
Committee Date:	25/06/2015	Application Number:	2015/00036/PA
Accepted:	06/01/2015	Application Type:	Full Planning
Target Date:	03/03/2015		
Ward:	Kings Norton		

287-299 Pershore Road South, Kings Norton, Birmingham, B30 3EX

Demolition of existing single storey extension and 2 semi-detached dwellings, erection of a new retail unit (Class A1) and ancillary retail unit (Class A1, A3, A5) on the ground floor, three first floor apartments and associated works including access, parking and landscaping

Applicant: Central Midlands Estates Ltd
Central House, Hermes Road, Lichfield, WS13 6RH
Agent: Brooke Smith Planning
The Cloisters, 12 George Road, Edgbaston, Birmingham, B15 1NP

Recommendation
Determine

Report Back

[Site Location Map](#)

Members will recall that this application was deferred at Planning Committee on 14 May 2015 for a structural report to be undertaken on the two residential properties proposed for demolition.

The structural report on both properties has been undertaken by Servest and has concluded the following:

- The properties have been re-roofed, approximately 20 years ago and the original tile or slate has been replaced with a man made Eternit type resin tile. The roof covering is in reasonable condition and is ventilated and also incorporates sarking felt below, however hogging was noted over the party wall below the central chimney stack and there is also deflection of the roof timbers at the verge at each end of the building. The rear single storey flat roofs have had bitumen felt flashings added but the original asphalt covering is still in place and is at the end of its serviceable life cycle, replacement coverings are required along with associated flashings. Each property has a chimney stack located at the gables and the properties also share a combined stack at the rear of the property. The single stacks both require repointing and replacement individual bricks, however the rear shared stack is out of plumb by approximately 100mm and is leaning towards the garden, as this stack is now redundant, rebuilding is not necessary and the stack can be dismantled and taken down below the roof line and roofed over. The single stacks incorporate the flue for the installed gas fires but the redundant flues do not appear to be ventilated which needs to be addressed.

- The brickwork is in reasonable condition requiring only isolated areas of repointing and replacement bricks where the existing are perished and spalled. There is evidence of deflected brickwork to the right hand gable which is bulging outwards by up to 25mm at first floor level for the entire length of the wall. This requires monitoring at the very least and ideally needs to be stabilised to ensure that the condition does not deteriorate further.
- The properties have a variety of metal, uPVC and timber casements and timber sashes. The uPVC frames are all in reasonable condition and do not require any further work, the timber frames are all in poor condition and whilst repairs are still possible it is not considered economically viable to undertake the repair and so it will be more cost effective to replace all of them with uPVC frames and double glazed units, this will improve thermal performance and reduce noise levels generated by traffic immediately outside the properties. The metal casement windows are in reasonable condition however due to the condensation issues caused by poor thermal properties associated with these types of windows, replacements are recommended.
- The gutters and downpipes are all uPVC and there is evidence of leaking joints throughout along with poor falls resulting in rainwater pooling and overflowing the gutters which is saturating the brickwork below and causing penetrating damp to the first floor bedroom of no 287. All rainwater goods require replacing.
- The higher ground to the front of the properties are retained by a paving slab on edge, this is no longer an effective means of retaining the ground as evidenced by the misplaced and missing slabs. The slabs also appear to encroach onto the public footpath; the title deeds need to be examined to establish the boundary. A brick retaining wall needs to be constructed to effectively retain the ground and prevent any possibility of the existing slabs failing and causing an injury to anybody using the footpath. There is evidence of the ground spreading as evidenced by the leaning railings and posts. The gardens to each property are overgrown, particularly No 287 and the self-set trees in the garden of this property need to be felled or severely lopped to prevent any damage to the foundations of the property. No 287 does not have a boundary fence to the front and so this needs to be installed to provide some form of security to the property and prevent any accidents occurring should any future tenants have young children or pets. No 287 also has a retaining wall to the garden which has been damaged by tree roots from the nearby tree, the brickwork has failed and the wall requires rebuilding in its entirety. The paved footpaths to the rear of both properties are in poor condition and require replacing. The fencing to the rear and side of No 289 is in poor condition and requires replacing. There are several boards in the garden of No289 which are suspected to be asbestos insulating board and require removal and specialist transfer and waste disposal.
- Both properties are believed to be connected to mains sewers, whilst the drains appear to be free flowing a survey is recommended to ensure there is no root intrusion due to the number of trees and hedges in each garden. All gullies are blocked by vegetation and require clearing.
- The properties are relatively unmodernised, sanitaryware to both has been replaced in the past and is reasonable condition but the kitchen units require replacing along with the layout improving to provide adequate storage and space for necessary appliances. Ceilings throughout both properties are loose in places and require replastering, wall plaster is in better condition and requires only isolated repairs. The ground floors to each property are suspended timber over the cellars and solid at the

