
Committee Date:	22/12/2016	Application Number:	2016/00664/PA
Accepted:	27/01/2016	Application Type:	Full Planning
Target Date:	15/12/2016		
Ward:	Selly Oak		

Fitness First Health Centre, Pershore Road, Selly Oak, Birmingham, B30 2YB

Demolition of existing buildings and erection of Class A1 retail foodstore with associated works.

Applicant:	Lidl UK GmbH c/o Agent
Agent:	Gva Grimley Ltd 3 Brindleyplace, Birmingham, B1 2JB

Recommendation

Determine

Report Back

Members will recall that this application was recommended for approval at your meeting of 8th December. The Committee determined to defer the decision, with a 'Minded to Refuse' recommendation in order for a report to be prepared with the Reasons for Refusal set-out. The main areas of concern were:

- Loss of community facilities;
- Wrong location for a supermarket, with respect to the local centre;
- That the proposal therefore does not constitute Sustainable Development.

Loss of community facilities

Members were concerned that both the gym and the ten-pin bowling facilities would be lost to the local area and community, with no form of replacement or return. Officers noted in the debate that they considered there were a collection of benefits resulting from the scheme to balance against the dis-benefit of the loss of community/leisure facilities. These benefits were summarised as replacement of an unsightly and large building located close to the nearest residents, an increased/widened retail offer, improved traffic management coordination with the nearby Cartland Road junction, improved pedestrian crossing, ecology/landscaping, and drainage. The Committee report also set out the S.106 offer of £50,000 for local public realm/environmental enhancements. The Committee was not convinced that the benefits outweighed the dis-benefits and voted to defer Minded to Refuse. I can offer the following Reason for Refusal:

The proposed development requires the closure of the gym and the ten-pin bowling facilities, which are community/social/leisure facilities valued by the local community. The loss of these facilities (NPPF 'social role') would significantly and demonstrably outweigh the development's 'economic' and 'environmental' roles, and therefore the proposals do not

constitute Sustainable Development. As such, the proposed development conflicts with Paragraphs 14, 17 and 70 of the National Planning Policy Framework.

Wrong location for a supermarket, with respect to the local centre

Councillor Henley noted that another discount small supermarket retailer (Aldi) operates not far away (1½ miles to the north) just off the same Pershore Road, opposite Warwickshire County Cricket Ground. As such, he considered another discount retailer was not necessary, i.e. there is no 'retail choice' argument. There was a concern about undermining other retailers in Stirchley. There was also some comment in your meeting about the site's location with respect to local centre boundaries.

I can confirm that the site lies outside the Primary Shopping Area, but within the local centre boundary. I can confirm that, broadly speaking, local and national policies do not suggest an in-centre site for a retail scheme of this size (2,408 sqm gross internal, 1,424 sqm net sales area) should be resisted in principle on retail matters. Nor are there any policy requirements for a scheme of this size at this location to be tested with respect to retail impact or a sequential assessment. The only relevant policy which I consider could possibly be aligned with Members' concerns is Policy 7.23 of the UDP, which seeks to avoid a 'significant adverse effect on the continued vitality/viability of an existing shopping centre as a whole'. However, I do not see how the proposal could cause such a *significant* adverse effect, nor on the *whole* centre. So, I continue to advise that the proposal is broadly in-line with the local and national retail policies set out in the original Committee report.

Councillor Williams asked whether a dis-used retail site on Hazelwell Street opposite the British Oak Public House could accommodate the Applicant. That site measures 0.22 ha, less than a third of the application site (0.77 ha), so is clearly too small to meet the Applicant's operating model/size of store and parking. It was discussed whether the development would impact on either the Coop supermarket or the future Tesco supermarket in the same way as the previously-proposed Asda supermarket further south in Stirchley. Your Committee was advised that it would not, due principally to the much smaller size of the current proposal. The discount nature of the Applicant's business was not to be controlled by condition, so the different sector of the convenience market that the Applicant seeks compared to Coop and Tesco is not a factor that can be relied upon.

The proposed development clearly does not offend any of the local and national retail/local centre policies set out in the original officer report. Given the above, officers strongly advise that the following Reason for Refusal is not progressed:

The proposed development would adversely impact upon the retail vitality and viability of Stirchley District Centre, contrary to Policy 7.23 of the Unitary Development Plan.

That the proposal does not constitute Sustainable Development

NPPF 'Sustainable Development' was cross-referenced in your meeting to both retail matters and traffic. With respect to retail, I cannot add to the above text. With respect to traffic, I can confirm that the transportation modelling predicts that the proposed store and associated traffic management coordination with the nearby Cartland Road junction shows a clear improvement on the current traffic/congestion situation. However, other aspects of development can also be cross-referenced to NPPF 'Sustainable Development' - I consider that the issue of Sustainable Development naturally follows from the Committee's view on the loss of community facilities and so Members will see I have already incorporated this matter into the first Reason for Refusal above.

