
Committee Date:	17/10/2013	Application Number:	2013/03997/PA
Accepted:	10/06/2013	Application Type:	Outline
Target Date:	09/09/2013		
Ward:	Bournville		

Land off Pershore Road/Hazelwell Lane, Stirchley, Birmingham

Proposed Superstore, offices, shops (Use Class A1), apartments, public spaces, highway alterations - including the stopping up of part of Hazelwell Lane - demolition, and associated works (outline application with consideration of access and siting)

Applicant: Tesco Stores Ltd
Cirrus, Shire Park, Welwyn Garden City, Hertfordshire, AL7 1AB
Agent: GVA
3 Brindley Place, Birmingham, B1 2JB

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Planning permission is sought for the demolition of the remaining buildings on the site – including the Stirchley Working Men's Club and the Birmingham City Council bowling and community centre – and the redevelopment of the site with a mixed-use scheme comprising a new supermarket, offices, shops and apartments, with new public spaces and associated highway works.
- 1.2. The proposal is in outline form, but with siting and access details for consideration at this stage. The applicants have submitted a Planning Statement, Design and Access Statement, Transport Assessment, Noise Assessment, Flood Risk Assessment, Ecological Assessment, and Statement of Community Involvement in support of the application, in addition to a site layout plan and other illustrative information.
- 1.3. A screening opinion was carried out, which concluded that an Environmental Impact Assessment was not required for this proposal.

Tesco Store

- 1.4. The proposed development would be anchored by a new Tesco superstore with a gross floor area of 8,359sqm (89,975sqft) and net sales area of 4,600sqm (49,515sqft). The proposed store would comprise of a single level trading floor and associated warehouse, with customer restaurant and toilets adjacent to the main entrance. Staff facilities, accessed via stairs and lift, would be provided on a first floor (mezzanine) element located over the warehouse/bakery facilities to the north corner of the store, adjacent to the vehicular access into the site. The store would carry a range of non-food comparison goods in addition to a full range of convenience goods.

- 1.5. The store would be located on the west side of the site to the north of the British Oak Public House (a Grade II listed building) and its bowling green, with the main customer entrance at the front corner off Pershore Road. It would sit parallel to the Pershore Road, extending up to the junction with a re-aligned and widened Hazelwell Lane.
- 1.6. A service yard would be to the rear of the store, accessed directly off Hazelwell Lane. A main car park for 475 cars is proposed to the south of Hazelwell Lane to the rear of the store, extending up to Hunts Road at the rear boundary. Parking would be provided for both parent and toddlers (20 spaces) and people with disabilities (24 spaces), as well as cycle parking. Car parking would be available to both store customers and visitors to Stirchley Centre.
- 1.7. A secondary customer store entrance is proposed in the south-eastern corner of the store, from the car park. Access from Pershore Road via Hazelwell Lane would be the only vehicular access into the site for customer and service vehicles. Pedestrian access would be provided from both Hunts Road to the east, close to the footpath link to the River Rea walkway, and also from the south, adjacent to 39 Hunts Road. The footpath link from the east would then run adjacent to the north boundary of the bowling green and the British Oak Public House and would widen into a plaza area fronting Pershore Road and the main entrance to the store and café. This new 'public square' is intended to form part of a series of environmental improvement works, to create a link through from the site (and the area beyond to the east) with the wider Stirchley centre.
- 1.8. Illustrative information (not for approval), contained with the submission, indicates how the store could look. In this case, the store is shown to be approximately the height equivalent of 2 storeys. The elevation to the Pershore Road frontage is shown as a series of brick panels, with timber edges, incorporating significant areas of clerestory glazing, with a flat-roofed canopy over. This canopy is shown as extending beyond the south-west corner of the store (at the main entrance/public square), with this section of the store being full-height glazing, which continues along the southern elevation, fronting onto the proposed footpath link.
- 1.9. The corner at the junction with Hazelwell Lane would be curved and is shown as a robust brick plinth at ground floor with glazing above (to staff facilities), enclosed by a timber feature element. The north side of the building would be used for storage and there is therefore limited opportunity for the introduction of glazing on this elevation. In order to address this, the illustrative information shows potential for a series of panels incorporating wall planting on support wires along this frontage to the access road. The service yard at the rear corner would be enclosed by a brick wall.
- 1.10. 24 hour opening is sought Monday to Saturday, with the store also open between 1000 hours and 1600 hours on a Sunday/Bank Holidays.

Other Retail Units/Residential

- 1.11. To the south of the British Oak public house, the applicant proposes to construct 3 new shop units with apartments/storage above. These would occupy land that is currently vacant, filling the gap between the pub and the existing shops which stand to the immediate north of Hunts Road. The new units would have a combined gross floor area of 743sqm (7,997sqft), approximately 224sqm (2,406sqft) of which would be at first floor level. In addition, the existing retail units at 1386-1392 Pershore Road

would be retained and refurbished (with 3 of them extended by between 8-15sqm to the rear to create improved retail floorplates).

- 1.12. To the rear of these properties would be a small car park (15 spaces) and service yard associated with the largest of the new units, accessed directly from Hunts Road.

Offices

- 1.13. To the immediate north of the access road (leading from Pershore Road), the applicant proposes to construct a two-storey office building – 637sqm (6,856sqft) gross - together with a small dedicated car park containing 21 spaces and cycle parking facilities for 4 bikes.

Other existing Uses

- 1.14. In addition to the Stirchley Working Men's Clubhouse and the Birmingham City Council facilities referred to previously, residential properties on Hazelwell Lane (1-37) would all be demolished. Webbs Power Tools on Pershore Road would also go, as would 1298-1310 Pershore Road.
- 1.15. The replacement social club and bowling/community facilities are to be accommodated off-site (as detailed later in this report).

Environmental Enhancements

- 1.16. To the west of the proposed store, there is a triangular area of underused land (a storage yard with advert hoardings around it) bounded by Hazelwell Street and Pershore Road, to the south of Elim Church. This would be cleared to create a new landscaped space with seating/planting and provide a pedestrian link to Hazelwell Street. This proposal would also deliver other improvements to the pedestrian environment (including new footpaths) along Hazelwell Street, up to the frontage to Farm Foods, beyond Stirchley Baths.

Access

- 1.17. To facilitate traffic movement, it is proposed to return part of Pershore Road - between the site access and its junction with Hazelwell Street (to the south) - to two-way operation, with a signal controlled junction to be created on the Pershore Road at the site entrance. Pershore Road would be widened across the site frontage, with the provision of on-street parking facilities for residents and church users on the western side of the road, opposite the superstore. Improvements are also proposed at the junction of Pershore Road with Hazelwell Street, which would be narrowed down to reduce traffic speeds, and on-street parking facilities provided for residents of this road. The proposals include the introduction of new pedestrian crossings and bus stops, a new access to the Kwiksave site (to the south-west) and the widening of footways on Hazelwell Street (as mentioned previously)

[Site Layout Plan](#)

2. Site & Surroundings

- 2.1. The application site covers approximately 4.25 hectares. It includes commercial properties fronting the east side of Pershore Road, residential properties at nos. 1-37 Hazelwell Lane, and the site of the former Phoenix Works (manufacturers of

equipment for the elderly/disabled). The site also extends to the south of Hazelwell Lane and includes the former BT depot, the City Council's community centre and indoor bowls centre, and Stirchley United Working Men's Club.

