
Committee Date:	17/10/2013	Application Number:	2013/05460/PA
Accepted:	24/07/2013	Application Type:	Full Planning
Target Date:	23/10/2013		
Ward:	Nechells		

Monaco House, Nova House and adjoining land, Bristol Street, Birmingham, B5 7AS,

Hybrid planning application for the demolition of all existing buildings and a mixed use redevelopment to include detailed consent for a large retail store (A1), additional A1-A5 retail/D1 non-residential/D2 assembly & leisure units, associated car parking, highways, landscaping & other works and outline consent (access only) for a hotel (C1)

Applicant: Tesco Stores Limited
PO Box 18, Delamare Road, Cheshunt, Hertfordshire, EN8 9SL,
Agent: Nathaniel Lichfield & Partners
14 Regent's Wharf, All Saints Street, London, N1 9RL

Recommendation

Approve Subject To A Section 106 Legal Agreement

1. Proposal

- 1.1. Proposal is a hybrid application seeking full planning consent for 3 commercial units of varying sizes and outline consent for a 90 bed hotel. Specifically the proposal would comprise of the following;

8011 sq m A1 retail foodstore
1930 sq m Atrium
275 sq m flexible A1/A5/D1 use
2450 sq m flexible D1/D2 use
c.5000 sq m hotel (up to 90 beds)
474 car parking spaces, 8 motorcycle spaces and 32 bicycle spaces

The main development on the site would comprise a large two storey building to consist of the proposed foodstore and the D1/D2 unit. The building would front Bristol Street and Wrentham Street and although it would be constructed as one, it would read and operate, as two separate buildings. It would maximise land level changes on the site to provide parking underneath and to the rear.

The proposed foodstore would be of a strong modern appearance and provide active frontages to Bristol Street and the new street, including an atrium and first floor café. The main frontage would consist of four smaller sections and a glazed atrium 'punctured' by dark grey polished forticrete granite/concrete block columns. Glazing and brass/bronze rainscreen cladding would be used to 'break' up the buildings mass with the use of polished light stone forticrete granite/concrete to frame more detailed elements of the building. The service area to the south would be constructed in

polished forticrete granite/concrete grey blocks and topped with blue/grey brick, broken up by 6 gabion effect planting walls.

The D1/D2 use would be of a modern flat roofed design to comprise of 5 framed elements and a feature double height glazed entrance. Materials suggested include brass/bronze rainscreen cladding, a contrasting rainscreen cladding to frame and glazing of various sizes to present a more domestic scale than the foodstore.

Outline consent for a 90 bed hotel store is also proposed. Maximum parameters show a 4 storey triangular building stepping up to seven storeys on the Bristol Road Wrentham Street corner. Max height of the 7 storeys would be 24m with the 4 storeys being 16m. Servicing of the hotel would be via a new street running diagonally from Wrentham Street to Bristol Street.

Landscaping and public realm improvements are proposed across the site, in particular improvements to the footpaths on Wrentham Street and Bristol Street with a new road as an extension of Kent Street to Bristol Street. The new road would be primarily pedestrian with vehicular access restricted for hotel service vehicles and hotel pick-up/drop-off only. The palette of material suggested would include buff paving setts and brown herringbone pattern paving setts. In addition, six street trees to Bristol Street and 9 ornamental trees and shrubs within the 'open' car park area to the rear are proposed along with various native and ornamental shrubs and trees to supplement the existing along the eastern boundary.

Vehicular access to the store would be via the existing underpass on Bristol Street from the south and west or off Wrentham Street from the north and east. In addition to the car parking provision to the rear, highway alterations/improvements to include alterations to Bristol Street/Wrentham Street junction, wider footways, drop off/taxi lay-bys and defined areas for pedestrians on Bristol Street, signalisation of Wrentham Street/Sherlock Street, improvements to the vehicle subway on Bristol Street, removal of pedestrian subway, new left exit onto Bristol Street and the provision of a potential exit via Vere Street in the future, are proposed.