Original Report

1. Proposal

- 1.1. Planning permission is sought for the demolition of the existing indoor ten pin bowling centre and gymnasium and the erection of a Class A1 retail food store of 2,408sq.m gross internal floor area (GIA), with a 1,424sq.m net sales area.
- 1.2. The proposed store would comprise – lobby, sales area, two publicly accessible toilets, bakery area along with storage/warehousing, cash office and delivery area at ground floor, with a staff room/canteen; office and other staff facilities at first floor.
- 1.3. The store would be positioned along the site's southern boundary, which runs parallel with the Bourn at this point. The proposed store entrance would be located on the corner of the western elevation fronting Pershore Road and the northern elevation fronting the car park. Servicing would be located to the north eastern corner of the building, away from the adjacent residential in Bewdley Road to the north and adjacent to the site's rear boundary, beyond which is a small pumping station building. Next to the loading bay would be a relocated sub-station measuring 4m by 4m.
- 1.4. The store building would measure approximately 76.9m in length at its maximum, 32.9m in depth and would have a mono-pitch roof sloping from north to south - maximum height 7.6m reducing to 5.3m on the south side (the Cartland Road frontage).
- 1.5. The building design would be contemporary in nature and would utilise a contemporary palette of materials. The store would have a fully glazed elevation to Pershore Road, which would provide activity onto the street/public realm area and this treatment would return round the northern corner to provide activity/interest at the main entrance to the store. Scale would be created by the use of a mono-pitch roof, with Alucobond aluminium cladding proposed on the upper parts of the north and east elevations (with the main body of the walls finished in white-finished render) and to form a frame to the glazing on the main road frontage. In contrast, high levels windows in a brick elevation would front the Bourn Brook. The building would be grounded by the proposed use of a grey rendered plinth contrasting with the main body of the walls.
- 1.6. The site would be accessed by both car borne customers and delivery vehicles via an existing access point (which would be upgraded) off Pershore Road at the site's south-west corner. A second existing access point at the north-west corner would be closed. Pedestrian access would be from the same point, with a new toucan crossing to be provided across Pershore Road opposite the store entrance.
- 1.7. 125 car parking spaces would be provided, largely within a car park to be located to the north of the building (although a small number of spaces are also proposed directly in front of the store). The 125 space car park would include 8 accessible spaces and 4 parent and child spaces. The proposed trolley park and cycle parking would be located close to the store entrance in the main car park area and would provide 10 cycle hoops. The car park would be for short-term parking, not exclusive to the store i.e. also for potential use in connection with the wider Stirchley centre.
- 1.8. Ongoing discussions with the Environment Agency (EA) regarding the redevelopment of the site have resulted in the incorporation of 2 no. potential points

of access from the area directly in front of the store to the Bourn. These would be hard surfaced and gated at the site's southern boundary. The incorporation of this feature would necessitate the removal of 2 no. trees (T8 and T14) - a Common Ash (Category B) and an Acer (Category C). Only one other tree would be removed as a result of the proposal – a Category C Common Ash, on the southern boundary, which is currently growing through an existing metal palisade fence. The layout has been designed to allow sufficient space to negate any impact on other existing trees/vegetation beyond the site's boundaries.

- 1.9. New landscaping areas would be introduced along the western boundary adjacent to Pershore Road, consisting of low level evergreen shrubs, with a trip-rail to back of pavement. Five new Hornbeam trees would be planted along the Pershore Road frontage. Paving is proposed for use in the pedestrian areas within the site with small block paving units in Anthracite to demarcate the entrance to the store. Around the site boundary, landscaping is proposed utilising plant species that would improve and encourage greater biodiversity and connectivity to the wildlife corridors along the watercourses.
- 1.10. Site Area: 0.77Ha.
- 1.11. The proposed opening hours of the foodstore would be 0700-2200 hours Mondays to Saturdays and 1000-1700 hours on Sundays and Bank Holidays. Delivery times would be restricted to 0700-2200 daily. It is estimated that the equivalent of 20 full time staff would be employed.
- 1.12. The application submission included a Planning and Retail Statement, Transport Assessment and Travel Plan, Acoustic Report, Ecological Appraisal, Arboricultural Impact Assessment and Tree Protection Plan, Design and Access Statement, Ground Investigation Report and Flood Risk Assessment/drainage proposals.
- 1.13. The proposal has been amended since its original submission, the key changes being:
 - Relocation of the site access from the north-west to south-west corner;
 - Relocation of off-site toucan crossing and subsequent realignment of pedestrian route to the store entrance;
 - 3 no. additional car parking spaces/relocation of cycle parking;
 - Relocation of sub-station to rear of site;
 - Plant compound relocated to roof;
 - Revised treatment to south elevation (Cartland Road/Bourn frontage);
 - Introduction of 2 no. slipways to the Bourn for EA access; and
 - Tree removals to southern boundary (with replacement trees proposed).
- 1.14. These amendments have been made in response to issues that have arisen during the consultation process. A significant amount of additional information has also been provided, specifically in respect of highways and flooding matters.
- 1.15. [Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is located on the east side of Pershore Road, adjacent to its junction with Cartland Road, at the northern end of Stirchley District Centre (outside

the Primary Shopping Area). It is currently occupied by a substantial, flat-roofed building, part of which is 'on stilts' with undercroft parking. The building is currently utilised for ten-pin bowling and as a gym/fitness centre.

- 2.2. There are two existing vehicular access points from Pershore Road, with further parking provided in front of the building. There is a large hard surfaced area to the rear, which, although accessible, is not laid out formally and does not appear to be utilised.
- 2.3. The gardens of houses on Bewdley Road back onto the northern boundary of the site, with further residential properties beyond this (mixed with some commercial uses on the Pershore Road frontage). The Bourn runs parallel to the southern boundary, largely obscured by trees and other vegetation at this point. Beyond this is a wide grassed buffer extending to the back of pavement on Cartland Road, within which is an existing pumping station. Pedestrian routes exist across this area, providing access to the Bourn and the River Rea, which runs parallel to the site's rear (eastern) boundary beyond a further pumping station building, with a footpath/cycle path extending from here northwards to Dogpool Lane.
- 2.4. There is a busy traffic-light junction where Cartland Road meets Pershore Road, which incorporates pedestrian crossing facilities. In addition, slightly to the north of this, opposite the application site, are two further junctions (on the west side of Pershore Road) with Ribblesdale Road and Warwards Lane. There are groups of commercial units located around these junctions, although the side roads themselves are predominantly residential. Beyond Cartland Road to the south, Pershore Road is predominantly residential on its east side (up to Church Drive). In contrast, the west side is commercial, with a number of units being set back from the main road behind a landscaped frontage.
- 2.5. The topography of the site gently falls to the south towards the River Bourn. There are no significant trees within the site, but substantial planting along the eastern and southern boundaries. The site is located in Flood Zones 2 and 3.

2.6. [Site Location Plan](#)

3. [Planning History](#)

- 3.1. There is extensive planning history associated with the former/current use of the site, including extensions, alterations, signage and antennae. More significant/recent applications of note include:
- 3.2. 19th July 2001. PA No. 2001/02910/PA Removal of condition 2 of planning permission E/C/21709/9 to accommodate a health and fitness centre within Class D2 (Assembly and Leisure) Use – approved.
- 3.3. 2nd September 2015. PA No. 2015/05680/PA. Pre-application advice for the demolition of existing building and erection of retail foodstore.
- 3.4. 26th January 2016. PA No. 2015/08699/PA. Demolition of existing buildings and erection of Class A1 retail foodstore with associated works – withdrawn.