- 2.2. The site incorporates part of the Pershore Road extending up to the roundabout junction with Hazelwell Street and Umberslade Road, and from the junction of Pershore Road/Hunts Road to Hazelwell Street. The currently vacant triangular site immediately south of Elim Church is also included.
- 2.3. The area surrounding the Hazelwell Lane site comprises a mix of land uses. Immediately south of the application site is the Grade II listed British Oak Public House, its loggia and bowling green. Residential terraces front Hunts Road, Warren Road, Plymouth Road and Pershore Road opposite the site. To the east is a large area of public open space and the River Rea which is part of a national cycle route, pedestrian route, a Site of Local Importance for Nature Conservation, Wildlife Corridor and Linear Open Space. Further to the south-west, west and north-west are commercial/retail premises fronting Pershore Road/Hazelwell Street including the Co-op Extra Store with residential properties beyond. To the north are residential properties and the locally listed building known as Hampton Works, fronting Twynning Road and the former 'TASCO' social club (which recently ceased trading).
- 2.4. The site falls within the primary shopping area which forms part of Stirchley District Centre, as identified in the City's Shopping and Local Centres Supplementary Planning Document.

[Site Location Map](#)

[Street view](#)

3. Planning History

Application Site

- 3.1. 29 June 2004. Application No. S/01752/02/OUT. Demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Outline application submitted on behalf of Tesco - approved.
- 3.2. 12 December 2006. Application no. S/00260/03/OUT. Non-food retail, community and leisure facilities, restaurant, residential development, car parking, servicing and highway works at Hazelwell Lane/Pershore Road, Hunts Road/Hazelwell Street. Outline application with siting and access for consideration submitted by Helical Retail Ltd. - approved.
- 3.3. 29 September 2008. Application no 2007/03727/PA. Renewal of S/01752/02/OUT for; Demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazelwell Street. Application submitted on behalf of Tesco - approved.

- 3.4. 30 April 2010. Application no 2009/05456/PA. Renewal of S/00260/03/OUT for; Non-food retail, community and leisure facilities, restaurant, residential development, car parking, servicing and highway works at Hazelwell Lane/Pershore Road, Hunts Road/Hazelwell Street. Outline application with siting and access for consideration submitted by Helical Retail Ltd. - approved.
- 3.5. 22 December 2010. Application No. 2010/05404/PA. Application for a new planning permission to replace permission 2007/03727/PA demolition of commercial, leisure, residential and retail premises, construction of Class A1 retail superstore, additional retail units with residential accommodation above, surface level car park, replacement community facilities, replacement social club, alterations to Pershore Road and Hazelwell Street, landscaping and associated works at Hazelwell Lane, Pershore Road, Hunts Road and Hazewell Street. Application submitted on behalf of Tesco - approved.

Related Developments

- 3.6. 21 March 2013. Application No. 2012/08199/PA. Partial demolition and conversion of baths to form a community centre with children's play area and car parking at Bournville Lane Baths, Bournville Lane, Stirchley – approved.
- 3.7. 13 June 2013. Application No. 2012/08200/PA. Listed building consent for partial demolition and conversion of Grade II listed building at Bournville Lane Baths, Bournville Lane, Stirchley – approved.
- 3.8. 3 October 2013. Application No. 2013/05711/PA. Construction of new 712 seat spectator stand, with associated rugby facilities, indoor bowls multi-use centre and new community sports changing facilities at Billesley Common, Yardley Wood Road, Billesley - approved.

4. Consultation/PP Responses

Consultation Responses

- 4.1. Transportation – The general principles of the proposed development and highway design are accepted but subject to a number of points for further information and clarification.
- 4.2. Local Services – this application supersedes previous proposals and is the result of significant and complicated negotiations over many months. No objections to the scheme. Land negotiations have included agreements concerning the provision of replacement community and sports facilities on other sites within the vicinity and wider area.
- 4.3. Regulatory Services – no objection in principle, but queries raised in respect of some details:
 - Queries raised in respect of criteria used in submitted noise report.
 - Potential disturbance to residents on Hunts Road from deliveries during evenings, nights and early mornings.
 - Parking spaces closest to these properties and footpath link to Hunts Road could also cause disturbance.
 - Further clarification is sought in respect of a possible CHP plant.
 - Further information requested on nature of commercial uses for non-superstore units (as this will inform acceptable hours of operation).

- 4.4. - Revised siting of recycling facilities should be considered.
- 4.5. West Midlands Fire Service – No objection, subject to the provision of a suitable water supply for fire fighting purposes in the form of hydrants
- 4.6. West Midlands Police – Notes that crime has been considered by the applicant. Site is open and porous, with potential escape routes for criminals. Rear boundary of 39 Hunts Road will be vulnerable/should be secured. Proposed public space between store and British Oak public house has potential to become a gathering point/source of anti-social behaviour. The positioning of any ATM will be important. Proposed position of cycle stands is ideal. Car park appears well laid-out. Service yard for additional shop units should be gated at its boundary with Hunts Road.
- 4.7. Natural England – no objection to the proposed development. Supports the recommendations in the submitted bat survey. Development may provide opportunities to incorporate features into the design which are beneficial to wildlife – should consider securing measures to enhance the biodiversity of the site. There may also be opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainability; and bring benefits for the local community.
- 4.8. Centro – a scheme of this nature could make a contribution towards way-finding totems/realtime information screens for this area, thereby providing value for pedestrian/public transport users. Site is serviced by a number of high frequency bus services and Bournville station is a short distance away. Further information may be required to ensure site access will not affect running of bus services along Pershore Road and agreement is required for relocation of shelters.
- Enhanced pedestrian measures should be explored/implemented. Clear signage is essential to assist with navigation for walking/cycling. Cycle parking should be secured. Welcome the inclusion of a Travel Plan as part of the submission.
- 4.9. Environment Agency – have not yet had the opportunity to review the proposals. Wish an objection to be recorded until comments are provided.
- 4.10. Severn Trent – no objections subject to a drainage condition. There is a public sewer within the application site – applicant should contact Severn Trent for advice.

Public Participation

- 4.11. Surrounding occupiers, Councillors, MP and residents associations notified and site/press notices posted (including advertisement of the proposed stopping up of part of Hazelwell Lane).
- 4.12. 14 letters of objection, 7 letters of support and 5 letters of comment received, including comments from Stirchley Neighbourhood Forum.
- 4.13. **Objections** as follows:
- 4.14. Amenity Concerns
- Walkway from Hunts Road unnecessary. Will result in noise/loss of privacy, with increased pedestrian traffic and parking on Hunts Road;

- New trees adjacent to this route will result in loss of light and insurance issues. If access from Hunts Road considered necessary, safety/security of adjacent back gardens should be put in place;
- Sound and light pollution from main access road. Existing houses on Hazelwell Lane currently provide an acoustic screen. Appropriate acoustic treatment required to boundary;
- Increased noise during construction and from 24 hour operation;
- Parent/child parking closest to residential properties will create noise, thereby impacting on quality of life;
- Impact of 24 hour lighting on residential amenity;
- Potential anti-social behaviour in car park;
- Concerns regarding car park layout, including proximity of access to rear gardens of properties on Twyning Road;
- Noise from recycling facilities and car wash;
- Removal of wall to rear gardens on Twyning Road would make properties vulnerable to intruders and risk cats on this street being injured in the car park;

4.15. Transportation Concerns

- Increased traffic and impact on traffic flow;
- Will worsen existing congestion, giving rise to safety issues (which proposed highway alterations will not mitigate);
- A one-way system should continue to operate with parking permits for local residents;
- Potential impact on parks and cycle routes;
- Twyning Road could become a go-between between Tesco and Pershore Road;
- Proposals incomplete. Deliberately omit details on re-modelling of road network at Umberslade Island and changes to TROs along Pershore Road between Cartland Road and Fordhouse Lane. These changes will impact on businesses, by hindering servicing arrangements and parking for customers. Need to know full potential impact of changes to the road network prior to consideration of Tesco proposal by Planning Committee;
- A Technical Note has been submitted by AECOM (a firm of technical consultants) on behalf of Revlan UK, which questions the adequacy of the submitted Transport Assessment. This note refers to the evidence presented at the recent public inquiry in respect of the Asda proposal on the nearby Arvin Meritor site, and contends that the Pershore Road/Fordhouse Lane junction (at the southern end of Stirchley centre) should have been assessed as part of this application.