Sustainability measures within the proposed foodstore include a gas fired CHP plant, glazing within the building to ensure natural light while discouraging passive solar heat gain, mixed mode ventilation system to supply fresh air and maintain the required temperature and air quality, doors arranged within the building to provide energy saving benefits, thermal resistance of the building to exceed Building Regulations Standards and lights to supply only the necessary critical lighting. Roof rain water collection and SuDs features are also proposed across the site.

The proposed food retail store is expected to generate approx 400 new full and part-time jobs, with numbers for the hotel, and two additional units not currently know.

A Design and Access Statement, Planning and Retail Statement, Flood Risk Assessment, Transport Assessment and Travel Plan, Noise Assessment and Carbon Report have been submitted in support of the application.

[Proposed site plan](#)

[Proposed elevations \(west and south\)](#)

[Proposed elevations \(north and east\)](#)

[Proposed visual](#)

2. Site & Surroundings

- 2.1. The application site is located to the south of Birmingham City Centre on the east side of Bristol Street (A38), which is one of the main arterial roads into the City. The site is approx 2.4 hectares and is bounded by Wrentham Street to the north, Vere Street to the east and the Bristol Street Motors site and St Lukes Church and public open space to the south.
- 2.2. It is situated with the Southside and Highgate Quarter of the City Centre with a mix of commercial and residential uses surrounding the site. The nearest residential properties are immediately to the east approx. 40 m from the eastern boundary
- 2.3. The site slopes from west to east between Bristol Street and Vere Street by approx 2.5m.
- 2.4. The application site itself comprises, primarily, of Monaco House (6 storeys) which is office space and includes a 3 storey multi-storey car park, private access, a mix of small scale industrial units and the adjacent petrol filling station. There is currently no soft landscaping across the site.

[Site location](#)

[Street view](#)

3. Planning History

- 3.1. 1st October 2004. Planning application 2004/02764/PA. Outline planning application refused for scheme submitted by Tesco for mixed use development, including demolition and refurbishment to provide A1 retail, B1 business, D2 assembly and leisure, C3 residential and showroom/workshop uses together with associated car parking, highways, landscaping and other works at Monaco House and Nova House, Bristol Street.
- 3.2. 4th November 2004. Planning application submitted 2004/07179/PA. Full application for redevelopment of Edgbaston Shopping Centre, to include 5,410 sq m gross foodstore. Approved.
- 3.3. August 2004. Planning application 2004/05563/PA. Application submitted by Tesco for the Bristol Street site, including 8,645 sq m supermarket, 2,600 sq m non-food retail, 8,000 sq m offices, car showroom, leisure and 255 residential units. Planning Committee resolved to approve this application but application called in and considered with the Crest application.
- 3.4. April 2005. Planning application 2005/02946/PA. Application submitted by Crest Nicholson for site at Attwood Green, including 11,045 sq m supermarket, 2,785 sq m other retail, 415 residential units with associated parking. Appeal against non determination. Appeal co-joined with Tesco application. Public inquiry held March 2007.
- 3.5. December 2006. Planning application 2006/03382/PA. Application submitted by Tesco for mixed use redevelopment to include 8,340 sq m gross A1 retail, 4,026 sq m non-food retail, D2 leisure unit of 1,133 sq m, 92 bed hotel, 12,600 sq m office accommodation and 278 residential units. Planning committee resolved to approve

this application which was called in and considered in conjunction with the Crest application (3.4) and superseding the earlier Tesco application (3.3).

- 3.6. February 2008. Secretary of State agreed with the Inspector decision in relation to the above 'called in' applications and determined that the Tesco application, 2006/03382/PA, should be refused whilst the Crest application, 2005/02946/PA should be allowed.
- 3.7. 8th July 2011. Planning application 2010/07236/PA. Application to extend time period in which to implement planning permission 2005/02946/PA for demolition of Haddon Tower and redevelopment of site to provide a landmark mixed use development including a class A1 retail store, further retail/leisure units (Classes A1-A5), 164 one bed and 241 two bed apartments with associated access and car parking. Approved with conditions.
- 3.8. July 2011. Planning application 2011/02978/PA. Outline application for demolition of existing building and redevelopment to provide A1 retail, A2, A3, A4 and A5, C1 hotel, D2 gym, parking and associated works (access, layout and scale only). Withdrawn.

