

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.  29 Birmingham Road, Bromsgrove, Worcestershire, B61 0DR,	14.03.2016	15/0834

**RECOMMENDATION:** That planning permission be Granted.

### **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

#### **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

**Community Safety Team** Consulted 08.10.2015

No Comments Received

**Economic Development & Regeneration Service** Consulted 08.10.2015

No Comments Received

**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 05.01.2016

No objection to the revised proposal, subject to receipt of details in relation to materials, boundary treatments and landscaping.

**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.

**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 05.01.2016

It is clear that the only suitable location of the proposed store is to the rear of the site; although not ideal, the site could accommodate the proposed building if the elevations are appropriate and the landscaping scheme is improved. There are still a number of minor amendments required, but these are limited to the rear elevation and the detailed landscaping proposal.

**Worcestershire Regulatory Services- Air Quality** 18.02.2016

Recommended that an air quality assessment is undertaken. This has now been completed by the applicants and makes appropriate recommendations. The report has been carried out in accordance with the advice issued by WRS prior to being undertaken and is deemed to represent an acceptable assessment. The assessment has predicted

only 'minor adverse' impacts in the study area as a result of this development and other committed developments in the locality. It is recommended that conditions are attached in relation to cycle parking, electric vehicle charging points and low emission boilers.

## **Publicity**

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

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

1 press notice was published 16<sup>th</sup> October 2015 which expired on 30<sup>th</sup> 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 1<sup>st</sup> Class stamped and 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 retail use.

### **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 in to 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 towards the Stourbridge Road side of the site with customer parking and the building entrance facing the Birmingham Road side. The development will provide a total of 1254 square metres of retail floor space and be served by 82 car parking spaces.

#### 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 in to 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 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.

The initial assessment also recommended further survey work is undertaken in order to definitively establish the presence/absence of bats within the buildings on the site. An additional assessment has now been submitted to the council which has confirmed that there is no evidence of bats at the application site.

### 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 highway junction of The Strand and Market Street.

The proposed layout of the site positions the building towards the Stourbridge Road frontage. The building itself will be flat roofed, broadly rectangular and finished in a combination of red brick, white render and grey panelling to a canopy over the entrance area.

It is proposed to largely contain the site with 1.1 metre high bow top railings painted in black. Close boarded fencing is proposed to the less visible boundaries of the site with Bromsgrove Sporting football ground and the rear of the Mint Lounge with acoustic fencing proposed to the boundary with James Giles funeral directors. The vehicular access to the site off Birmingham Road will be marked by a low level feature curved wall with railings above to tie in with a similar feature to the frontage of the adjacent Mint Lounge.

The location of the store means that the elevation fronting Stourbridge Road needs to be designed to reflect the scale and appearance of the surroundings. The proposed building has been pulled back off the highway edge by between 6 and 7 metres such that the proposed building is situated no closer to the highway than the closest part of the existing DDS&S club building. This will also position the proposed building a similar distance from the highway as other buildings along Stourbridge Road.

In order to provide a transition between the more domestic scale of development on Stourbridge Road and the scale of the proposed building, a curved wall feature is proposed at the North West corner of the building. This will be 7 metres in height and have the dual benefit of providing a screen to external plant/machinery and as a result a less obtrusive boundary treatment of bow top railings can demark the extent of the application site in this area. The elevation fronting the Stourbridge Road is proposed to be finished in a combination of white render and red brick in order to break up the mass of this elevation and to tie in with those buildings surrounding the application site, in particular the Parkside building opposite which is Grade II listed. The elevation also incorporates areas of glazing, the floor to ceiling windows being obscure glass and the high level glazing being clear. A pedestrian footpath is proposed from Stourbridge Road around the southern side of the building in order to access the site. To provide pedestrians with a sense of security a lighting scheme which covers this area and the wider site is required and the details of which will be controlled by planning condition. Furthermore, the planting in this area is proposed to be relatively low level which is considered appropriate so that it does not hinder natural surveillance of the area.