4.16. Other Concerns

- Already have adequate shopping facilities. No need for another supermarket;
- Impact of the superstore on the character of Stirchley;
- Store is too large for site and out of scale with adjacent buildings – will dominate surrounding area;
- Details of design, hours of operation/deliveries should be required at this stage;
- Impact on existing businesses and independent shops. Will suffer from competition
- Will not regenerate the area. Shoppers will visit the store and then drive away, contributing nothing but traffic and pollution;
- Site should be used for much needed housing;
- If Tesco are going to build the apartments/offices, need to ensure that they are sold/used rather than left vacant.
- Lack of response from Tesco on issues raised;

4.17. **Support** as follows:

- Stirchley needs investment;
- Supermarket will create jobs for local people and give Stirchley an economic boost;
- Need a large supermarket in this area. Would welcome this additional choice;
- Will improve the appearance of this part of Stirchley;
- Welcome the development of this derelict land and the opportunities it will bring to the area;
- Proposals for the 'plazas' welcomed – a distinct improvement;
- Convenient location – easily walkable along the Rea path, Less need for access by car and therefore less traffic (people currently drive to Cotteridge/Knigs Heath and further afield);
- Positive aspects of this development outweigh any negative highway implications.

4.18. The Access Committee – the opportunity should be taken to provide a bus layby/bus stops in front of the store, to improve accessibility and help avoid buses loading/unloading from holding up traffic. A raised crossing/traffic slowing measures should be provided at Hunts Road crossing at the River Rea bridge crossing.

- 4.19. Elim Pentecostal Church – supports the store and regeneration of the area, but has detailed concerns. Proposal removes almost all the Church’s car parking. This section of Pershore Road currently has no parking restrictions on Sundays/evenings. Proposals allow no latitude for parking in this area. Tesco car park and nearby residents’ spaces may not be close enough for older, infirm and special needs members of the congregation. Increased use of right hand lane on Hazelwell Street will also make drop-off more difficult.

5. Policy Context

- 5.1. NPPF; UDP 2005; Draft Birmingham Development Plan, Stirchley Framework (SPG); Shopping and Local Centres (SPD); Places for All (SPG); Draft Places for the Future SPD; Grade II listed buildings at 15 & 17 Hazelwell Street, Stirchley Public Baths, Stirchley Library and British Oak public house; Grade B Locally Listed buildings at the Three Horseshoes public house and the Hampton Works, Ripple Road; adjoining River Rea SLINC and Rea Valley Walkway/Millennium Cycle Route.

6. Planning Considerations

BACKGROUND

- 6.1. There is extensive planning history associated with this site, with interest in particular from different retail operators. Tesco originally submitted an outline application for redevelopment with a super-market-led scheme in April 2002, following their acquisition of significant portions of the site, including the former BT depot on the southern side of Hazelwell Lane and the former Phoenix Healthcare premises on the opposite side of the road. This application was approved in June 2004.
- 6.2. Tesco then continued to make progress in respect of land assembly, including the acquisition of a number of properties fronting Hazelwell Lane and Pershore Road. There were also ongoing discussions between Tesco and the City Council and Stirchley Working Men’s Club regarding the relocation of the existing facilities remaining on the site and the acquisition of the land that they occupy.
- 6.3. In June 2007, Tesco applied to renew their 2004 permission and a fresh consent was issued in September 2008.
- 6.4. Following on from this, there was a protracted tender process in respect of the sale of the City Council-owned land, with a series of delays chiefly resulting from challenges from the Co-op. Tesco was ultimately the successful bidder.
- 6.5. Tesco’s consent was again renewed in 2010.
- 6.6. The City Council then worked to progress a Compulsory Purchase Order (CPO) in respect of the outstanding land interests. The Order was confirmed by the Secretary of State following the satisfactory negotiation of these interests 18th July this year.
- 6.7. This current application was subsequently submitted. It differs from the outline approval originally secured, the main difference being that the proposal no longer incorporates the replacement bowling, community and social club facilities on site as these are being relocated elsewhere. The store would also be larger – increasing (by 15%) from 4004sqm to 4,600sqm net sales area.

RETAIL ISSUES

- 6.8. The NPPF, at paragraph 23, emphasises the need to ensure the vitality of town centres. Paragraph 24 advises that Local Planning Authorities “should require applications for main town centre uses to be located in town centres”. There is no requirement for the application of a sequential test or assessment of impact where a proposal is proposed for an ‘in-centre’ location.
- 6.9. The UDP (2005) advises at paragraph 7.23 that proposals for additional retail development/redevelopment in existing centres will normally be encouraged provided: the scale of 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. Paragraph 7.22 states that centres will be encouraged to evolve in line with local circumstances, with growth encouraged in centres where there is capacity. Paragraph 7.23A highlights the importance of centres in providing not just shops but a wide range of services to be delivered locally in a location accessible by a choice of means of transport.
- 6.10. Within the Selly Oak Constituency Statement, the UDP (at paragraph 20.35) identifies a development opportunity at land at Hazelwell Lane for "mixed-use (predominantly retail) development". Paragraph 20.35 refers to the role Stirchley shopping centre has in providing for the day to day needs of the community, and the need to improve its environment/shopping function - requiring investment to enhance its status.
- 6.11. The UDP also refers to the adopted SPG - the Stirchley Framework - as providing guidance for future investment, incorporating a defined retail core area. Land at Hazelwell Lane is identified for mixed-development, with a substantial retail (Class A1) element and with other town centre uses (including leisure/community uses) considered acceptable in principle.
- 6.12. The Stirchley Framework is no longer considered relevant for the purposes of assessing this application in relation to retail policy following the publication of the NPPF, the City Council has recently adopted its Shopping and Local Centres SPD. Stirchley is identified within this document as a District Centre which is stated as being ‘a group of shops often containing at least one supermarket/superstore and a range of non-retail services such as banks, building societies and restaurants as well as local public facilities.’ The SPD identifies the centre boundary and a primary shopping area which incorporates this site (on which both Tesco Stores Limited and the Midland Co-operative Society have secured planning permission in the past for food and non-food schemes respectively).
- 6.13. The Stirchley Framework requires that any retail proposals should complement and improve the range/quality of existing shopping facilities and be of an appropriate scale in relation to the centre. There is also a requirement that any displaced leisure/community facilities be replaced either on site or elsewhere within Stirchley Centre. The Framework also identifies the need to:
- Upgrade the quality of the Environment
 - Maintain and enhance the shopping function