4. Consultation/PP Responses

- 4.1. Centro – no objection subject to confirmation that proposal will not adversely affect bus service, travel plan conditions and real time information displays.
- 4.2. Environment Agency – no objection subject to conditions with regard groundwater and land contamination, surface water drainage scheme and pollution prevention drainage.
- 4.3. Regulatory Services – no objection subject to conditions with regard cooking extract ventilation and odour control, noise assessment to show how cumulative noise is to be controlled, external lighting, refuse storage, land contamination and verification assessments, acoustic barrier, decommissioning of redundant tanks, noise assessment and noise insulation for A1-A5 and D1/2 use and hours of use.
- 4.4. Severn Trent – no objection subject to drainage condition
- 4.5. Transportation Development – no objection subject to conditions with regard to a 278 Agreement for proposed alterations/improvements, travelwise, management plan, cycle parking, vehicle and pedestrian visibility splays, parking and turning details, entry and exit signs, delivery and service area completion and management plan for proposed street extension.
- 4.6. West Midlands Fire – no objection.
- 4.7. West Midlands Police – no objections but development should comply with secure by design and safer parking scheme.
- 4.8. Local residents' associations, neighbours, Ward Councillors, MP and District Director have been notified. Site and press notices have also been displayed.

A petition containing 49 signatures, a petition from Highgate Trader Association containing 577 signatures, 7 individual letters and a further 444 letters (individually signed but a duplicate letter) were received raising objections on the following grounds:

- Traffic congestion and more car accidents likely
- Findings of Transport Assessment inaccurate
- Loss of petrol stations should be avoided as there is already a shortage in the area
- Contrary to St Luke's Framework
- Will deter potential tenants to take on shops in the area
- Will deter investment
- Noise from construction and deliveries
- Will result in a greater demand for on street parking
- Will deter people from using shops and facilities in the city centre
- Loss of the current 150 employees who occupy the site
- Site currently run down and tired
- Pedestrians safety compromised as Bristol Street is very busy
- Oversupply of retail development in area
- Will adversely affect local businesses
- Over supply of Tescos in the area
- Unfair that Tescos provide free parking
- Favouritism shown towards Tescos
- Doesn't offer the local community anything - no community park or affordable housing
- Promise of jobs is false
- Tescos consultation should be disregarded as results are skewed and they are an example of how big companies exploit unemployment in deprived areas for their own benefit.
- Jobs created will be outweighed by those lost
- Competition and choice will be lost
- Sited close to a very busy junction which will have highway safety implications
- Refurbishment of the existing buildings would be a more sustainable option
- Lack of investment into the current site
- Contrary to NPPF as there would be a loss of vitality and viability
- Will result in more closed down retail shops and desolate streets

In addition, covering letters have been received from John Hemming MP, Andrew Mitchell MP, Gisela Stuart MP, Roger Godsiff MP and Steve McCabe MP asking that constituent's objections are taken into consideration in the determination of the application.

5 letters of support were received raising the following points:

- More employment opportunities
- Will improve the area
- Landscaping appears of a high standard
- Welcomes the regeneration of this important strategic site
- The site is located in an out of centre location, as such the scale and nature of the individual uses must be controlled to ensure it would not undermine the vitality and viability of the city centre
- Recommend conditions controlling the maximum size of the food store in terms of net sales area and in particular quantum of comparison goods floorspace
- Recommend the proposed leisure/community building should be restricted to that use only so that there is a mix of uses that cannot be converted to other uses outside that use class without the need for planning permission.