rear, the timber floor to No287 shows signs of timber infestation and replacement timbers are required along with insect treatment. The solid floors to each appear to be quarry tiles and we expect that these are laid on ashes with no effective damp proof membrane, high moisture levels were taken to all solid floor which can only partly be contributed to the buildings being uninhabited and un heated, these floors require replacing with concrete incorporating an effective damp proof membrane. First floors are all suspended timber, some floor boarding is loose and hearths to the redundant first floor fireplaces are no longer secure and require removal.

- The staircases to each property have a severe gradient of over 43 degrees with narrow winders located at the bottom of the flights which are unsuitable for everyday use and replacement staircases are recommended to provide more satisfactory access to the first floor, this will however require some structural alterations to accommodate them. No 289 has on large ground floor room which has been knocked through, whilst there is no evidence of structural movement it is understood that this work was not authorised by the landlord and therefore the boxing to the lintel requires removal to ensure that the installation has been correctly undertaken and to ensure that the steelwork is suitably sized to provide support. There is concern that one end of the beam bears onto a wall with an adjacent door opening and it is suspected that this end may not be structurally stable.
- There is some cracking to the internal wall to the front bedroom of the No 287, this is showing above the lintel to the bay window, no evidence of cracking is visible externally as the brickwork is covered by the bay window roof, further investigations are required as it is suspected that this lintel, which is most likely timber, is or has failed and will require replacement.
- The roof spaces to each property were inspected, the roof timbers on the whole appear sound, there is evidence of a small amount of water ingress to the valley gutter of No289, both are insulated with 100mm mineral wool which requires upgrading but the roof spaces are well ventilated. The party wall between the properties does not extend to the underside of the roof except for the area to each side of the central chimney stack, the brickwork requires taking up to form a fire barrier between the two properties. There are two very large wasp nests above No 289 and whilst these are no longer active they require removal and the roof perimeter checking for any ingress points as it is likely a further nest will appear this season.
- Damp readings were taken to the ground floor of each property and whilst No 289 had acceptable readings which indicates that the injected chemical DPC is still effective, No 287 showed excessive readings which cannot be contributed again to the building being uninhabited. To prevent any further issues related to rising damp occurring, a chemical DPC requires injecting throughout the ground floor walls of the property. The first floor of this property shows moisture ingress, this is evidenced by excessive mould growth to the walls, in particular to the rear bedroom. The cause of this is defective guttering and pointing to the external walls which require attention.
- Decorations throughout are poor and redecoration would be undertaken as a matter of course to relet the properties.
- The timber framed porch to the side of No289 is in poor condition with excessive rot to the transoms and corner posts, repair is not considered to be cost effective and replacement with a uPVC structure is required, the rear porch of the same property is in a similar condition and again a uPVC replacement is required. The cellars to both

properties are well ventilated and relatively dry and other than the replacement timbers to No 287, no further works will be necessary.