- Encourage private sector investment
 - Upgrade the quality of the environment in the Hazelwell Street area
 - Provide public realm enhancements at “focal points” and prominent locations including the gyratory adjacent to the site.
 - Improve pavement and crossing facilities within the centre
- 6.14. A Development Brief for this site was adopted as SPG in 2002. It identified that a mixed use development would provide a focus for the centre and enhance the environment. The Brief promotes a mixed-use development and supports the substantial retail element, given the site's location within the centre and adjacent to the then retail core. It states that such development could be anchored by a foodstore, provided the size of the store is "appropriate to the role of the centre and not of a scale to threaten the role of other centres in this sector of Birmingham". The primary aim is for this site to provide a catalyst for the regeneration of Stirchley.
- 6.15. It is considered that the proposal is in accordance with both national and local policy in respect of the principle of a supermarket-led, mixed-use scheme. My colleagues in the Strategic Planning Team confirm that they support a foodstore in this in centre location; it supports the town centre first principles. Stirchley is a district centre and can support a large foodstore. It is considered that the additional floorspace would not impact on the vitality or viability of the role and function of this centre.
- 6.16. The UDP and Development Brief highlight the need for the development to be properly integrated with the local centre and core. The proposed store and offices building would form a frontage to Pershore Road, either side of the access at Hazelwell Lane. Additional retail units (with residential above) are also proposed at the corner with Hunts Road to provide a continuation of existing retail units along Pershore Road. This layout would provide linkages between the development and the rest of the centre, which would assist in drawing additional shoppers into Stirchley. A pedestrian link would be provided to Hazelwell Street across the area of land to the south of Elim Church which is to be laid out by the developer as a new landscaped space with seating and planting.
- 6.17. The layout shows pedestrian routes through the site, allowing movement from Pershore Road through to Hunts Road, the River Rea Walkway and residential development to the east.
- 6.18. The UDP and national policy all emphasise the need for retail locations to be accessible by car, public transport and other modes of transport e.g. walking and cycling. The need to take account of the effect on car use is also emphasised.
- 6.19. The site is located within the shopping centre and is well-served by public transport. The scheme proposes the introduction of bus stop facilities, including shelters, immediately adjacent to the store entrance and also proposes the enhancement of pedestrian links to and through the site. Pedestrian connections to residential areas and existing shops will be enhanced.
- 6.20. The proposals show a comprehensive, mixed-use development, incorporating additional retail/residential units and offices, in accordance with the City's aspirations for regeneration. It is, however, proposed that the redevelopment be built out on a phased basis. The intention is to focus, initially, on delivering the foodstore and surrounding public square/public realm elements of the scheme, with the aim of delivering immediate/substantial investment, significant physical/environmental improvements and considerable socio-economic benefits. It is expected that once

work starts on site, this should then generate a strong demand for the other elements of the scheme.

- 6.21. The applicant has advised that, in the current economic climate, Tesco is not in a position to undertake speculative development. Once the contract for the construction of the foodstore has been let, and there is clear evidence of an impending step change in the retail offer of Stirchley and likely improvements to the local environment, Tesco's agents will be instructed to market the other components of the development. Dependent upon the outcome of the marketing exercise, Tesco will either let contracts for building out the other elements or, alternatively, if there is doubt about the likelihood of finding tenants, Tesco will delay building out the other elements of the development until such time as the market improves.
- 6.22. I consider that this would be a reasonable approach, which would help avoid the inappropriate development of units with no identified end-user, which could potentially sit vacant (a concern reflected in the public consultation responses). I am also satisfied that it is the applicant's commercial interest to progress these later phases and to find end users for and/or dispose of the other elements of the development as soon as market conditions allow. As such, it would be unnecessary and unreasonable to impose a condition or planning obligation requiring the completion of the offices and shop units before the foodstore opens for business.

TRANSPORTATION ISSUES

- 6.23. The Development Brief for this site states that the size of any foodstore should not impose transport and/or parking demands that cannot be sustained by means of suitable provision and alterations to the highway and transport infrastructure.
- 6.24. Your Transportation Officer notes that the site has a historic planning consent that has regularly been renewed but did provide a revised highway arrangement to the existing situation, and this application seeks a modest increase on the consented floor area, revised mix of development and site layout, and an amended highway layout. He considers that the revised highway layout offers some benefits to the different modes of transport user on the local highway network and has been refined and improved by the applicants following a detailed level of consultation with local residents and commercial operators as part of the recent Compulsory Purchase Order Inquiry process.
- 6.24. The application submission was supported by a Transport Assessment and Highway Layout Plan, and there have been ongoing discussion with the City's Transportation Officers during the development of the proposals at the pre-application stage. In order to address potential traffic congestion problems, the applicant proposes a package of highways measures, to include:
- creation of a partial two-way section on Pershore Road between the site access its junction with Hazelwell Street, with a signal junction at the site entrance;
 - local widening of the highway on Pershore Road and Hazelwell Street with on-street car parking provision to meet residents parking demands;
 - a revised junction arrangement to Pershore Road and Hazelwell Street junction south of the site, (opposite the British Oak public house);
 - new pedestrian crossing facilities;
 - new/relocated bus stop facilities and shelters;
 - provision of advance cycle stop lines at all signal controlled junctions and crossing points;

- any related footway and carriageway alterations including markings, lighting, signage and necessary Traffic Regulation Orders;
- agreement to offer private land where new carriageway and footway is provided;
- alterations to Hazelwell Lane to widen and amend to retain public highway giving access to the development site, Tasco's social club and new office development.

6.25. The TA concludes that these changes would improve access to the site and improve the operation of the road network and that, in terms of traffic/transportation issues, the proposed development would not have a significant detrimental impact on the local highway network.

6.26. In the original consultation response on this application, your Transportation Officer advised that the general principles of the proposed development and highway design are accepted but subject to a number of points for further information and clarification, as follows:

- Details of the modelling undertaken;
- The detailed design of the 'teardrop' junction of Pershore Road and Hazelwell Street (to be tightened to provide a larger area of public realm at this corner);
- The requirement for a Road Safety Audit;
- Consideration of additional disabled parking spaces close to Elim Pentecostal Church and Friends Meeting House (as identified in the public participation responses); agreement in respect of the location/provision of bus stops;
- A detailed plan to confirm the extent of 'public realm' improvements and the extent of these within the public highway. This will be subject to the s278 highway agreement where these works are within the public highway and so aspirations on material choice and other features in the public highway (trees, bollards etc) will be subject to the 'Maintenance Assessment' process with Amey and Highways.
- Details of the pedestrian/cycle connection across Hunts Road to the River Rea corridor;
- Details of cycle parking provision. It is noted that the proposal shows provision in excess of guideline requirements, but the locations of these should be confirmed so that there are secure spaces for staff as well as public spaces close to the store's entrance that are in suitable secure and observed locations.

6.27. The applicant has responded to these queries and provided further clarification/amendments. Further modelling work has been undertaken. The junction of Pershore Road and Hazelwell Street has been revised and additional information submitted, including tracking plans. A Road Safety Audit has been carried out. The latest highway layout plan shows a disabled parking bay immediately in front of the Elim Pentecostal Church, in addition residential parking on the west side of Pershore Road, and bays have also been provided on Hazelwell Street in the vicinity of the Friends Meeting House. The plans show the two existing bus stops retained (and your Transportation Officer agrees that this would seem to be the best position as both are close to the main pedestrian crossing points on the highway network). A detailed drawing has been provided to identify the extent of the proposed public realm works/improvements to pedestrian routes, to be carried out through the S278 agreement. Details of links to the River Rea corridor have been provided.

6.28. Your Transportation Officer considers that details of cycle parking provision can be appropriately dealt with through the imposition of conditions. Conditions are also recommended in respect of car park management, requirement for a commercial travel plan and affiliation to Travelwise, provision of servicing facilities, car park

layout, a detailed package of highway works, and construction management. These requirements are reflected in the recommendation attached to this report.

- 6.29. Your Transportation Officer has reviewed the Technical Note submission from AECOM (which questions the scope of the submitted Transport Assessment) and has confirmed that he is satisfied with the information provided.
- 6.30. The proposal necessitates the stopping up of part of Hazelwell Lane, which currently crosses the site in an east/west direction between Pershore Road and Hunts Road. The majority of this route would become a private access road (positioned slightly further to the north) and part of the development site. The initial section that links the junction with Pershore Road will be subject to the S278 agreement as will be existing highway that is improved by being widened and required to provide access to the TASCOS social club and the proposed office element of the development.
- 6.31. I conclude that Transportation matters, including access, are acceptable.