5. Policy Context

5.1. Adopted UDP, Draft Birmingham Plan, Places for All, NPPF.

6. Planning Considerations

Background/principal

- 6.1 Historically, the application site and a site on the opposite side of the road at Park Central (Crest) have competed for planning permission for an A1 retail foodstore, culminating in the Secretary of State considering applications for two stores in 2008. In doing so she took the view that although out of centre, both proposals were in general accordance with the Development Plan, PPS1, PPS3, PPS6 and PPG13. However she considered that to permit both proposals would give rise to a significant risk of an unacceptable impact on Edgbaston Shopping Centre. Moreover, she considered that there was a lack of information with regard to potential cumulative transport impacts to demonstrate that both schemes could be acceptably accommodated. Consequently she concluded that only one proposal would be allowed.
- 6.2 She considered that the employment generation and affordable housing provision would be marginally preferable on the proposed Tesco scheme, however she considered that these advantages would be outweighed by the wider regeneration benefits, such as the specific urban design benefits and the net increase in housing provision, of the Crest proposal. Consequently planning permission was granted for the Crest scheme and planning permission for the Tesco site was refused. Since that decision 5 years ago, the Crest scheme has not come forward and no reserved matters have been submitted for it. It should also be noted that Crest has not objected to this current application by Tesco.
- 6.3 Since that decision, the NPPF has been issued and the Morrison's at Edgbaston Shopping Centre has opened and is trading well. The NPPF is committed to securing economic growth in order to create jobs and prosperity. It states that Local Authorities should promote competitive town centres that provide customer choice and a diverse retail offer. A sequential test should be applied for main town centre uses not in an existing centre and not in accordance with an up to date development plan. They should also require an impact assessment, looking at the impact on existing, committed and planned investment and the impact on town centre vitality and viability. It is no longer necessary to demonstrate a need for retail developments. The applicants have submitted these required assessments which look at the impact of their proposal and the cumulative impact should other commitments such as the Crest scheme coming forward. I concur with my Strategic Planning colleagues and the retail statement submitted, that whilst the centres that could potentially be affected by the proposal would be Birmingham City Centre as a whole and Edgbaston shopping centre, convenience provision within the City Centre is currently very low (5%) and trade draw is expected to be minimal. Moreover, Morrison's is trading well and it is not expected that this centre would be so significantly adversely affected to warrant a refusal of this application. I note that there is a foodstore permission on the opposite side of the road (Crest) however this is not sequentially preferable and there is no policy protection for out of centre commitments under the NPPF. Consequently I consider the proposal acceptable in principle and welcome its wider regeneration impact and the employment opportunities it would provide.

Design

- 6.4 The applicant has worked with your officers to develop a modern building appropriate for a strategically important site. The building itself would have a considerable horizontal mass however I consider the design elements and materials proposed break the building up and its horizontal and vertical emphasis ensure the building would not be overbearing to pedestrians, respect adjacent buildings but still enable it to have 'stature' appropriate to the sites strategic importance. It has also been carefully designed to present active frontages to both Bristol Road and Wrentham Street and maximise the sites land level changes so as not to be overbearing to the residential properties to the east. I therefore consider the design, scale and mass of the proposed main building appropriate and consider it would contribute positively to the visual amenity of the street scene.

Outline

- 6.8 The application also seeks permission, in outline, for a 90 bed hotel on a triangular piece of land to the north west of the wider application site. A hotel in this location would be an appropriate use and complement existing uses in the vicinity and is therefore acceptable in principle.
- 6.9 A massing and parameter plan and floor plans have been submitted to show a 90 bed hotel accommodated within a seven storey building with a max height of 24m stepping down to 4 storey (16m) on Wrentham Street and adjacent to the proposed foodstore. No illustrative design details has been provided and although specific design detail would be secured by the reserved matters application I am not convinced that the maximum parameters indicated could satisfactorily be accommodated. I therefore recommend that the principle of a hotel on this site only is accepted, with all other matters to be secured by condition, including scale.