- The fixed wiring installation to both properties appear to have been rewired at some point in the last 15 years, however sockets outlets are generally surface mounted and the quantity provided is not adequate for modern demands. There is evidence of rodent activity to both properties and a thorough inspection is therefore required to ensure the integrity of the cabling. Full fixed wiring inspections are required where some remedial work will no doubt be required to the constantly evolving nature of the regulations, however due to the amount of work required to the houses it is considered prudent to undertake a full rewire to each property during any refurbishment works where the installation can be upgraded to comply with current standards. 10 Servest Group Ltd 287 & 289 Pershore Road South
- Central heating is provided to both properties via an early incarnation of a condensing combination boiler, a manufacturers name could not be found on the boiler, nor any indication of the output or efficiency of the units. Both appear to be very old and it is presumed that reliability may be an issue particularly as both boilers are currently unused, we also suspect that recommissioning will present problems with seized pumps and valves and corrosion to internal components. As the units are unidentified it is unclear whether spares could be found and so both boilers require replacement with modern energy efficient units.
- Rising mains to each property were located and the water service throughout the houses are copper and appear compliant with current water regulations, however the pipe material of the rising main up to the stop cocks could not be established due to fixed kitchen units. There is no evidence externally that the incoming mains have ever been replaced, we therefore have to presume that the lead pipework which was used at the time of construction are still in place. Due to the possible health implications of lead pipework a new service pipe and mains connection will be required to each property.
- No form of fire detection is provided to either property and so a mains wired fire detection system is required to each floor of each property. 11 Servest Group Ltd 287 & 289 Pershore Road South
- Other than the loose boarding in the garden no other suspected asbestos material during the survey, however a full refurbishment survey will be required prior to any works being undertaken.
- Whilst the roof spaces are insulated, no other form of insulation is provided to the properties. The majority of windows are single glazed and as previously mentioned; the boilers appear to be old inefficient units. Due to the forthcoming minimum energy performance standards and in compliance with Central England Co-operative's Corporate Responsibility Policy, thermal efficiency upgrade works are required throughout each property. These will consist of replacing all single glazed windows with double glazed uPVC items, increasing the insulation in the roof space, replacing both boilers, underdrawing and insulating the suspended timber floors above the cellars and drylining all external walls with insulated thermalboard. The external walls are of solid brickwork and do not incorporate a cavity. These works will exceed the proposed minimum standard and comply with the CEC CR Policy.

The structural report concludes that the cost of undertaking the above works is approximately £137,210 plus VAT.

Following deferral of the planning application, the applicant's agent has also provided the following information:

Whilst the site, due to the recent economic downturn, has unfortunately remained stagnant for a number of years, Central Midland Estates Ltd propose to bring the former Ten Acres & Stirchley Co-Operative Society (TASCOS) unit back into use through the comprehensive redevelopment of the site.

The proposal would provide a new food store and ancillary retail unit, with three new apartments on the upper floor, together with off road parking and servicing appropriate for modern delivery vehicles. It would recreate the traditional shop frontage onto the Pershore Road South, which originally opened in 1935, whilst establishing the main entrance to the larger retail unit onto The Green, acknowledging that it is The Green that is the retail heart of Kings Norton.

By refurbishing and extending the larger and more prominent building, which has a historical connection to the area, the site would be substantially enhanced whilst being brought back into a more productive use. Due to the immediate adjacency of the other shop units around The Green the proposal links and further enhances the retail offering in Kings Norton, ensuring it retains a viable heart in one of the city's most distinctive suburbs.

Considerable investment would be undertaken in redeveloping the site, involving extensions and alterations to the existing attractive building.

During the development of the proposal, consideration was given to the retention of the two semi-detached dwellings. However, any modern retail offering demands off road parking and servicing. This is particularly the case in Kings Norton as there is currently a severe lack of short stay on street parking around The Green due to the allowance of all day parking and no availability for on road servicing. This, in itself, is considered to represent a highway hazard and is unlikely to be acceptable to the Council's Highways Department.

As such, unfortunately the retention of the two dwellings isn't a viable option; they HAVE to be demolished to deliver a viable scheme, and more specifically CANNOT be serviced adequately without their demolition, as this is the only way delivery vehicles would be able to manoeuvre on the site. Notwithstanding their condition and the viability issues surrounding their refurbishment.

The existing dwellings do not contribute to the Conservation Area and sit as an anomaly above Pershore Road South, with the cill's of the bay windows actually being above head height. The two dwellings also have no dedicated parking and face directly onto a busy main road.

The two residential properties which would need to be demolished are not listed and unfortunately their removal is fundamental to the redevelopment and refurbishment of the existing site and main building. The dwellings, which each provide a double and single room (6 bed spaces), would be replaced with three 1 and 2 bed apartments providing a total of 8 bed spaces.

The scheme represents an efficient use of previously-developed land, bringing back into use an historic property whilst presenting a sensitive treatment of the site, given its Conservation Area status.

It is contended that the scheme proposed is appropriate for the site and the area, and whilst the removal of the two dwellings is regrettable; their removal is fundamental in enabling the

redevelopment and enhancement of this last part of The Green. Without their loss, to provide adequate parking, servicing and an off road turning area for delivery vehicles, the scheme is NOT workable and the site CANNOT be serviced.

Observations

The submitted structural report has identified a number of significant issues of poor condition for the two properties proposed for demolition. Bringing the properties back into use would require a substantial cost, which would be very high relative to the market value of the properties.