4. [Consultation/PP Responses](#)

- 4.1. The application has been subject of two full rounds of consultation due to the submission of significant amendments and additional information.

Consultations

- 4.2. Transportation – No objection subject to conditions/s278 Agreement.
- 4.3. Regulatory Services - no objection subject to conditions in respect of noise from plant/machinery, delivery code of conduct, hours of opening, deliveries and contamination.
- 4.4. Local Lead Flood Authority – proposed discharge rate is acceptable, as is the use of bio-retention and permeable paving with underground attenuation storage and the proposed attenuation volume. Clarification sought regarding potential impact on outfall and revised drainage layout required to provide further details of attenuation volumes, SUDS features, pipe layouts and discharge locations. An operation and maintenance plan is required.
- 4.5. Canal and River Trust – no requirement for consultation, therefore have no comments to make.
- 4.6. Environment Agency (on amended submission) – objection withdrawn. Conditions requested in respect of groundwater/contamination, requirement for development to be carried out in accordance with the submitted Flood Risk Assessment, and submission/approval and implementation of a flood management scheme. In addition, an informative/condition is recommended in respect of the need for a flood warning and evacuation plan.
- 4.7. West Midlands Police - site should be developed to enhanced security standards.
- 4.8. Severn Trent – no objection subject to conditions to require drainage details. Advise that there may be a sewer crossing the site.

Public Participation

- 4.9. Adjacent occupiers, residents associations, M.P. and Councillors for Bournville and Selly Oak wards notified and site/press notices posted.
- 4.10. 416 responses have been received from individuals - 405 objections, 6 in support and 5 commenting. A petition in objection has also been received, signed by 65 people, (3 of whom also sent in separate objections).
- 4.11. Objections relate to:
- 4.12. **Loss of existing gym** (Fitness First):
- Serves the community, keeping people fit/healthy, thereby reducing pressure on the NHS. Encourages children/young people to be active – tackling obesity;
 - Is the only gym in the local area (no others in walking distance). Other nearest are University, Kings Heath, Cotteridge and Harborne (all very busy/have parking issues) – existing users unlikely to join these. Tiverton Pool is also closing soon;
 - Always busy, used by people of all ages/ethnicities (2000-4000 members), including university students, people running for charities, and Clubs/leagues who practice there;
 - Adds to sense of community/provides a social life – people get to know each other;

- Brings in revenue to the local area/economy and provides jobs (net loss of jobs - 50 at Fitness First and bowling, replaced by 20 at Lidl). Encourages people to visit Stirchley, – good for local businesses;
- Local people would like additional facilities e.g. a pool or badminton courts;
- This would be the second leisure centre to be sacrificed for a supermarket;
- Makes the area more attractive to live in than a supermarket will;
- Fitness First is one of the better gyms people have been to. Expert/ friendly staff. Provides a much used ladies only section and facilities for disabled customers. Very reasonably priced;
- Provides services other than usual gym equipment – pre and post natal classes, back injury classes, sports/nutritional information and massage;
- Many people walk to/from the gym. Those going to the supermarket would use cars;
- Good for the community – provide mobile exercise equipment to the QE for charity;
- It is privately owned so does not cost the council to be run;
- Goes against government objectives to get rid of health and fitness centre.

4.13. **Loss of existing bowling alley:**

- Very popular/used by generations. Cheap family day out;
- Encourages people to socialise and exercise – good for the community;
- Good to have something in the community that is not focused around shopping. Provides a venue for groups to have fun;
- Local bowling teams hold competitions and people travel from afar to use the facility;
- Buildings have historic significance to the community;
- Is an independent business/should be supported. Very few non ‘corporate’ bowling places left;
- Do a lot of work with local charities.

4.14. **Already enough supermarkets/other shops:**

- 19 supermarkets in a 3 mile radius. Provision includes Aldi in Selly Oak and Edgbaston, Lidl in Kings Heath;
- Stirchley is like a shopping mall;
- Small/local businesses should be supported. Could be detrimental to local shops/undercut independent stores;
- There are many other sites where a Lidl could be built;
- Recent planning permission for a tesco nearby;
- Easy to buy food in the area, not easy to exercise;
- Site is outside of the primary shopping area as set out in the Stirchley SPD.

4.15. **Traffic/parking:**

- Pershore Road is already very busy, noisy and polluted – this would increase;
- Concerns over volume of traffic, road accidents and congestion. Supermarkets bring more daytime traffic. Pershore Road is too narrow/slow moving and roads are ‘rat runs’ already. Would exacerbate existing problems (already a bottle neck);
- No provision to include a cycle lane on Pershore Road;
- Impact on residents’ parking during construction;
- Concerns over large delivery lorries;
- Problems for those turning right from Cartland Road onto Pershore Road. Ineffective road layout between Pershore Road Warwards Lane;

- Disruption to bus routes (site close to a bus stop) and those trying to access the city centre;
- Risk to children crossing roads;
- Could delay emergency services to become delayed and therefore put lives at risk;
- Very little public parking. Concerns about shoppers parking on already busy streets.

4.16. **Impact on local area:**

- Area is already deprived. If approved, leisure facilities (and parking) should be moved to another nearby site (needed for the community). Residents want recreational space not supermarkets;
- Increased litter;
- Concerns about environmental damage on the River Rea. Kingfishers nesting nearby;
- Potential increase in anti-social behaviour. People want a sense of community;
- These facilities encourage people to live or move to the area. People would consider moving out if the facilities went;
- Area already has noise and air pollution;
- Need better infrastructure locally;
- Stirchley needs investment – this will not regenerate area. Area needs more diversity;
- Stirchley baths are welcomed but not sufficient compensation for the loss of gym/bowling in terms of community facilities – already seen the loss of this pool;
- Local residents concerned about reduced privacy;
- Would be detrimental to public health and social mobility;
- Area dominated by food and restaurants;
- Affordable housing would be a better use of the site;
- Site at risk of flooding from River Rea and Bourn– both have flooded recently;
- Area is losing its village feel;
- Front elevation to Pershore Road is angled and does not respect the building line.