CAR PARKING

- 6.31. The Development Brief acknowledges that parking within Stirchley is a problem, with a lack of public parking facilities being identified as a contributory factor to the decline of the centre. For this reason, it recommends that the car park should be available for use by visitors to Stirchley centre as a whole, rather than just foodstore customers. The main car park would provide some 475 spaces, and its operation could be appropriately controlled through the imposition to require the agreement and continued operation of a parking management regime. This would assist in the integration of the site with the wider Stirchley centre.

ENVIRONMENT AND DESIGN

- 6.32. Although the application is in outline, approval is sought at this stage for access and siting of buildings. In this respect, the UDP, Development Brief and Places for All encourage quality developments incorporating landscaping and environmental improvements.
- 6.33. The Development Brief states that the proposals should have regard to the character and appearance of the surrounding area, scale and massing of existing buildings and the relationship of existing spaces, focal points and important views. Of particular importance is the relationship of the proposal to: the British Oak Public House, a grade II listed building including its separately listed loggia and bowling green; the River Rea Walkway; and existing adjacent dwellings in terms of residential amenity.
- 6.34. A Design and Access Statement was submitted with the application. It examines the context of the development and the design principles adopted. Illustrative information has also been submitted that indicates how the store could look. This was in response to requests from the City Design Team to demonstrate that the appropriate quality and character of place created at this entrance to and exit from an important local centre can be achieved with the submitted layout.
- 6.35. Your Urban Designers are particularly keen to ensure that an appropriate interface between the building and the public realm - the character and quality of the building elevations, particularly where they are visible from the Pershore Road and the pedestrian environment around the store and along Pershore Road. The elevations of particular importance are those fronting Pershore Road and next to the entrance

road into the car park. The increase in the size of the store, the changed access arrangements (with a wider vehicular entrance), when compared to the approved scheme, and the uncertainty over the deliverability of the new office created concerns.

- 6.36. Your Urban Designer has welcomed the submission of the additional illustrations that were requested. These show how the internal store arrangements could be organised to allow there to be views into and out of the store along a good length of the store along Pershore Road. This demonstrates that the desired active, overlooking frontage can be achieved along Pershore Road as long as unobscured windows are provided on this elevation. In addition, the detailed internal layout and elevational treatment of the corner of the building illustrate that it is possible to provide interest and overlooking on this corner, if the staff rooms are positioned where shown.
- 6.37. The illustrations provided for the access road elevation reflect the limited opportunity offered at this point for glazing, as this part of the store is likely to accommodate back of house operations. Until the proposed office building is constructed, there will be long views of this elevation as people enter Stirchley. As such, the treatment at this entrance point is particularly sensitive, as it could potentially exacerbate the hard engineered environment of the road. Sufficient space needs to be allowed to enable environmental enhancement and softening measures like trees or other landscaping, along this elevation.
- 6.38. The illustrative information shows landscaping on the north side of the entrance road to provide enclosure and greening on this side of the road. Climbing green plants are shown in panels along the side of the supermarket building on the opposite frontage. Your Urban Designer highlights that it will be essential to ensure that the space and conditions required for successful growth can be provided and advises that the size and species of trees used will be important in order to deliver an immediate impact.
- 6.39. I conclude that building siting across the site is acceptable.

TREES AND LANDSCAPING

- 6.39. The City Council's Landscape Officer has expressed concerns about the level of hard surfacing shown around the main site entrance and surrounding area, suggesting that the pedestrian spaces should be softened with planting. Boulevard tree planting is recommended along both sides of the access road up to the car park, which would necessitate the widening of the footpath against the north side of the store.
- 6.40. Space for screen planting is also required around the service yards and on the boundaries to the adjacent funeral home and residential properties, and additional tree planting to the south of the store. It is recommended that consideration should be given to opportunities for green/brown roofs.
- 6.41. The City's Tree Officer notes that the application shows a good provision of continuous rooting volume to the edges of the car park area which widens at the north-west and western end, stating that these areas will support substantial tree planting or improvement in the existing green edge. However, he echoes the views of the Landscape Officer in respect of the proposed planting indicated within the car park. This is currently shown as comprising chiefly of tree pits between parking spaces, which is considered to be a poor approach. It is recommended that trees

should be accommodated in planting beds (provided through the possible omission of some parking bays). He acknowledges that the plan is currently outline and 'indicative' only, but wishes to be clear that the submitted car park layout should not be supported as shown (with only construction details to be addressed) and has provided a clear explanation of the detailed reasons for concern in respect of the use of tree pits as indicated and guidance on potential alternative approaches.

- 6.42. The Tree Officer has confirmed that there are no trees on the site that are of significantly high quality or amenity value sufficient to warrant a Tree Preservation Order. However, there are some trees which provide a mature contribution to the street scene. If these cannot be retained, their removal must be balanced against the greater long term opportunities of landscaping. He raises no objection to the outline proposals, subject to a realistic tree planting solution for the car park being secured through an appropriate condition. A condition is also required in respect of protection of retained trees.
- 6.43. Your Landscape Officer acknowledges that the trees now proposed to the north of the access road (on the recently amended layout plan) do help to soften the access road and northern boundary, but highlights that they do not help the northern elevation of the proposed store. Similarly, your Tree Officer is satisfied that tree planting at the north side of the entrance road is possible with a similar trench arrangement that extends the rooting volume under the parking. However, any planting on the opposite side of the road (on the supermarket frontage) would require a clearance from the elevation to the kerb of at least 5 metres, (which this does not currently provide).
- 6.44. The submitted indicative information is not for consideration at this outline stage. It presents only one potential option for development in an attempt to demonstrate that a solution exists to address urban design concerns. A condition is recommended to clarify that no approval is given for the car park layout, and I am satisfied that the required accommodation of trees and other planting across the site can be suitably resolved at the reserved matters stage. Concerns have been expressed about the deliverability of the planting to the north face of the store. However, the applicant maintains that this is a workable solution, whilst also suggesting that a hard landscaping solution could be equally (if not more) effective.

CONSERVATION

- 6.44. The NPPF, at paragraph 128, requires that applicants should describe the significance of any heritage assets affected by their proposal. The application site is located adjacent to the Grade II Listed British Oak Public House and the Grade B Locally Listed Hampton Works. The applicants have addressed the NPPF requirement in their submitted Planning Statement and the City's Conservation Officer is satisfied that the current proposals would have no greater impact on the setting of the listed public house than was the case with the previously approved schemes. At present the surroundings to the public house have a poor quality, including an open storage yard and the rear loggia being hemmed in by industrial buildings. The current proposal would remove the storage yard to the north and replace it with an open public area. Frontage development to Pershore Road would improve the approaches to the public house. It is considered that the setting and importance of this heritage asset would be improved by the development.