Given the revised design of the proposal, it is considered that less than substantial harm to the setting of the heritage assets surrounding the application site will arise. Paragraph 134 of the National Planning Policy Framework advises that where a development will cause less than substantial harm to a heritage asset, this harm has to be balanced against the public benefits of the proposal. In this case those benefits relate to the redevelopment of a key town centre site providing a visual improvement of the area and the economic benefits of providing additional retail facilities and subsequent employment opportunities for the town centre.

#### 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 and has been undertaken by the applicants. It recommends that a construction method statement is submitted, particularly with reference to dust management. The submission of this document can be satisfactorily controlled by condition. Whilst there is no objection to the proposal three further conditions are

recommended by WRS in relation to air quality – the requirement for cycle parking, the provision of electric vehicle charging points and low emission boilers. The plans indicate cycle parking will be provided as part of the scheme. In relation to the remaining two matters the applicant has commented that car charging points are not normally installed at Aldi stores as a store visit to a limited range discounter by car is short and most people who shop at the store will be very local to the store and therefore practically a charge point would not be utilised. Aldi stores do not have boilers as they use heat recovery from the external refrigeration plant to heat the store. Taking these matters in to account, given that there is no objection to the proposal, it is considered unreasonable to require the provision of electric charging points and low emissions boilers in this case.

**Conclusion:**

Paragraph 14 of the NPPF is clear that there is a presumption in favour of sustainable development and for decision taking this means that where the development plan is absent, silent or out of date granting permission unless any adverse impacts would significantly and demonstrably outweigh the benefits. Development of the site for and A1 use is acceptable as a matter of principle.

Your Officers have had regard to the three strands of sustainable development outlined at paragraph 7 of the NPPF; environmentally, it is considered that the proposal will result in less than substantial harm to heritage assets near to the application site, and this harm needs to be weighed against the public benefits of the proposal. In addition, the location of the site is such that access is possible via a variety of modes of transport, including pedestrians, helping to move towards a low carbon economy. The ease of access to the site, further contributes towards the social aspect of sustainable development. Most significantly, the proposal contributes towards the economic dimension of sustainable development, making land available in the right place to support growth, employment opportunities and an expansion of Bromsgrove town centre.

It is therefore considered that, having regard to local and national planning policy, that the application is acceptable and no material planning considerations that outweigh this have been identified.

**RECOMMENDATION:** That planning permission be Granted.

**Recommended conditions:**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

AD5305  
K0125-P205

K0125-COLOUR-ELEV-04  
AD5302  
2522/P03  
K0125-P202 Rev C  
K0125-P003 Rev C  
K0125-P001  
K0125-P204 Rev A

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used in the proposed development shall be:

- Bricks: Ibstock Birtley Old English
- Canopy fascia: Anthracite Grey RAL 7016
- Shopfront: polyester powder coated aluminium RAL 7016
- Render: Wetherby 'White' 0500N
- Railings: Jet black RAL 9005
- Pedestrian footpath: pencil edged block paviors in brindle

Reason: For the avoidance of doubt and in the interests of the visual amenities of the area.

4. Prior to the first use of the development hereby approved, the construction of the vehicular access shall be carried out in accordance with a specification to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

5. Prior to the first use of the building hereby approved the existing vehicular access onto the adjoining highway shall be permanently closed. Details of the means of closure and reinstatement of this existing access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on the development hereby approved.

Reason: To ensure the safe and free flow of traffic using the adjoining County highway.

6. The development hereby permitted shall not be brought into use until the access, turning area and parking facilities shown on the approved plan have been properly consolidated, surfaced, drained and otherwise constructed in accordance with details to be submitted and approved in writing to the Local Planning Authority and these areas shall thereafter be retained and kept available for those users at all times.

Reason: In the interests of Highway safety and to ensure the free flow of traffic using the adjoining Highway.