Transportation

- 6.9 A Transport Assessment has been submitted in support of the application. The analysis has used trip rates by the recognised TRICS system, notes that traffic modelling has been carried out and that the potential for the consented Crest foodstore to be implemented as well has also been considered. Consequently the TA anticipates that the proposal would result in an approximate increase of 25% on both the am and pm peaks, and in order to mitigate against this various off site improvements are proposed.
- 6.10 On the basis of the submitted TA, Transportation Development raise no objection to the proposal subject to the provision of the identified off site highway alterations and/or improvements and various conditions, noting that they do not consider that the proposal would adversely affect the safety and free flow of the traffic sufficient to warrant refusal either singularly or cumulatively. I therefore concur with Transportation Developments view and consider the conditions recommended necessary.
- 6.11 Removal of the pedestrian subway fronting the site is likely to require existing public highway to be stopped up along with other areas of currently private land to be offered and created as new public highway and a resolution is therefore included.

Noise

- 6.12 A noise assessment submitted in support of the application considered noise such as car parking activity, servicing activity, traffic activity and mechanical services plant in relation to existing residential premises to the rear. This concludes that with the

exception of the mechanical service plant, which could be controlled by condition, all other potential noise generators would be within WHO and other guidelines, including the NPPF.

- 6.13 Notwithstanding this report, Regulatory Services have raised concerns with the use of the open area of the car park during 1900 and 0700, noise emissions from elements of the proposal other than the foodstore and the possible redundant fuel tank on the site and require conditions to address these points.
- 6.14 However, there is an existing unrestricted vehicular access along the eastern boundary of the site, the surrounding area is mixed, and the existing noise levels are high. The use of the car park at night is likely to result in people parking nearest to the store access, away from residential properties. I do not consider 'breakout' noise or vehicles accessing the site would result in an increase in noise disturbance sufficient to warrant the provision of an acoustic barrier along the eastern boundary. I also note my Regulatory Services Officer raises no objection to the proposed operation of the foodstore 24 hours a day. Given the nature of the surrounding area, the position of the proposed A1-A5 and D1/D2 unit, their accesses and size, I do not consider it reasonable to restrict their hours either or require noise insulation conditions.
- 6.15 Finally, conditions with regard to cumulative noise, cooking ventilation and refuse are necessary and I note that lighting and land contamination/verification reports are also required by other consultees. I therefore recommend these conditions accordingly and on this basis do not consider the proposal would adversely affect the amenities of residents in the vicinity.

Public realm/landscape

- 6.16 The proposal includes extensive re-organisation and improvement of the existing public realm surrounding the site, in particular to Wrentham Street and Bristol Street and the creation of a new extension to Kent Street. The cost of the proposed public realm works and future maintenance of, would be in excess of £500,000 and would be secured through conditions and a S278 Agreement. The works proposed would improve the public realm and visual amenity of the street scene and significantly enhance the appearance of a key site on a main route into the City Centre.
- 6.17 A temporary landscaping scheme is proposed on the potential hotel area should the 'full' application be brought forward prior to the outline scheme. I consider that the proposed landscaping would significantly improve and enhance the visual amenity of the area in the interim.
- 6.18 My Landscape Officer raises no objection subject to conditions but does consider that a green/brown roof should be required and secured by condition. Such a provision has been discussed with the applicant who considers it is not feasible in this instance to provide a green/brown roof as it would compromise other sustainability solutions such as the proposed rain water collection provision. Furthermore I note the buildings other 'green credentials', the additional landscaping proposed and the SuDS to be provided. Consequently, I do not consider it would be reasonable to require a green/brown roof by condition.

S106

- 6.19 In addition to the public realm works the applicant proposes various highway improvements which would cost approx £1.1m. They also propose a financial contribution of £13,500 towards the provision of a totem which is part of a City wide pedestrian wayfinding system currently being rolled out.

- 6.20 The applicant has also confirmed that they are happy to work with the City's Employment Team to provide local residents with employment opportunities and I consider this can be reasonably safeguarded by condition.
- 6.21 I therefore consider the contributions and commitments as identified above are necessary, directly related to the development and fairly and reasonably related to scale and kind of the development and would therefore accord with the CIL Regulation 2010.