ECOLOGY

- 6.45. Buildings and trees within the site have been subject to a series of inspections and surveys for bats since December 2003; the most recent visit was made in June 2013, to re-assess the potential of the site's buildings to support roosting bats. The various surveys have followed published good practice guidance. On the basis of the surveys/assessments undertaken since 2003, it seems unlikely that bats are roosting in properties within the development site. However pipistrelle bats do use the tree-line on the northern boundary to commute to the River Rea corridor from off-site roosts nearby.
- 6.46. The bat survey report sets out a number of good practice recommendations to minimise impacts on bats as a result of the proposed development:
- Retention/protection of the tree line on the northern boundary; supplementary planting of native trees and shrubs to enhance the value of the tree line as foraging habitat and commuting corridor.
 - Careful dismantling of features on the Community Centre building identified as being potential roost sites (described above).
 - Implementation of good practice precautionary measures during demolition to avoid harm to bats. In the event that a bat roost is encountered during demolition, all work should stop immediately and advice from Natural England or a licensed bat worker should be sought.
 - Minimising the impact of lighting on bats using the northern tree line, by avoiding lighting at this location, or sensitive design and location of new lighting to minimise light spillage into this landscape feature
- 6.47. It is recommended that a condition should be attached to secure implementation of these recommendations.
- 6.48. Your Ecologist advises that opportunities to secure ecological enhancement should also be investigated. The DAS states that the one of the objectives of the detailed landscaping proposals will be to green the edges of the development to reflect the character of the River Rea corridor to the east. The Landscape Masterplan in the DAS (drg 0682.001) shows native woodland planting around the northern/north-eastern boundary. The inclusion of this planting is to be welcomed, as it ties in with the recommendation to enhance the tree line on the northern boundary by supplementary native tree and shrub planting. There should also be scope to include native and "wildlife-friendly" ornamental planting in other elements of soft landscaping. More detailed proposals to secure ecologically beneficial planting should be progressed as part of landscaping Reserved Matters.

SUSTAINABILITY

- 6.49. Paragraph 3.14E of the UDP covers Design Principles for Sustainable Development and includes a set of principles against which development will be assessed. These include:
- " layouts should be designed to minimise reliance on the private car and encourage walking, cycling and the use of public transport;
 - consideration should be given to the use of environmentally friendly material, including the re-use of materials;

- the orientation, external and internal design of buildings, and use of landscaping, should maximise the use of non-renewable energy sources; and
 - consideration should be given to measures that will minimise the consumption of water.”
- 6.50. Both the NPPF and the draft Birmingham Development Plan integrate sustainable development throughout and do not have specific policies relating to sustainability. The draft Places for the Future SPD provides guidance and policy on what the City will expect all new development to achieve including the requirement for commercial developments over 1,000sq.m to meet BREEAM ‘Excellent’.
- 6.51 The applicant has submitted a statement in respect of sustainability, outlining the approach to be adopted in reducing the potential impacts of the store on the environment, with proposals measured against key performance indicators adopted by Tesco such as a 50% reduction in CO2 emissions from existing and new stores by 2020.
- 6.52. The statement highlights the environmental benefits associated with a highly accessible, in-centre location and in improving the retail offer within Stirchley (thereby reducing trips elsewhere). As the application is only at outline stage, the details of the building are yet to be determined and no indication is given of potential BREEAM rating. However, it is Tesco’s intention that the buildings will benefit from a combination of intelligent design, materials from sustainable resources and efficient systems/equipment, applying the latest requirements in terms of energy generation/consumption, design and materials. The details of the approach will be developed at the detailed stage.

REPLACEMENT LEISURE AND COMMUNITY FACILITIES

- 6.53. Currently located on the application site is the Stirchley Working Men's Club, the City Council community centre and indoor bowls centre. The Development Brief acknowledges that these may need to be demolished for a comprehensive redevelopment of the site. Paragraph 3.63 of the UDP acknowledges the increasing demand for indoor sports facilities and specifies that redevelopment of existing facilities for other purposes will not be allowed until either adequate replacement for their loss has been secured or adequate alternative facilities have been provided. The adopted Brief for the site states that the Council's preference would be for re-provision on-site (potentially using upper floors) or, alternatively, elsewhere in Stirchley centre.
- 6.54 The current proposals no longer accommodate the replacement facilities on site (which they potentially could have been as part of previous consents). This is because there have been a number of changes in circumstances locally, with significant progress made on the relocation of the facilities at alternative locations.
- 6.55. Since the 2010 approval, the City Council has sold the site of the community centre and indoor bowls to Tesco, with the responsibility for replacing these facilities passing to the City Council, including a new community centre at the Stirchley Baths (to the north-west of the site on Hazelwell Street).
- 6.56. Your Committee considered applications relating to the conversion of the baths in March this year – a proposal that was welcomed in bringing this Grade II listed building back into use as a local community facility (the Heritage funding for which was confirmed earlier this month).

- 6.57. In addition, it is now intended that the existing bowling centre would be accommodated as part of the new facilities at Billesley Common (the proposals for which were considered by your Committee earlier this month), a move which is supported by my colleagues in Local Services.

STIRCHLEY WORKING MEN'S CLUB

- 6.58 The applicant has provided additional information in respect of the proposal for the Stirchley United Working Men's Club (SUWMC). The evidence to the recent CPO inquiry made it clear that there will be a need to acquire the land which is currently owned by SUWMC for the development proposal. It was also made clear that there is no statutory requirement for Tesco/the Council to seek to relocate the SWMC and that one option would be the payment of appropriate compensation for the value of the land to be acquired.
- 6.59 The applicant considers that there is no policy justification for, or statutory duty on, the Council to seek to impose either a condition or obligation requiring Tesco to relocate the SUWMC. However, notwithstanding this position, Tesco have continued to progress discussions with the Club with regards to their future. They are now at an advanced stage of negotiations concerning the relocation of SUWMC to the building which was until recently occupied by the Ten Acres and Stirchley Co-operative Society (TASCOS) Club. This building is immediately adjacent to the site (to the north-east side of the proposed offices) and is accessed off Hazelwell Lane (which will serve the superstore car park).
- 6.60. SUWMC, backed by Tesco, has made an offer to acquire the TASCOS premises and the current owner, Midland Co-operative Society, has accepted that offer. Contracts will now be drawn up and the acquisition is expected to be completed during November. In parallel, Tesco has been discussing with SUWMC the improvements and alterations that will need to be made to the TASCOS building and the parties are close to agreeing a detailed specification and schedule of works.
- 6.61. A letter has been submitted on behalf of SUWMC, to provide further certainty about the terms upon which the SUWMC's current premises will be acquired and the timing for the vacant possession, which will be linked to the timescale for acquiring and refurbishing the former TASCOS club building.
- 6.62. In the light of the above, I am satisfied that an alternative premises for the Club is being actively pursued (to the Club's satisfaction) and is likely to be delivered in an appropriate timescale.

DRAINAGE/FLOODING

- 6.63. The River Rea lies some 50m to the east of the site. The site is predominantly in Flood Zone 1, with only some of the car parking area and some landscaping in zones 2 and 3a. The use is classed as 'less vulnerable' (in technical guidance to the NPPF). The application submission included a Flood Risk Assessment. This concludes that the site is not currently at significant risk from any source of flooding. Calculations indicate that the relevant flood compensation volume generated by the proposal can be provided on site by adapting the slope between the car park and Ripple Road to the north-east. The assessment concludes that the level strategy to be adopted for

the site (which involves elevating the eastern section) would not fundamentally change on or off-site overland flow paths or increase flood risk from this source.

- 6.64. Comments on the proposal are awaited from the Environment Agency, who have submitted a 'holding' objection until they have had the opportunity to assess the submitted FRA. This requirement is reflected in the attached recommendation, which requires the withdrawal of this objection prior to any approval. No objections have been raised in respect of previous proposals for this site.

SECTION 106 AGREEMENT

- 6.65. In accordance with the development brief and other relevant policies, there would be a requirement for a Section 106 agreement. This would differ from the agreements attached to previous approvals, in reflection of the changes in circumstances that have occurred locally and the current economic climate.