However, I consider that irrespective of the dwellings' condition and the relevant viability attached to their re-use, the key issue in the determination of this application remains that of the re-use of the original and historic TASCOS Co-op building and its refurbishment within the Conservation Area to the greater public benefit when assessed against the loss of the two dwellings.

Without the demolition of the two dwellings under scrutiny, the proposed wider public benefit development would not occur and the buildings, including the dwellings, would remain empty and their condition would continue to degrade. Modern retailing requires access to car parking and servicing adjacent to the store and as such, the dwellings would need to be removed for this provision. I consider that the refurbishment and re-use of the original TASCOS building for use as a food store with associated car park and servicing would be of much wider public benefit and historic value to The Green Conservation Area than the retention of the two dwellings, for which, no historic or architectural value has been found.

Conclusions

On this basis, I consider that the application should be approved, as per the report of 14th May.

Original Report

1. Proposal

- 1.1. This application proposes the refurbishment, alteration and extension of an existing 2 storey 1930's building, to bring it back into use as 2 no. retail units, with associated storage at ground floor, and the creation of 3 no. flats above.
- 1.2. The main (A1) unit would incorporate a 280sqm (gross internal) sales area, which would extend beyond the rear of the existing building to cover the full depth of the site between the two road frontages bounding it (Pershore Road South to the east and The Green to the west).
- 1.3. A second 56sqm ancillary unit (Use Class A1, A3 or A5) would also be created within the existing building at the north end, and would be accessed from the Pershore Road South frontage. An 112sqm storage space for the main store would then be accommodated within an extension wrapping around the rear/side of the smaller unit. Attached to this on the north side would be an external compound area, leading onto a car park (detailed below). A walkway between the proposed storage area and the rear of existing retail units linking the store (via a side entrance) and the car park is proposed. A green wall screen and trolley park would also be provided within this area.

- 1.4. 2 flats would be accommodated within the 1st floor of the existing building on the Pershore Road South frontage. Access to them would be via an existing entrance/stairway from the street on this side. The 3rd flat would be created in a small 1st floor element to the proposed extension (over the store) on the frontage to The Green (the majority of the extension being only single storey to the rear of this).
- 1.5. The flats would vary in size between 55-81sqm. The units within the conversion would have an open plan kitchen/dining/living area (orientated towards Pershore Road South), one double bedroom and a bathroom. The unit within the new-build element would be larger, with two double bedrooms. The bedrooms would range in size from 12.9sq.m to 18.8sq.m.
- 1.6. The proposed conversion/extension would alter the orientation of the building through the creation of the main store entrance on the elevation fronting The Green.
- 1.7. The proposal seeks to return the Pershore Road frontage back to its original state. This would be achieved by retaining the appearance of 3 no. separate shop fronts including recessed doorways, active windows and a stall riser. A community window is proposed as part of the shop frontage to Pershore Road South. There would be no access to the main store from Pershore Road South but the smaller retail unit would only be accessed from Pershore Road South.
- 1.8. The elevation fronting The Green would have a modern version of a traditional retail façade including pilasters, fascia and stall riser.
- 1.9. The development would incorporate the use of red brick and roof tiles to match the existing.
- 1.10. In addition to the removal of various existing incongruous additions to the main building, the development would also necessitate the demolition of a pair of unlisted 2 storey semi-detached houses (circa 1905) further to the north at 287 and 289 Pershore Road South. This clearance is required to enable the creation of an enlarged/re-configured car park/servicing area on the north side of the main building.
- 1.11. Access to the car park would be from an existing crossing point off The Green. The car park would be laid out to provide 16 spaces (including one disabled space) for use by the general public, with a turning head at its east end. The car park would be elevated from Pershore Road South, with a set of steps and ramp linking it to street level adjacent to the proposed storage area.
- 1.12. Store opening times would be 0700 – 2300 hours.
- 1.13. The store would employ five full-time staff and twenty part-time.
- 1.14. The application submission is supported by a Design and Access Statement, Bat Survey, Heritage Statement, Planning Statement, Statement of Community Involvement, Archaeological Desk-Based Assessment, Transport Statement and Tree Survey Report. A revised transport statement including a revised swept path analysis for delivery vehicles has been submitted following submission.