Public consultation

- 6.22 A large number of objections have been received with a wide range of concerns raised. The majority of these points have been addressed within the report, however I would also note that it is not for the planning system to regulate competition within the market or protect individual businesses. In relation to mention of the St Lukes Framework, this relates to land to the south of the application site. It has been through public consultation and is awaiting cabinet member approval. It does not directly impact on this site, but the applicants are aware of it and nothing in this proposal would prejudice bringing forward development of the wider site. Should St Lukes be redeveloped for more intensive residential purposes, it will increase the potential catchment for the Tesco store, providing a large-scale foodstore within walking distance of this redeveloped area.

7. Conclusion

- 7.1. The proposal would result in the redevelopment of a strategically important site on a major route into the City Centre with a modern mixed use development and provide significant employment opportunities. Public realm works, highway improvements and additional landscaping would also significantly enhance the visual appearance of the area and positively contribute to the regeneration of this part of the City in accordance with local and national planning policy. The proposal should therefore be approved.

8. Recommendation

- 8.1. That no objection be raised to the stopping up of the areas of public highway within the application site and that the Department for Communities and Local Government be requested to make an Order in accordance with Section 247 of the Town and Country Planning Act 1990.
- 8.2. That consideration of application 2013/05460/PA be deferred pending the completion of a Section 106 planning obligation to secure:
- i) a financial contribution of £13,500 toward the provision and maintenance of an area navigation totem, to be index linked from the date of this resolution.
 - ii) Payment of a monitoring and administration fee associated with the legal agreement of £1,500.
- 8.2 In the absence of a legal agreement being completed to the satisfaction of the Local Planning Authority by 22nd October 2013, planning permission be refused for the following reason:
- i) In the absence of a legal agreement to secure the provision of an area navigation totem the proposal conflicts with policy 3.11, 8.50-8.54 and 15.36 of the adopted Unitary Development Plan.

- 8.3 That the Director of Legal Services be authorised to prepare, seal and complete the planning obligation under Section 106 of the Town and Country Planning Act.
- 8.4 That in the event of the Section 106 Agreement being completed to the satisfaction of the Local Planning Authority by the 22nd October 2013, favourable consideration will be given to the application subject to the conditions listed below:

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- 1 Pollution prevention
 - 2 Details of surface water drainage
 - 3 Details required of a remediation strategy
 - 4 Details required to verify remediation works
 - 5 Details of proposed employment policy
 - 6 Requires the prior submission of hard and/or soft landscape details
 - 7 Requires the prior submission of boundary treatment details
 - 8 Requires the prior submission of a landscape management plan
 - 9 Requires the prior submission of a lighting scheme
 - 10 Details of proposed temporary landscape scheme
 - 11 Requires the prior submission and completion of works for the S278/TRO Agreement
 - 12 Requires the applicants to join Travelwise
 - 13 Requires the prior submission of cycle storage details
 - 14 Requires the prior submission of a parking management strategy
 - 15 Requires pedestrian visibility splays to be provided
 - 16 Requires vehicular visibility splays to be provided
 - 17 Requires the prior submission of vehicle parking and turning details
 - 18 Requires the prior submission of entry and exit sign details
 - 19 Requires the delivery and service area prior to occupation
 - 20 Management plan for private road
 - 21 No obstruction, displays or signage fitted to shop front.
 - 22 Requires the submission of reserved matter details following an outline approval
 - 23 Limits the maximum gross floorspace of the unit
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- 24 Requires the prior submission of details for the decommissioning of utility tanks etc
 - 25 Requires the prior submission of sample materials
 - 26 Requires the scheme to be in accordance with the listed approved plans
 - 27 Requires the prior submission of details of refuse storage
 - 28 Vehicle visibility splays to be secured
 - 29 Detailed sections of proposed D1/D2 unit
 - 30 Limits the approval to 3 years (outline)
 - 31 Limits the approval to 3 years (Full)
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Case Officer: Joanne Todd

Photo(s)



