

ADDENDUM

PLANNING COMMITTEE

20th August 2015

P.A. No: 2015/04386/PA

LOCATION: 1323 Coventry Road, South Yardley, Birmingham B25 8LP

PROPOSAL: Hybrid planning application (part full and part outline) comprising

- 1. Full application for the demolition of existing buildings and construction of food store (A1), formation of accesses with associated car parking and landscaping.**
- 2. Outline planning application for the erection of up to 21 dwellings with approval sought for access and all other matters reserved**

Additional Representation

An objection has been received on behalf of Aldi Stores Limited relating to the retail element of the scheme and the failure of the applicant to demonstrate compliance with the sequential test. They do not agree with the applicant's Planning and Retail Statement and subsequent addendum in relation to Yew Tree Neighbourhood Centre. Aldi does not agree with the applicant's conclusion that the former Hob Moor Primary School is not suitable to accommodate Lidl's minimum requirements or available.

Aldi highlight that the former Hob Moor Primary School extends to approximately 0.78ha and is beneath the minimum amount of land required by Lidl (0.8ha). Aldi continue to express that 0.02ha is a very marginal difference and would expect the applicant to submit a feasibility layout to demonstrate why the site could not reasonably accommodate a discount foodstore. The submission also notes that the plan attached to the Flood Risk assessment identifies the retail site area as 0.71ha.

Aldi claims that additional land is available for development adjacent to the former Hob Moor Primary School (548-552 Hob Moor Road), and is known to be in the same ownership and is available as part of a larger development site. Aldi also claim that the wider site is being actively marketed. Aldi also claim that the wider site is being actively marketed and is large enough to accommodate Lidl's minimum requirements. Aldi's submission includes a feasibility drawing showing the size of store sought by Lidl plus 124 customer car parking spaces on a site consisting of the former Hob Moor Primary School and nos. 536-552 Hob Moor Road.

In response to the applicant's conclusions that the site is not available and is being actively promoted for residential development and subject to a current outline planning application, Aldi suggests that this planning application is entirely speculative and not linked to any specific house builder and was submitted to broaden the landowner's disposal options following the expiry of the previous residential application, and the site is still being actively marketed for retail use and remains his preference to sell the site to a retail operator.

Aldi adds that they are actively discussing the site with the landowner and thereby confirm that it is available for retail development. Adding that whilst no option or deal is in place, it demonstrates that the site remains on the open market and available for retail uses and large enough to accommodate the requirements of either Lidl or Aldi. Furthermore, Aldi express that if the Lidl store is brought forward in an out of centre location, it would significantly undermine the chances of the former Hob Moor School site coming forward for retail use and they would reconsider their own interest in this sequentially preferable site.

Applicant's response

In response, Lidl highlight that whilst site area is a critical element, there are other factors which contribute to the suitability of a site to accommodate retail development. They add that the former Hob Moor Primary School site is set behind properties and access is via a narrow driveway and there is a legitimate requirement for a retailer to acquire sites that include frontages to a main road so as to ensure visibility and prominence. Lidl consider that the former Hob Moor Primary School site would not provide this and is not suitable to accommodate a foodstore. Lidl state that they would not wish to acquire this site for retail development because it would not meet this basic retailer requirement.

In relation to the availability of a larger site, Lidl's claim that their proposed foodstore is some 1080sqm larger than that shown in Aldi's submission and disagrees with the assertion that it shows how Lidl's minimum requirements could be accommodated on the site.

Lidl highlight that there is a significant discrepancy between the site Aldi claims is available and suitable and the site shown in their feasibility drawing as it is understood that a number of properties (536-546 Hob Moor Road) are in different ownerships and no reference to their acquisition is made. Lidl adds that Aldi's representation makes no indication that these properties are being actively marketed or are available for redevelopment and Lidl is not aware that those properties are being marketed to retail operators. Lidl adds that the Hob Moor School site and the properties at 548-552 Hob Moor Road have a combined frontage of 23.7m and a foodstore would be mostly obscured by the properties at 536-544 Hob Moor Road and unsuitable for their requirements, notwithstanding the site area, and can be discounted from the sequential assessment.

Lidl also highlights that their current proposal will deliver positive regeneration on a prominent site along a main arterial route, provide new housing and provide new jobs on a site that has been vacant for a significant period of time.

Planning Considerations

The former Hob Moor Primary School site is located within the boundary of the Yew Tree Neighbourhood Centre but outside the Primary Shopping Area. It is located behind a small parade of shops (536-552 Hob Moor Road - currently occupied) and a workshop/storage building behind.

The former Hob Moor Primary School Site is subject to a current outline planning application (2015/04560/PA) for residential development for 34 dwellings. A previous outline planning application (2011/06213/PA) for residential development has expired. No enquiries have been

made with the Local Planning Authority in relation to the redevelopment of the former Hob Moor Primary School for retail purposes.

The in-centre former Hobmoor Primary School site is sequentially preferable to the current application's edge-of-centre site and the representation from Aldi raises relevant planning considerations. However, within the context of the above, the Local Planning Authority concurs with the submissions supporting the current application and is satisfied that the applicant has complied with the requirements of the sequential test.

Furthermore, the applicant had also advised that they tend to operate normal weekday opening hours on a Bank Holiday, whereby the recommended hours on the officer report is Sunday trading hours (1000-1600hours). This is considered reasonable and reflects opening hours at other Lidl stores across the City.

Recommendation

That condition 4 is amended to read:

Limits the hours of use to 0800-2200 Monday to Saturday and 1000-1800 Sundays.

The premises shall only be open for customers between the hours of 0800-2200 Monday to Saturday and 1000-1800 Sundays.

Reason: In order to define the permission and safeguard the amenities of occupiers of premises/dwellings in the vicinity in accordance with Paragraphs 3.8 and 3.10 of the Birmingham UDP 2005 and the National Planning Policy Framework.