[Link to Documents](#)

2. Site & Surroundings

- 2.1. The application site is situated on the west side of Pershore Road South, adjacent to the roundabout junction serving Wharf Road, Pershore Road South, The Green, Redditch Road and Masshouse Lane. The site is currently occupied by a 2 storey building, originally dating from the 1930s, with a number of later extensions.
- 2.2. The main building is currently vacant and in some disrepair. It was originally built as one of the first shops of the Ten Acres and Stirchley Co-operative Society on the Pershore Road, with the upper floor being most recently used as a community facility.
- 2.3. A flat-roofed, single storey extension to the north side of the building on the Pershore Road South frontage has been used for retail purposes in the past, and a hairdressing salon currently occupies an existing unit fronting The Green on the west side of the site. The site also includes an existing car park on the north side of the Co-op building (accessed from The Green), beyond which (to the north) are a pair of 2 storey semi-detached houses dating from circa 1905.
- 2.4. The site sits on a steep gradient, with the car park elevated significantly above pavement level on Pershore Road South. There is an approximate increase in levels of 2m across the site from east to west, and 1m south to north. There are a number of trees on the site, primarily at its northern end around the car park and in the gardens of the existing houses.
- 2.4. The site falls within a local commercial centre based around 'The Green', on this west side of Pershore Road South. This centre incorporates a range of uses, including A1-A5 uses at ground floor, some of which have offices or residential accommodation above. The application site wraps around the side and rear boundaries of four retail premises which front The Green (nos. 91-94).
- 2.5. This commercial centre forms part of the Kings Norton Village Conservation Area, which is focused around the Village Green and its traditional setting, enclosed by buildings set along original medieval building lines. It incorporates a number of buildings of note including the medieval church of Saint Nicholas, the Old Grammar School (circa 1344), the Vicarage (circa 1850) and the Saracens Head (15th-17th Century). The designated area also contains several other timber-framed buildings interspersed with later structures of various dates and styles.
- 2.5. To the east, on the opposite side of Pershore Road South, are the Kings Norton Junior and Infant School and the Navigation Inn Public House, the latter being situated at the junction with Wharf Road (and the subject of a current appeal for retail development following your Committee's refusal of planning permission).
- 2.6. The Navigation is a predominantly two storey, late 19th Century building with 20th Century additions at ground floor level, including single storey elements at the rear and east side, and with a 2m wall continuing along Wharf Road at the back of pavement. The school is a traditional red brick, two storeys building dating from 1878. Beyond these, to the east and south-east are predominantly residential areas. The site measures 0.18ha.

[Site Location Map](#)

[Street View](#)

3. Planning History

3.1. 8 October 2014. 2014/06082/PA. Planning permission refused for the demolition of existing single storey extension and 2 semidetached dwellings, erection of a new retail unit (A1) and ancillary retail unit (A1, A3, A5) on ground floor, three first floor apartments and associated works including access, parking and landscaping. Refused on the following grounds:

- a) The demolition of the properties at 287 and 289 Pershore Road South would not preserve or enhance the character or appearance of the Kings Norton Conservation Area. As such their loss would be contrary to Paragraphs 3.8, 3.10 and 3.27 of the Birmingham UDP 2005 and the National Planning Policy Framework.
- b) The design of the proposed development be unacceptable and would not preserve or enhance the character of the Kings Norton Conservation Area. As such it would be contrary to Paragraphs 3.8, 3.10 and 3.27 of the Birmingham UDP 2005, Places for All SPG, and the National Planning Policy Framework.
- c) The two dwellings at 287 and 289 Pershore Road South make a positive contribution to the appearance and character of the Conservation Area. Their demolition would not preserve or enhance the character or appearance of the Kings Norton Conservation Area. Also, it is not considered that their removal is necessary for the re-use of the remainder of the application site. As such, their loss would be contrary to Paragraphs 3.8, 3.10 and 3.27 of the Birmingham UDP 2005 and the National Planning Policy Framework.

3.2. 2013/07925/PA. Pre application discussion for the demolition of existing single storey extensions and 2 no. semi-detached dwellings and the construction of new retail unit on ground floor , first floor apartments and associated works including access, parking and landscaping. Design, conservation and transportation guidance provided.

4. Consultation/PP Responses

4.1. Local residents, Ward Councillors, MP and resident associations notified. Site and press notice posted. Three petitions in objection have been received comprising 18, 6 and 9 letters respectively. 41 letters of objection have been received from local interested residents and parties including Lifford Business Association, Kings Norton History Society, Councillor Jevon and Richard Burden MP.