4.17. **Suggested amendments:**

- Request that ornamental trees, similar to those shown on the west/Pershore Road side of the site, be planted on the north side to break up the view from houses on Bewdley Road;
- Other unused building should be demolished and other areas used as they are becoming derelict and have rats and dirt etc.;
- Additional planting needed to soften the landscaping;
- Need secure cycle storage.

4.18. **Objection received from Steve McCabe M.P.:**

- Demolition of well-used leisure facility and bowling alley is not in the interests of the local community. One of only two gyms in Bournville Ward – the other is a specialist body building gym (Fitness First is welcoming to everyone);
- No need for another supermarket in Stirchley. Potential threat to the viability of the long-awaited Tesco store, on vacant site with regeneration benefits. Asda was refused (on Fordhouse Lane) on the grounds that Tesco had been approved and another supermarket would threaten its viability;
- Impact on traffic management. Busy part of Pershore Road. Would increase traffic and modifications to the junction layout would be needed to accommodate large

numbers of vehicles. Already recent changes at Warwards Lane through Local Sustainable Transport Fund – waste of resources if has to be re-visited.

4.19. Objection from Councillor Timothy Huxtable:

- Site is not within the Primary Shopping Area;
- Stirchley already has a number of derelict sites;
- Existing use is viable/worthwhile to community. Lack of things for young people to do;
- Would result in a net loss of jobs (Lidl would lead to a net increase on another site);
- Existing facilities form part of a diverse local centre;
- Traffic around the site is already an issue;
- Supermarket would add to existing issues;
- Part of the site is on a flood plain, therefore there is a flood risk.

4.20. Objection from Councillor Sealey:

- Additional traffic pressures on the already congested Pershore Road and nearby junctions;
- Existing facilities are well-used and these businesses have no desire to move;
- Other sites in nearby location could accommodate a Lidl in parts of Stirchley that need regeneration.

4.21. Objection from Stirchley Neighbourhood Forum:

- Would be welcomed elsewhere;
- Concerns over traffic;
- Site should keep its leisure use;
- Retail use not mentioned in the Stirchley SPD.

4.22. Comments in support:

- Would provide some jobs;
- Would be welcome because it would bring cheap food. Many people in the area have financial constraints and would benefit from a Lidl;
- Development proposes improved design/would make the area look better. Existing site is ugly and looks derelict;
- Lidl would be an asset;
- No major issues on roads.

5. Policy Context

- 5.1. UDP (2005); Pre-Submission BDP (2031); Places for All SPG (2001); Car Parking Guidelines SPD (2012), Shopping and Local Centres SPD (2012); Stirchley Framework SPD (2015); NPPF; NPPG; Flood Zones 2 and 3.

6. Planning Considerations

Principle of Development

- 6.1. The National Planning Policy Framework (NPPF) confirms that there is a presumption in favour of sustainable development (Para. 14), with the three dimensions to sustainable development being economic, social and environmental.

- 6.2. The NPPF seeks to ensure the provision of sustainable development, of good quality, in appropriate locations and sets out principles for developing sustainable communities. Paragraph 17 promotes high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It encourages the effective use of land by utilising brownfield sites and focusing development in locations that are sustainable and can make the fullest use of public transport, walking and cycling. The Birmingham UDP similarly supports a more sustainable pattern of development by re-using brownfield sites in suitable locations.
- 6.3. The NPPF emphasises that planning law requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 confirms that the NPPF "...does not change the statutory status of the development plan as the starting point for decision making" and goes on to say that: "...development that accords with an up-to-date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

Loss of Leisure Uses

- 6.4. Paragraph 17 of the NPPF seeks to deliver sufficient community and cultural facilities and services to meet local needs and Paragraph 70 seeks to guard against the unnecessary loss of valued social, recreational and cultural facilities and services. Paragraph 70 states that "*planning policies and decisions should*
- *plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;*
 - *guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
 - *ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and*
 - *ensure an integrated approach to considering the location of housing, economic uses and community facilities and services".*
- 6.5. There are no relevant planning policies in the Birmingham UDP or the Pre-submission BDP relating to loss of leisure/community facilities. The current uses – bowling alley and fitness centre –are not classified as 'sports' and, as such, policies relating to loss of sporting facilities do not apply.
- 6.6. The Stirchley Framework SPD recognises the importance of community uses. It states that there is scope for new/improved facilities and that existing community uses will be supported, with investment in new/existing facilities to be encouraged.
- 6.7. The popularity of these existing facilities is evident from the level of objection received in response to this proposal and, for that reason, their loss would be regrettable. However, the potential impact of this loss needs to be weighed up in the determination of the application against the positive aspects of the proposed development in meeting other national and local planning policies. Account must also be taken of the availability of similar facilities or the potential for re-provision, and any implications this has for meeting the day to day cultural, leisure and community needs of the City.

- 6.8. I note objectors' comments regarding the loss of jobs from the existing leisure uses and the role played by the facilities in attracting people to this part of Stirchley, but consider that concerns in this regard must be balanced against the economic benefits associated with the construction and operation of a new retail store in terms of job creation and the implications for wider regeneration benefits.
- 6.9. In considering alternative provision, it must be borne in mind that, even if the current proposal were to be resisted, there would be no guarantee of the continued operation of the bowling alley and fitness centre. This would be a commercial decision for the parties involved. Typically, it appears that the current trend is for bowling alleys to be provided as part of a wider package of leisure facilities (including cinemas climbing centres, arcades and restaurants) and I acknowledge that such a facility is unlikely to be re-provided in this locality. However, I do not consider that its loss would have a demonstrable harm on the day-to-day needs of the community. Similarly, whilst the fitness centre has much support locally, it is not the only available option.
- 6.10. In the light of the above, I do not consider that the loss of the existing facilities would result in any adverse impact sufficient to justify the refusal of the current proposal on these grounds.