- 6.66. Legal agreements were used previously to secure:

- Replacement community centre and indoor bowls facilities on or off site;
- Replacement working men's club;
- Creation of a public square at the corner of Pershore Road and Hazelwell Street and a contribution of £150,000 towards environmental enhancements to Hazelwell Street /Pershore Road, including footpath repairing/widening, improved street lighting, new/replacement litter bins, tree planting, safety railings, iron bollards and public artworks adjacent to Stirchley Elim Church
- A commitment to engage in a local employment, recruitment and training initiative
- A package of initiatives to encourage travel to the site by non-car modes, including a financial contribution of £30,000 towards enhancement of the River Rea Corridor
- A financial contribution of £20,000 towards a master planning study for Stirchley.

- 6.67. As outlined previously, there is no longer a need for the community, bowling or Working Men's Club facilities to be accommodated on the site. The requirement for Tesco to re-provide the Birmingham City Council facilities was actually removed from the 2010 legal agreement, through a deed of variation, in January this year in reflection of the impending land sale.

- 6.68. As such, these elements are removed from the recommended heads of terms of the S106 agreement associated with this application. Similarly, the master planning exercise for Stirchley has been completed and a contribution could no longer be appropriately be sought for this. In addition, it is no longer proposed to secure a separate contribution towards initiatives for travel by non-car modes.

- 6.69. Since the original planning consent a number of improvements have been made to the River Rea cycleway have been undertaken and there are currently no further specific proposals for the River Rea corridor to which a contribution could be allocated, and I am satisfied that the works to be undertaken through the S278 agreement – which have an approximate value of £1.6million - (including enhancements to the pedestrian environment and public transport provision) is such that they would provide improvements in excess of what was secured overall on previous schemes.

- 6.69. The heads of terms would therefore relate only to:

- the creation of a public square at the corner of Pershore Road and Hazelwell Street;

- a contribution of £150,000 towards environmental enhancements in the vicinity of the site; and
- a commitment to engage in a local employment, recruitment and training initiative.

- 6.70. The applicant has highlighted the contribution that the scheme itself entails through significant environmental improvements, in terms of a public square, landscaping and off-site highway improvements (*to an approximate value of *****). However, Tesco have also acknowledged the Council's need to ensure that the development is fully integrated with the rest of the primary shopping area and that the physical condition of the centre is improved to create the best possible conditions for capturing the spin-off trade that the foodstore, in particular, will generate. As such, Tesco have agreed to the Council's request for payment of a financial contribution of £150,000.
- 6.71. It is envisaged that the environmental improvements will be in the form of works to enhance the streetscape within Stirchley town centre which may include such measures such as improving lighting, provision of street furniture, improving shop fronts, landscaping and signage.

RESIDENTIAL AMENITY

- 6.72. Your Environmental Protection Officer has no objection in principle to the proposals, but has raised queries in respect of the noise survey work undertaken and the potential impact on the residents of Hunts Road from the car park and the operation of the service yard at the rear of the store. Clarification was also sought about a possible CHP plant, shown in the submission and the hours of operation of the additional commercial units. The applicant has been requested to respond on these matters.
- 6.73. Concerns have been expressed by some residents with regards to the proposed pedestrian access from Hunts Road and the potential impact this might have on existing amenity through the loss of privacy, the creation of additional noise and security issues.
- 6.74. Notwithstanding these concerns, this route is considered important in providing a direct access point for pedestrians from residential areas to the south of the site, in accordance with urban design objectives in respect of permeability. I consider that the creation of this link is unlikely to generate additional parking demand on this section of Hunts Road as the proposed car park on site would provide an easier option for access to the store. I am also satisfied that concerns in respect of noise, privacy and security could adequately be addressed through the introduction of suitable boundary treatment at this point. If considered necessary, this could include acoustic fencing of an appropriate height and appearance. A landscape buffer is indicated on the submitted layout plan, to the west side of the path, against the boundary with the closest residential property. This would allow for the provision of appropriate planting create both enhanced security and screening. I would not anticipate that such planting would incorporate substantial tree specimens (a matter of concern to adjacent occupiers). Details of boundary treatment/landscaping can appropriately be dealt with through the imposition of conditions.
- 6.75. Concerns have also been expressed about potential disturbance from the car park and service yard in the form of noise, light and possible anti-social behaviour. The submitted car park layout is only indicative at this time and would be the subject of further discussions at the detailed planning application stage. Considerations at that

time would include the position of the recycling facility (a concern to both residents and the Environmental Protection Unit), along with boundary treatments to adjacent gardens.

- 6.76. The applicant has responded to the comments from your Environmental Protection Officer. Tesco's noise consultants consider that the analysis supplied already demonstrates that the noise that is likely to be generated by the proposed development would not be sufficient to give rise to any justifiable complaint or nuisance action. In particular, it is maintained that the applicant ensures best practice in the management of its service yards, to minimise any noise impacts felt by its neighbours. In order to address any outstanding concerns, I consider that it would be appropriate to attach conditions to any approval to restrict delivery hours, ensure provision of acoustic fencing to the service yard and restrict the operation of delivery vehicles (including the use of reversing alarms).
- 6.77. The applicant has confirmed that there are no proposals for a car wash, and that the CHP plant to be accommodated within the service yard was factored into the submitted noise assessment. Tesco have also confirmed that they would be seeking permission for only A1 use for the additional units at this time.
- 6.78. Conditions are recommended to require details of a lighting scheme (in order to minimise any impact on adjacent occupiers) and CCTV to monitor activity within the car park and provide enhanced security to those properties abutting the site. West Midlands Police note that the applicant has taken security issues into consideration in developing the layout and have made a series of detailed recommendations to reduce opportunities for crime.

REGENERATION ISSUES

- 6.79. Stirchley has been in decline for many years and the 2006 Local Centres Strategy identified its health and performance as weak with persistently high levels of vacancy. Since the adoption of the 2002 Stirchley Framework the Council's planning policies have relied upon a major retail-led mixed-use development as the catalyst to regenerate the local centre and reverse its decline. Your Officers have extended considerable effort and negotiation in helping to secure an appropriate site (including using CPO powers to assist in land assembly) and a suitable balanced mix of uses.
- 6.80. Delivery of this scheme and the linked re-provision of enhanced community facilities is seen as critical to the future regeneration and well-being of Stirchley. The development offers considerable scope for local job opportunities (with the creation of an estimated 290 jobs projected), through working with the Council's Employment Access Team, whilst the delivery of the store is expected to lead to further investment in the centre. The complementary office, retail and residential elements are welcome and appropriate uses that will also assist the centre, whilst the S278 and S106 contribution will ensure the environmental and regenerative benefits of the site are suitably linked to add value to the primary shopping area.

7. Conclusion

- 7.1. The proposal would be in accordance with both national and local policy. It represents the redevelopment of a site located within the district centre of Stirchley and has the potential to enhance the vitality and viability of this centre, that has suffered many years of retail decline.

7.2. The proposed siting and access are acceptable, and the details of the external appearance/landscaping will be submitted for approval via Reserved Matters. It is considered that the layout and suggested scale of the buildings would not have an adverse impact on the listed British Oak public house and that the amenity of the adjacent residential dwellings could be suitably protected.

7.3. The proposals have been designed to encourage integration with the existing centre, including provision of dual-use parking, significant environmental enhancements and pedestrian linkages.

8. Recommendation

1. That consideration of application no. 2013/03997/PA be deferred pending the completion of a suitable legal agreement to secure the following;

a) A commitment to engage with the City Council and other agencies to enter into a local training and employment scheme for construction and operation of the development

b) A financial contribution of £150,000 (index-linked to construction costs from the date of the Committee resolution to the date on which payment is made) towards environmental improvements in the vicinity of the site.

c) The creation of a public square at the corner of Pershore Road and Hazlewell Lane to be provided prior to the opening of the retail superstore. Works to be carried out and maintained to a specification to be agreed with the City Council, to include removal of all of the existing advertisement hoardings around the site. Should the square be transferred to the City Council, a sum for the future maintenance for a period of 10 years shall be paid.

d) payment of a monitoring and administration fee associated with the legal agreement of £5,250 to be paid on completion of the legal agreement.