Figure 1 Bristol Road elevation

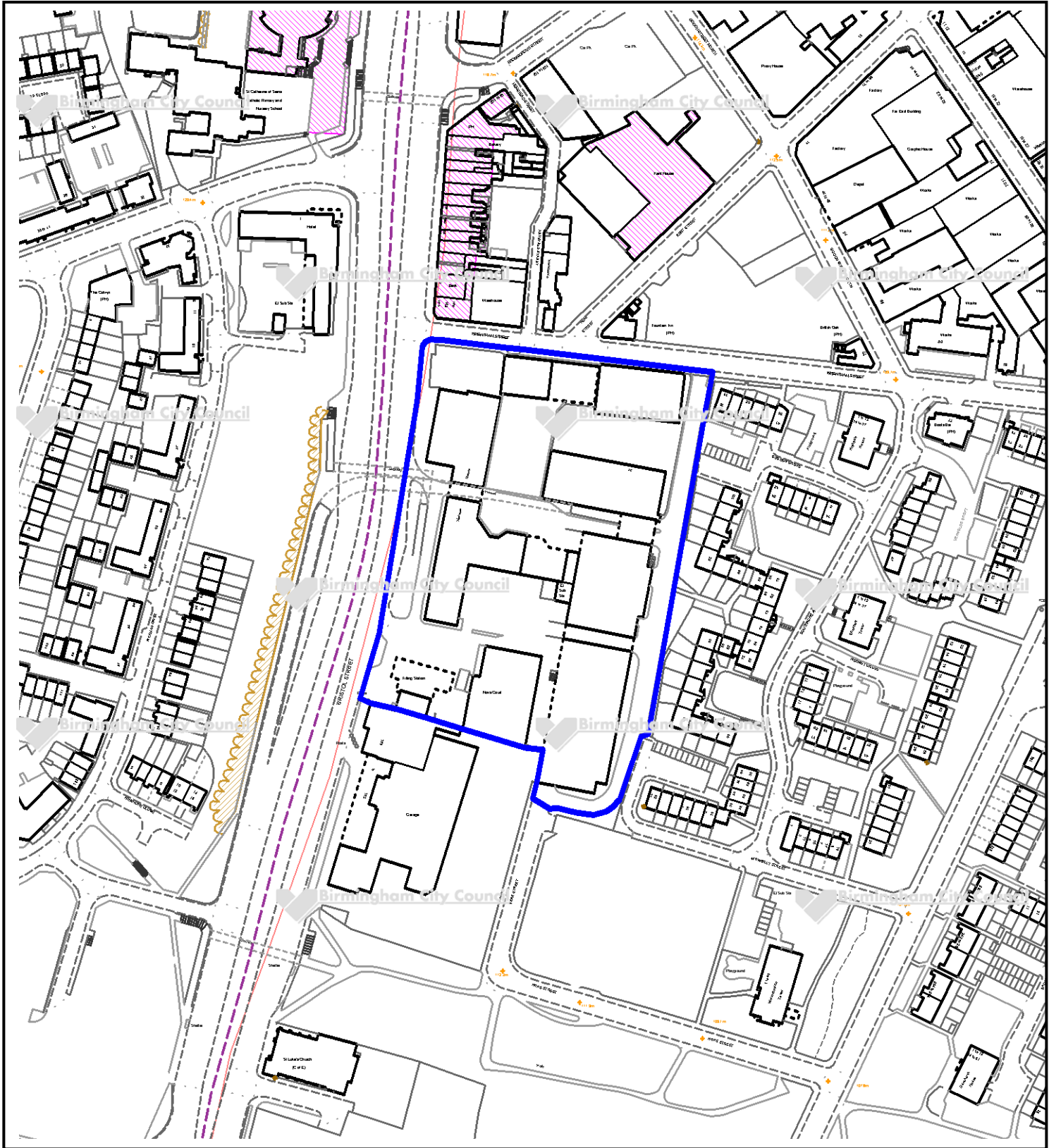


Figure 2 view down Wrentham Street



Figure 3 Existing rear access

Location Plan



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