7. Prior to the first use of the building hereby approved secure parking for 6 cycles to comply with the Council's standards shall be provided within the curtilage of each



dwelling and these facilities shall thereafter be retained for the parking of cycles only.

Reason: To comply with the Council's parking standards

8. A Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. This shall include the following:-

- Measures to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives facilities (offices, toilets etc);
- The hours that delivery vehicles will be permitted to arrive and depart, and arrangements for unloading and manoeuvring.
- A construction method statement, including a dust management plan

The measures set out in the approved Plan shall be carried out in full during the construction of the development hereby approved. Site operatives' parking, material storage and the positioning of operatives' facilities shall only take place on the site in locations approved by in writing by the local planning authority.

Reason: To protect the amenities of nearby properties during the construction of the development and to protect the natural and water environment from pollution.

9. Unless otherwise agreed by the Local Planning Authority development, other than that required to be carried out as part of an approved scheme of remediation, must not commence until the below steps are completed:

- Previous reports submitted to the Local Authority in support of the application has identified unacceptable risk(s) exist on the site as represented in the Conceptual Site Model. A scheme for detailed site investigation must be submitted to and approved in writing by the Local Planning Authority prior to being undertaken to address those unacceptable risks identified. The scheme must be designed to assess the nature and extent of any contamination and must be led by the findings of the preliminary risk assessment. The investigation and risk assessment scheme must be compiled by competent persons and must be designed in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Contaminated Land, CLR11".
- Detailed site investigation and risk assessment must be undertaken and a written report of the findings produced. This report must be approved by the Local Planning Authority prior to any development taking place. The investigation and risk assessment must be undertaken by competent persons and must be conducted in accordance with DEFRA and the Environment

Agency's "Model Procedures for the Management of Contaminated Land, CLR11".

- Where identified as necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
- Following the completion of the measures identified in the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings.
- In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, these will be subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

10. No works or development shall take place until a scheme for foul and surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall conform to the non-statutory technical standards for SuDS (DEFRA, 2015) and the principles as set out in the flood risk assessment and/or drainage strategy submitted with the application. The approved scheme shall be completed prior to the first use of the development hereby approved. All surface water drainage from trafficked and parking areas and hardstandings shall be passed through an oil interceptor designed so as to have a capacity and details compatible with the site being drained and constructed to a specification submitted to and approved in writing by the Local Planning Authority before the drainage works are commenced. Roof water shall not pass through the interceptor.

Reason: In order to secure the satisfactory drainage of the site, the details of which are required to be considered prior to commencement of development on the site as these details are integral to the development of the site.

11. Prior to installation on site, a lighting scheme for the site shall be submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity and pedestrian safety throughout the site.

12. The proposed landscaping scheme detailed on plan 2522/P03 shall be implemented within 12 months from the date when the building hereby permitted is first used.

Any trees/shrubs/hedges removed, dying, being severely damaged or becoming seriously diseased within 5 years of the date of the original planting shall be replaced by plants of similar size and species to those originally planted.

Reason: In order to protect the trees which form an important part of the amenity of the site in accordance with policies DS13 and C17 of the Bromsgrove District Local Plan January 2004.

13. The works shall be carried out in strict accordance with the recommendations set out in the Preliminary Ecological Assessment carried out by Middlemarch Environmental dated September 2015 and submitted with this application.

Reason: To protect this potential habitat of protected species in accordance with the Wildlife and Countryside Act 1981.

#### Informatives:

1. No work on the site should be commenced until engineering details of the improvements to the Public Highway have been submitted to and approved by the Highway Authority and an agreement under Section 278 of the Highways Act 1980 entered into.
2. The applicants attention is drawn to the requirement that, in all cases where an agreement under Section 278 of the Highways Act 1980 is entered into, the street lighting will be designed by the developer of the site in accordance with the design brief agreed with the Highway Authority and their design shall include any necessary amendments to the existing system. The design brief should be discussed with the Highway Authority prior to the commencement of the design

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