats and their roosts in England, Scotland and Wales. The local planning authority are obligated by law (Natural Environment and Rural Communities (NERC) Act 2006) to make sure that they have all the information on the presence of protected species at a site before they make a decision on a planning application. In the absence of such definitive information the local planning authority are unable consider the likely impact on protected species and would be failing in its legal duty if it was recommended that planning permission was granted until this information was forthcoming.

The design of the proposed development

The proposed development site is located at an important point along Birmingham Road. The site offers an opportunity to improve what is a large and neglected site in a key town centre location and provide a strong and attractive frontage onto both the Birmingham and Stourbridge Roads, leading directly onto the key highways junction of The Strand and Market Street.

The layout proposes setting back the store towards the western (Stourbridge Road) side of the site, where the site is at its widest. Parking is located at the eastern (Birmingham Road) side of the site, either side of a single entrance point.

The proposed layout has been informed by the need to accommodate a standard type, single large building, rather than a layout that has been informed by the surrounding and immediate context. The proposed layout provides a weak and inadequate presence on Birmingham Road while dominating and appearing out of context with Stourbridge Road. The proposed building is very tight against the Stourbridge Road boundary, which has a finer urban grain and a residential context. This means that the proposal would represent a dominant and bland feature in the street scene and does not seek to integrate with its surroundings.

The design of the proposed store reflects the standard approach to an Aldi supermarket, which has been amended slightly to include some of the features from the surrounding buildings such as the red brick and quoin detailing. The proposed elevations of the building are long, unimaginative and lack detailing which is present on those buildings surrounding the site.

Landscaping throughout the proposals is weak and limited to the left over spaces of land which have no value or serve no purpose. The close proximity of the proposed store to the north, south and eastern boundaries limits any opportunity to create a robust landscape proposal along Stourbridge Road and Birmingham Road.

Pedestrian access from Stourbridge Road is via a narrow passageway enclosed by the building elevation which is 5.5 metres high and constructed largely from blank brickwork and a 2.4 metre high fence surrounding the site. This provides an extremely poor pedestrian link to the store which does not benefit from any natural surveillance and as such is not likely to be used regularly.

Furthermore, the proximity of the four listed buildings and the Bromsgrove Town Centre Conservation Area has not been addressed in any part of the application submission. This is particularly evident due to the lack of a Heritage Statement assessing the impact of the proposed development on the setting of these designated heritage assets as required by paragraph 128 of the NPPF. It is considered that the proposal would not preserve the setting of the listed buildings surrounding the application site as required by the Planning (Listed Building and Conservation Areas) Act 1990.

The NPPF at chapter 7 attaches great importance to the design of the built environment. Good design is considered indivisible from good planning and represents a key aspect of sustainable development. Paragraph 64 of the NPPF is clear that development which is of poor design and fails to take opportunities available for improving the quality of an area should be refused planning permission.

As such it is considered that the proposed development, for all those reasons outlined above, represents poor design contrary to chapter 7 of the NPPF.

Other matters:

A number of the representations received express concerns relating to the impact of the proposal on the highway network. It is considered that the proposed use does not generate a significant number of new trips as most trips are already on the road network either as pass by trips or diverted trips from other retailers. In this instance the number of new trips generated by the proposal is less than the trips generated by the lawful use of the application site. The site provides suitable levels of car parking and is accessible to the town centre and the sustainable transport choices available. As such it is considered that the proposed development would not have a severe impact on the highway network as outlined at paragraph 32 of the NPPF.

The requirement for an Air Quality Assessment as requested by Worcestershire Regulatory Services is noted; however it is considered that this is a matter that can be adequately controlled by condition if permission were forthcoming.

Conclusion:

Developing this site for an A1 retail use is considered acceptable in principle and it is acknowledged that the development would contribute towards the economic dimension of sustainable development through additional shopping and employment opportunities introduced to Bromsgrove town centre. The site occupies a key location on the approach in to the town centre from the north. However, the importance of this location means that the site warrants a development which positively contributes to the built environment and any economic benefits need to be weighed against the significant social and environmental harm that would arise from the poor quality design and the impact on the heritage assets in close proximity to the application site. Furthermore, through the inadequate information supplied in the application the council is unable to discharge its legal duty towards statutorily protected species.

RECOMMENDATION: That planning permission be Refused.

Reasons for Refusal

1. Notwithstanding the details submitted by the applicant in support of the application, the Local Planning Authority does not consider that adequate survey work and assessment of the site in relation to bats has been carried out and the Local Planning Authority considers that the presence or absence of bats on the site has not been definitively established. As such the full impact of the development cannot be properly assessed including the extent to which compensation for loss of habitat including foraging areas and roosting opportunities, may be required. In this respect the local planning authority is unable to discharge its legal duty under paragraph 40 of the Natural Environment and Rural Communities Act 2006 and the development would be inconsistent with the aims of Paragraph 118 of the NPPF which seeks to conserve and enhance biodiversity.
2. By reason of its siting, scale, bulk and design the proposed retail unit fails to adequately address either the Stourbridge Road or Birmingham Road frontages on this important site on the approach to Bromsgrove town centre. In particular, the proposal introduces a dominant, bland feature to the Stourbridge Road frontage and has weak presence on the Birmingham Road frontage as well as poor quality pedestrian linkages through the site, most notably from the Stourbridge Road side of the site. The proposal therefore fails to make a positive contribution to the character and the quality of the area contrary to Policy DS13 of the BDLP and paragraph 64 of the NPPF.
3. The application submission has failed to adequately address and respond to the presence of four Grade II listed buildings adjacent to and in close proximity to the application site. Furthermore, the proposed building by reason of its design and positioning on the site fails to preserve the setting of the listed buildings. The proposal is therefore contrary to Policy S39 of the BDLP, chapter 12 of the NPPF and paragraph 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

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