2. In the event of the legal agreement not being completed to the satisfaction of the Local Planning Authority within 1 month of the date of this resolution planning permission be REFUSED for the following reason(s);

a) in the absence of any suitable planning obligation to secure a training and employment scheme, and environmental improvements and public square, the development would conflict with policies 6.42 (ii), 6.45, 8.52 of the UDP, the Stinchley Framework and the NPPF.

3. That in the event of the legal agreement being completed within 1 month of the date of this resolution, and the Environment Agency objection being withdrawn, favourable consideration be given to this application, subject to the conditions listed below.

4. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the legal agreement.

5. That no objection be raised to the stopping up of part of Hazlewell Lane and that the Secretary of State for Transport be requested to make an order in accordance with the provisions of Section 247 of the Town and Country Planning Act 1990.

1 Requires the submission of reserved matter details following an outline approval

2 Requires the prior submission of a landscape management plan

-
- 3 Requires the prior submission of a method statement for the removal of invasive weeds
 - 4 Requires the prior submission of details for tree works
 - 5 Protection of retained trees
 - 6 Requires the prior submission of earthworks details in a phased manner
 - 7 Requires the prior submission of boundary treatment details in a phased manner
 - 8 Requires the prior submission of contamination remediation scheme on a phased basis
 - 9 Restricts noise levels from fixed plant
 - 10 Limits delivery times - 0800-2000 Mon - Sat, 1000-1600 Sun, no del BH
 - 11 Requires details of recycling facilities/trolley bays
 - 12 Requires noise insulation between commercial and residential premises.
 - 13 Restricts use of reversing alarms - prohibite between 2300-0700
 - 14 Restricts deliveries to service yard
 - 15 Requires acoustic fencing to the service yard
 - 16 Restricts delivery vehicles op engines/chiller units off between 2300-0700
 - 17 Relates to the Flood Risk Assessment
 - 18 Relates to existing public sewer
 - 19 Requires a multi-modal customer survey
 - 20 Requires the prior submission of a drainage scheme
 - 21 Requires the implementation of the submitted mitigation/enhancement plan
 - 22 Requires the prior submission of a lighting scheme in a phased manner
 - 23 Requires the prior submission level details on a phased manner
 - 24 Requires the prior submission of a CCTV scheme
 - 25 Requires the prior submission of cycle storage details in a phased manner
 - 26 Requires the prior submission of sample materials in a phased manner
 - 27 Prohibits outside storage
 - 28 Requires the scheme to be in accordance with the listed approved plans
-

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- 29 Requires the applicants to join Travelwise in a phased manner
 - 30 Requires replacement bus shelters
 - 31 Requires a package of highway works
 - 32 Requires a car park management scheme
 - 33 Defines maximum gross external floorspace
 - 34 Requires the prior submission of landscape details on a phased basis
 - 35 Requires the prior submission of hard surfacing materials in a phased manner
 - 36 Requires the prior submission of a phasing plan
 - 37 Requires the phased submission of a commercial travel plan
 - 38 Requires the delivery and service area prior to phased occupation
 - 39 Requires the prior submission of a construction method statement/management plan
 - 40 Requires details of car park layout on a phased basis
 - 41 Requires the prior submission of details of refuse storage on a phased basis
 - 42 Requires the Pershore Road elevation to include significant areas of glazing
 - 43 Limits the approval to 3 years (outline)
-

Case Officer: Alison Powell

Photo(s)

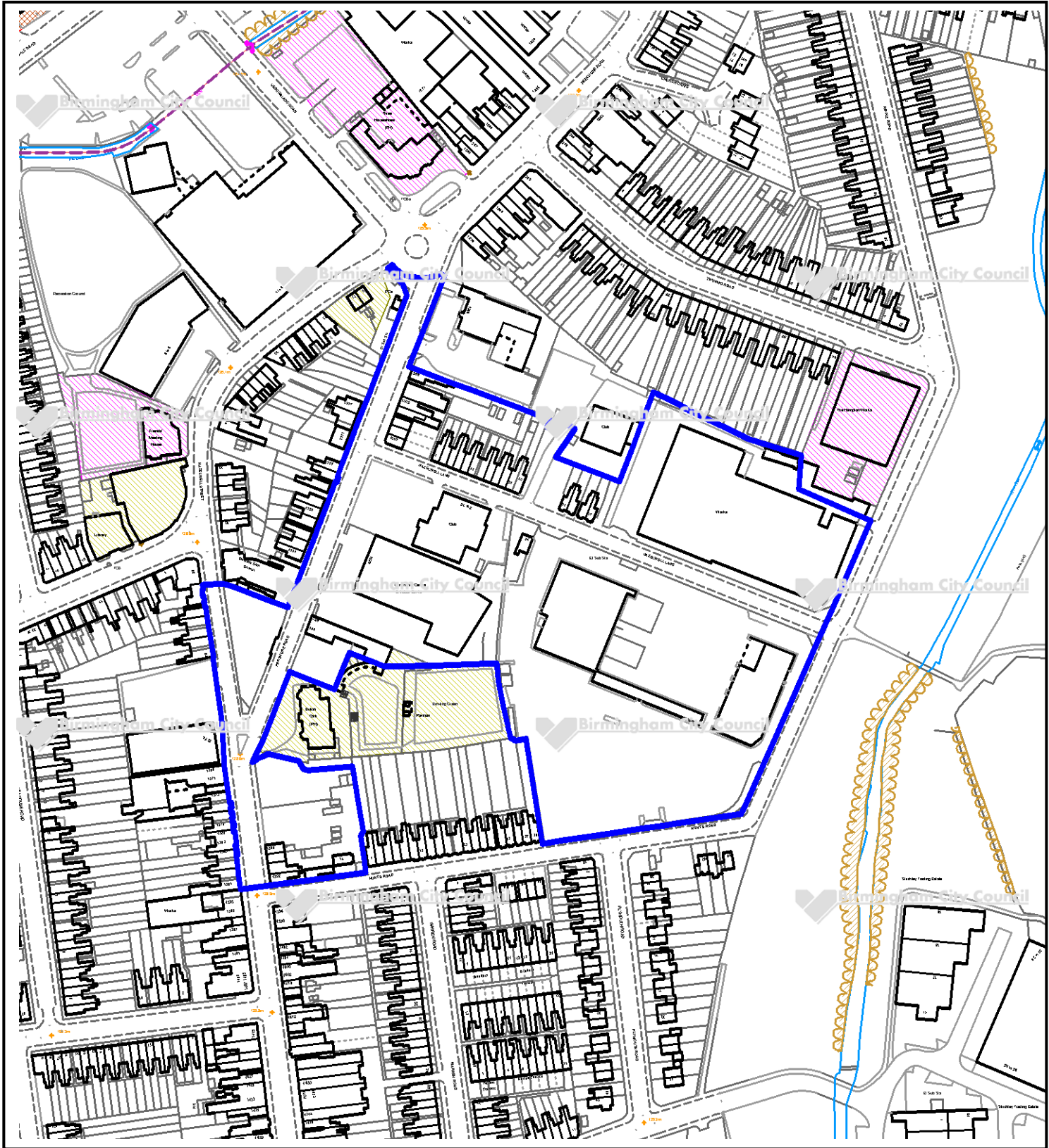


Figure 1: Looking east down Hazelwell Lane



Figure 2: Rear of site, and looking north along Ripple Road

Location Plan



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