Retail Development

- 6.11. The NPPF requires Local Planning Authorities to define a network and hierarchy of centres and to set out clear policies in respect of appropriate uses for such areas, recognising that town centres are the heart of their communities and, as such, their vitality/viability should be supported. Paragraphs 23 to 27 of the NPPF are particularly relevant in this respect. Paragraph 23 states that planning policies should promote competitive town centre environments. In addition, the National Planning Practice Guidance (NPPG) under the chapter 'Ensuring the Vitality of Town Centres' identifies that "Local planning authorities should plan positively, to support town centres to generate local employment, promote beneficial competition within and between town centres, and create attractive, diverse places where people want to live, visit and work".
- 6.12. Policies in both the NPPF (Paragraph 24) and UDP (Chapter 7) direct new retail development to 'in centre' locations first, with a sequential approach to be applied if such development cannot be accommodated within a centre.
- 6.13. It should be noted that, whilst most of the relevant retail policies in the UDP remain broadly consistent with the NPPF, there are some aspects of the relevant policies that are not fully consistent (for example, the scale and needs tests incorporated in Paragraphs 7.23 and 7.27) and, as a consequence, the retail policies in the UDP are unlikely to be accepted as being fully 'up-to-date'. However, the main thrust of the relevant UDP policies is echoed throughout policy guidance today and therefore retains the weight of the development plan in determining this application.
- 6.14. The UDP advises at paragraph 7.23 that proposals for additional retail development/redevelopment in existing centres will normally be encouraged where the scale of the new development is appropriate to the size and function of the centre; is well integrated; has no significant adverse effect on the continued vitality/viability of an existing shopping centre as a whole; and maintains a range of shops to meet the needs of local communities.

- 6.15. Policy TP21 of the Pre-Submission Birmingham Development Plan states that proposals for convenience retail development in defined centres will be supported in principle, subject to proposals being at an appropriate scale for the individual centre. It states that proposals should deliver quality public realm and create linkages and connections with the rest of the centre and improve accessibility.
- 6.16. The City's Shopping and Local Centres SPD identifies this site as being within the Stirchley District boundary (although outside the Primary Shopping Area (PSA)). The SPD identifies that town centre uses (including retail) will be encouraged within centres, recognising them as the most sustainable locations for such investment with optimum accessibility by a range of means of transport.
- 6.17. The Stirchley Framework SPD recognises that "at the heart of Stirchley, there will be a revitalised district centre with new retail provision in larger stores". It states that "new retail led developments are encouraged and should normally be located within the PSA. Outside the PSA and within the centre proposals for re-use or conversion/redevelopment will be encouraged for uses in keeping with a district centre".
- 6.18. Concerns have been expressed locally about over-provision of supermarkets/other shops in this area, and the potential impact of approving a store in this location for existing small businesses. Objectors state that there is no need for any further stores, particularly as Tesco already have an approval nearby. However, the application site is 'in centre' and, as such, there is no requirement to test the proposal in sequential or impact terms nor to demonstrate need.
- 6.19. I note also the concern raised that the site is outside the PSA and, as such, there is a potential conflict with the Stirchley Framework. Notwithstanding the aspirations of the SPD in terms of focusing new retail provision in the PSA, it does not preclude development elsewhere within the district centre boundary.
- 6.20. In addition, the applicant has provided supporting information in respect of this issue, in recognising that the site is 'edge of centre' in relation to the actual PSA. This information relates to Lidl's business model and specific operating requirements, including site size (minimum 0.8ha), net floorspace (minimum 1,424sqm) and car parking spaces (approximately 120) which, it is argued, cannot be accommodated elsewhere within the district centre. It is acknowledged that there are vacant units in the PSA, but none of these would provide sufficient floorspace (even considering potential for utilising a group of units). The only larger vacant site is the one at Hazelwell Lane, which already has consent for a Tesco store (with work due to commence on its construction in the new year).
- 6.21. The applicant also identifies that Lidl makes a different retail 'offer' to other stores such as Tesco and Co-op, through the aforementioned business model, and this offers a benefit to the local community. It has a more limited product range and its primary trade is in bulk, not 'top-up' shopping. As such, it is suggested that the store would not be in direct competition with typical town centre convenience stores or independent operators (such as butchers, bakers and greengrocers). Reference is made to various appeal decisions on Lidl proposals, including an acknowledgement of the store's specialist discount model and the implications of this for it being complementary to other activities within an existing centre.
- 6.22. The application site directly fronts Pershore Road, has other retail units immediately opposite and has very direct links with the wider centre, the regeneration of which I consider it would contribute towards. Notwithstanding the concerns raised by the

local community about the impact on existing local businesses, in the light of the above, I consider that the principle of a retail use on this site accords with policy.

Layout and Design

- 6.23. Chapter 7 of the NPPF focuses on good design as a key element of sustainable development. Paragraph 56 states: “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”
- 6.24. Paragraphs 3.14A-E of the Birmingham UDP sets out design principles that should be applied to any new development. Among the good urban design principles set out in the UDP at Paragraph 3.14D are that “The City Council will have particular regard towards the impact that the proposed development would have on the local character of an area, including topography, street patterns, building lines, boundary treatment, views, skyline, open spaces and landscape, scale and massing, and neighbouring uses”.
- 6.25. The Council’s Places for All SPG also provides detailed design guidance based around the principles of: creating diversity; moving around easily; safe places/private spaces; building for the future; and building on local character.
- 6.26. The Stirchley Framework requires that “all new developments ... will contribute to the street scene by presenting the very best design”. New large-scale retail developments should be integrated with the centre and maintain an active frontage on Pershore Road/other road frontages “in order to provide legibility for the scheme, and encourage the flow of customers to and from the High Street”.
- 6.27. There would be no objection in principle to the demolition of the existing building, which is of no architectural merit or historic significance and makes no positive contribution in the street scene.
- 6.28. The design of the redevelopment proposal has been developed in consultation with Officers, with amendments made in response to concerns raised. The general arrangement of the building and parking in the context of the site constraints is considered acceptable. The orientation of the store with the primary glazed elevation and entrance next to Pershore Road creates an active, interesting built edge that is closer to the Pershore Road site boundary than the existing building. It also provides activity at ground floor level (which the existing building does not).
- 6.29. The basic architectural form is a standard approach, similar to stores elsewhere in the city, although it has been enhanced to respond to the site’s context. For example, the use of brick on the Cartland Road elevation is welcomed as this will make this largely blank elevation recede behind existing tree cover on the south side of the Bourn (immediately adjacent, outside the development site) and, consequently, it should not adversely impact on the character of this part of Cartland Road or the outlook of nearby houses.
- 6.30. Overall the proposed development is considered acceptable from an urban design perspective.

Landscape, Trees and Ecology

- 6.31. Paragraph 109 of the NPPF states that the planning system should recognise the wider benefits of ecosystem services, minimise impacts on biodiversity, provide net gains in biodiversity where possible and contribute to the Government's commitment to halt the overall decline in biodiversity (including by establishing coherent ecological networks that are more resilient to current and future pressures).
- 6.32. Paragraphs 3.37-3.39 of the Birmingham UDP explain the importance of safeguarding and enhancing the natural environment of the City, improving the protection of existing areas of nature conservation importance and measures to improve the diversity and quality of wildlife habitats throughout the City. Policy TP8 of the Pre-Submission BDP similarly identifies that all development should, where relevant, contribute to enhancing Birmingham's natural environment, having regard to strategic objectives for the maintenance, restoration and creation of ecological and geological assets.
- 6.33. Paragraph 3.16A of the UDP considers trees and landscape, stating that "trees are important for their visual amenity, benefits to health, historical significance and nature conservation value. They help to improve air quality and can be used to screen development and soften building lines". It advises that developers will be expected to give priority to the retention of trees/landscaping and, where they would be lost as a result of development, replacement trees will be required, with suitable additional planting will be required to complement/enhance existing landscaping.
- 6.34. The application site is in close proximity to the River Rea and Bourn, both of which have importance for wildlife. A Preliminary Ecological Appraisal was submitted in support of the application. An ecological survey was undertaken of the site and buildings in November 2015. Your Ecologist is satisfied that, while this is outside of the optimal survey time, given the built nature of the site, a realistic appraisal could be given. The appraisal concludes that there is currently little opportunity for wildlife within the site, the greatest potential lying along the Bourn corridor to the south and your Ecologist accepts these findings. The submitted report makes a number of recommendations including the requirement for a construction ecological mitigation plan and scheme for ecological/biodiversity measures, which can appropriately be secured by conditions.
- 6.35. Your Ecologist also suggests that the soft landscaped buffer strip that would adjoin the Bourn corridor should be designed to act as a SUDs for the site and help to attenuate run-off before entering the storm water/ river network.
- 6.36. The proposal, which now incorporates the access 'slipways' required by the Environment Agency, would result in the loss of 3 trees adjacent to the site's southern boundary – two Common Ash specimens (Category B and C) and an Acer (Category C). Your Tree Officer notes that there is no statutory tree protection within or around the site and that most of the existing site is covered in hard standing which is intact and a constraint to root growth from adjacent property. The exception is the roughly triangular area of soft landscape adjacent to T11 (an Ash at the south-west corner), at which point the soft landscape is truncated in the proposal to the depth of the root protection area of this tree, which your Tree Officer considers to be a reasonable approach.
- 6.37. No objection is raised to the loss of the aforementioned trees, one of which is already growing through a metal palisade fence, with the other removals being unavoidable in the light of the EA requirements. An Arboricultural Impact Assessment has been submitted and your Tree Officer is satisfied with the proposal,

subject to the implementation of these recommendations (to be secured by condition).

- 6.38. The proposal includes the introduction of new landscaping areas along the western boundary adjacent to Pershore Road, consisting of low level evergreen shrubs, with a trip-rail to back of pavement. Five new Hornbeam trees would be planted along the Pershore Road frontage. Paving is proposed for use in the pedestrian areas within the site with small block paving units in Anthracite to demarcate the entrance to the store. Around the site boundary, landscaping is proposed utilising plant species that would improve and encourage greater biodiversity and connectivity to the wildlife corridors along the watercourses.
- 6.39. My Landscape colleague recommends that significant native tree/hedge and thicket planting will be required in the site's south-west corner. Your Tree Officer notes that the new tree planting on the frontage would benefit greatly from construction of the adjacent parking spaces in a way which is permeable and allows root growth below. He advises that, with the careful design of surface layers and edging, root disturbance immediately below the surface could easily be avoided. I consider that these matters in respect of landscaping and surface treatment could appropriately be secured by condition.

Residential Amenity

- 6.40. The only residential properties immediately abutting the site are those on Bewdley Road, whose back gardens abut the northern boundary. The access to the site and the store/servicing are all located along the southern boundary, away from these houses. There is a vehicular route and parking along this northern boundary currently and, as such, I do not consider that the proposed car park would result in any significantly increased impact. A substantial landscaped buffer would be provided adjacent to this boundary.
- 6.41. Regulatory Services have raised no objection to the proposals, subject to conditions in respect of opening hours (0700-2200 hours Mondays to Saturdays and 1000-1700 hours on Sundays and Bank Holidays), delivery code of conduct, deliveries, noise from plant/machinery and contamination.
- 6.42. Subject to these details, I am satisfied that the proposals would have no unacceptable impact on residential amenity.

Transportation

- 6.43. Paragraph 32 of the NPPF explains that plans and decision should: take up opportunities for sustainable transport modes, that safe and suitable access to the site can be achieved for all people, and that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. It goes on to explain that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Paragraph 40 continues "Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles."
- 6.44. The Council's Car Parking Guidelines SPD recommends a maximum of 1 space per 14sqm in this location.

6.45. The Stirchley Framework requires that (in order to improve centre parking overall) when off-street parking is provided as part of any major retail/mixed use development, developers will be expected to:

- Provide parking for shoppers using other stores in the area;
- Include a car park management scheme;
- Replace on-street parking lost as a result of highway improvements;
- Provide car parking facilities.

6.46. The Framework also refers to a potential requirement for junction improvements at Warwards Lane/Ribblesdale Road/Pershore Road (opposite the site) and new pedestrian crossings.

6.47. The proposal has been amended significantly since its original submission, one of the key changes being the re-positioning of the site access from the north-west to south-west corner. This change resulted from concerns emerging from a Road Safety Audit (RSA) undertaken as part of the design work, which identified a potential conflict resulting from the proximity of the original access position to the junctions opposite (Warwards Lane/Ribblesdale Road).

6.48. My Transportation colleagues raise no objections to the amended proposals, subject to conditions and s278 Agreement. The package of developer funded off-site mitigation would include:

* Relocation and upgrade of the existing pelican crossing on Pershore Road (to become a 'Toucan' crossing);

* Upgrading of the existing traffic signal controlled junction at Pershore Road/Cartland Road to 'MOVA' operation (in order to accommodate proposed development related traffic growth);

* Linking the Toucan and traffic signals (Cartland Road) in order to assist in managing stacking space (for consideration at the detail design stage);

* RSA items, including that related to the relocation of the bus stop;

* Removal of redundant accesses; and

* Creation/modification of existing accesses.

6.49. I am satisfied that the proposed level of parking provision is appropriate for a store of this size and acknowledge the benefits to the wider shopping area that would result from the general availability of this car park on a short-term basis (details to be secured through a management plan). Similarly, my Transportation colleague is satisfied that the proposal would have no unacceptable impact on the surrounding highway network, subject to the identified package of mitigation measures. In addition, pedestrian safety would be improved through the delivery of the relocated/upgraded crossing, which will be linked into the operation of the traffic light junction at Cartland Road.

Drainage/Flooding

6.50. The NPPF, at paragraph 100, states that "Inappropriate development in areas at risk of flooding should be avoided ... but where development is necessary, making it safe without risking flood risk elsewhere".

6.51. Paragraphs 3.71-3.76 of the Birmingham UDP explain that proposals for new development will be expected to take account of any of any effects they might have

upon water and drainage. Policy TP6 of the Pre-Submission BDP requires that as part of their Flood Risk Assessment (FRA) and Sustainable Drainage Assessment developers should demonstrate that the disposal of surface water from the site will not exacerbate existing flooding and that exceedance flows will be managed. Sustainable Urban Drainage Systems (SuDS) should also be utilised in order to minimise flood risk.

- 6.52. The Stirchley Framework identifies that Flood Risk Assessments (FRAs) in areas of mapped flood plain, susceptible to surface water flooding. Specific reference is made to area around the confluence of the Bourn and the Rea. These will include mitigation measures to address any issues and reductions in surface water discharge. The Framework states that opportunities for flood risk management/improvement will be encouraged including flood alleviation works, easements to facilitate maintenance access at appropriate locations and reductions in surface water discharge through sustainable drainage systems.
- 6.53. The Environment Agency (EA) originally objected to the proposal, requiring a significant amount of additional modelling work to be undertaken to satisfy their concerns in respect of flooding. This work was undertaken over several months, in consultation with the EA, who have now withdrawn their objection.

Planning Obligations/CIL

- 6.54. Paragraph 204 of the NPPF states that planning obligations should only be sought where they are necessary, directly related to the development, and fairly/reasonably related in scale and kind to the development. Paragraphs 8.50-8.54 of the Birmingham UDP set out the Council's approach towards securing planning obligations, providing examples of what such obligations might involve, including 'improvements to public parking' and 'environmental enhancement'. Similarly, the Pre-Submission BDP (at paragraph 10.12) identifies that "...The City Council will, where appropriate, seek to secure site specific measures through planning obligations".
- 6.55. The Stirchley Framework supports the improvement of the attractiveness of the centre through public realm improvements. In considering 'Public space and connectivity', the Framework refers to improvements to public spaces/the pedestrian environment and cites examples including the 'micro parks' outside 1219-1239 Pershore (opposite the junction of Cartland Road with Pershore Road).
- 6.56. The applicant has committed to a contribution of £50,000 towards public realm/environmental improvements within Stirchley District Centre and I am satisfied that this level of contribution would be appropriate for a development of this scale. An opportunity exists for the potential delivery of the next phase of the aforementioned 'micro parks' project, in the immediate vicinity of the site. I consider that such provision would accord with the aspirations of the Stirchley Framework.
- 6.57. The applicant will also bear the costs of the Highway Works, currently estimated to be in excess of £100,000.
- 6.58. The proposed development does not attract a CIL contribution.

7. Conclusion

- 7.1. Whilst the loss of the existing facilities is regrettable, the redevelopment of this site (within the existing district centre) for retail purposes accords with both national and local planning policy. The proposed development would provide an alternative retail offer and would support the ongoing regeneration of Stirchley centre in accordance with the aspirations of the recently adopted Framework.
- 7.2. The proposal would have no adverse impact on the adjacent residential amenity and would have a beneficial impact on the character and amenity of the surrounding area. In addition, the proposed package of mitigation works would ensure that there would be no unacceptable impact on the highway network and would assist in the improved operation of the adjacent traffic light junction and pedestrian crossing facilities. The proposed flood mitigation works, in consultation with the EA and LLFA, would also be beneficial in an area where flooding has been a concern in the past.
- 7.3. In considering the three elements of sustainable development - economic, social and environmental – I conclude that, on balance, the benefits offered by the redevelopment of the site as proposed outweigh any concerns in respect of the loss of the bowling alley and fitness centre. The proposal constitutes sustainable development and, therefore, should be supported.

8. Recommendation

- 8.1. That planning application 2016/00664/PA be deferred pending the completion of a suitable legal agreement to secure the following:
- a) A financial contribution of £50,000 (index linked to construction costs from the date of the Committee Resolution to the date on which payment is made) towards public realm/environmental improvements within Stirchley District Centre (as defined in the Shopping and Local Centres SPD 2012).
 - b) Payment of a monitoring and administration fee associated with the legal agreement of £1,750.
- 8.2. That, in the event of the above legal agreement being completed to the satisfaction of the Local Planning Authority on or before 13 December 2016, favourable consideration will be given to application 2016/00664/PA subject to the conditions listed below.
- 8.3. That the City Solicitor be authorised to prepare, seal, and complete the appropriate agreement.
- 8.4. That in the event of the above legal agreement not being completed to the satisfaction of the Local Planning Authority, on or before 13 December 2016, planning permission be refused for the following reasons:
- a) In the absence of any suitable planning obligation to secure a financial contribution of £50,000 towards public realm/environmental improvements within Stirchley District Centre the proposed development conflicts with Paragraph 204 of the NPPF, Paragraphs 8.50-8.54 of the Birmingham Unitary Development Plan, Paragraph 10.12 of the Pre-submission Birmingham Development Plan, and the Stirchley Framework SPD.

1 Requires the scheme to be in accordance with the listed approved plans

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- 2 Limits the noise levels for Plant and Machinery
 - 3 Limits the hours of use - 0700-200 Mon-Sat and 1000-1700 Sun/BH
 - 4 Limits delivery time of goods to/from the site - not outside of 0700-2200 daily
 - 5 Requires the prior submission of a contamination remediation scheme
 - 6 Requires the prior submission of a contaminated land verification report
 - 7 Requires the prior submission of sample materials
 - 8 Requires the prior submission of a sustainable drainage scheme
 - 9 Requires the prior submission of a Sustainable Drainage Operation and Maintenance Plan
 - 10 Requires the prior submission of hard and/or soft landscape details
 - 11 Requires the prior submission of a parking management strategy
 - 12 Requires the prior submission of a lighting scheme
 - 13 Requires the prior submission of level details
 - 14 Requires the prior submission of details of refuse storage
 - 15 Requires the prior submission of cycle storage details
 - 16 Requires tree pruning protection
 - 17 Requires the prior submission of a landscape management plan
 - 18 Requires the prior installation of means of access
 - 19 Requires the prior approval of the siting/design of the access
 - 20 Requires the prior submission of details of pavement boundary
 - 21 Requires the delivery and service area prior to occupation
 - 22 Requires the parking area to be laid out prior to use
 - 23 Requires the prior submission of a car park management plan for disabled spaces
 - 24 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 25 Requires the prior submission of a method statement for the removal of invasive weeds
 - 26 Requires the prior submission of a construction ecological mitigation plan
 - 27 The development shall be undertaken and maintained in accordance with the submitted Arboricultural Impact Assessment (Ref: JKK8887.)
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- 28 Requires the prior submission of a commercial travel plan
 - 29 Requires development to be carried out in accordance with the Flood Risk Assessment
 - 30 Flood Warning and Evacuation Plan
 - 31 The development hereby permitted shall not be commenced until such time as a flood management scheme to provide a suitable engineered flood wall on the northern boundary of the site and floodplain compensation within the car park has been submitted to, and approved in writing by, the local planning authority.
 - 32 Requires the prior submission of details of a delivery vehicle management scheme
 - 33 Requires the prior submission of a scheme for ecological/biodiversity/enhancement measures
 - 34 Limits the approval to 3 years (Full)
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Case Officer: Alison Powell

Photo(s)



View of site from Cartland Road, adjacent to junction with Pershore Road



View of rear of site from Cartland Road beyond pumping station

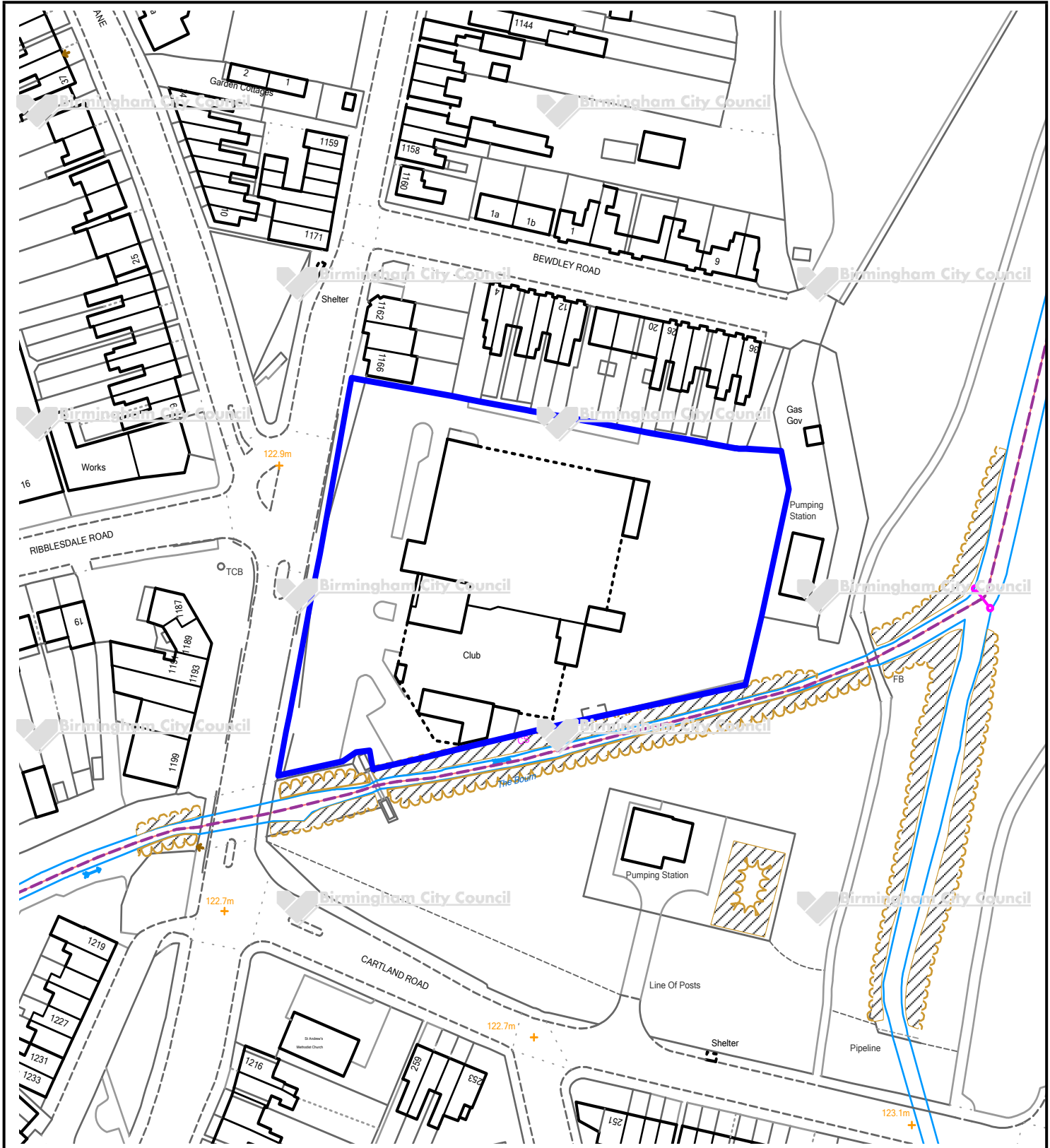


View of Pershore Road from front of site



Existing building

Location Plan



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