4.2. Objections received are based on the following grounds:

- Loss of trees, which currently add to visual amenity of The Green and conservation area. Will change/detract from the character of the area.
- No need for a further small supermarket within the Green and given the wider retail proposals for the Primrose Estate. Provision already exists elsewhere.
- Properties to be demolished are of conservation value within the conservation area. Should be retained and refurbished. Support re-use of Co-op building.
- Site is within a conservation area.
- Adverse impact on the viability of small retail shops on the Green. Will destroy a community of independent business which have managed to survive despite the economic climate. Impact on existing hair salon.
- Increase in traffic has not been considered. Will compound existing parking problems. Additional traffic and delivery vehicles will only congest the Green further. The Green is not suitable for large refuse/delivery lorries.
- Car parking provision inadequate. Transport Statement fails to take into account the school and church users.

- Concerns regarding safety of children accessing Kings Norton Primary School.
- 4.3. Response received from Lifford Business Association:
- Seeking compensation on behalf of 'The Hair Shop', currently operating from a unit on this site. Proposals will put this operation and its 9 employees at risk. Rent free accommodation should be provided within the development for this use (to compensate for business disruption);
 - Question adequacy of space available for manoeuvring of large vehicles;
 - Concerns expressed about the traffic implications of the development;
 - Consider the design to be out of character with this historic area;
 - Suggest the houses are refurbished and not demolished;
 - Concern as there are already 6 takeaways on the Green and whether this complies with the Shopping and Local Centres SPD especially as there is a school adjacent to the site;
 - Seeking a contribution from the applicant towards replacement street furniture, as well as enhanced parking infrastructure.
- 4.4. Four letters of support received on the grounds of reusing a neglected area of The Green, would provide and improve car parking within The Green, would bring back into use existing buildings and provision of new jobs.
- 4.5. West Midlands Fire Service – No objection.
- 4.6. Regulatory Services – No objection subject to safeguarding conditions relating to extraction and odour control; plant and machinery noise levels; opening hours and noise insulation.
- 4.7. Severn Trent Water – No objection subject to a drainage condition.
- 4.8. West Midlands Police – No objection subject to conditions relating to CCTV and secure access to the proposed apartments.
- 4.9. Birmingham Public Health – If within 400 metres of a school and they express concern then the application should be refused. If the application increases the A5 element to more than 10% within the centre then it should be refused.
- 4.10. Ecology – No objection subject to conditions relating to a method statement for the roof repairs and if works are not commenced within 12 months of the date of the bat survey a further bat survey will be required.
- 4.11. Transportation – No objection subject to conditions relating to delivery management plan; cycle storage; upgrading of footway crossing and no delivery vehicles greater in size than 12m articulated lorry to service the site.
5. Policy Context
- 5.1. NPPF, UDP 2005; Draft Birmingham Development Plan; Conservation Strategy SPG; adjacent to Kings Norton Conservation Area; Archaeology Strategy SPG; Kings Norton Medieval Village Archaeological Site; Places for All SPG; Shopping and Local Centres SPD; Kings Norton Planning Framework.
6. Planning Considerations

- 6.1. The key matters raised by this application include the principle of retail development, transportation issues, trees and landscaping, heritage matters and design.

Land Use – Retail Policy Guidance

- 6.2. The NPPF requires Local Planning Authorities to define a network and hierarchy of centres and to set out clear policies in respect of appropriate uses for such areas, recognising that town centres are the heart of their communities and, as such, their vitality/viability should be supported. Paragraph 24 identifies that new retail development is to be located in centres.
- 6.3. The UDP advises at paragraph 7.23 that proposals for additional retail development/redevelopment in existing centres will normally be encouraged where the scale of the new development is appropriate to the size and function of the centre; is well integrated; has no significant adverse effect on the continued vitality/viability of an existing shopping centre as a whole; and maintains a range of shops to meet the needs of local communities.
- 6.4. The City's Shopping and Local Centres SPD identifies this site as being within the Primary Shopping Area of Kings Norton Neighbourhood Centre. The SPD identifies that town centre uses (including retail) will be encouraged within centres, recognising them as the most sustainable locations for such investment with optimum accessibility by a range of means of transport.
- 6.5. Concerns have been expressed about the implications of approving a store in this location for the continued viability of local businesses around The Green. However, the application site is 'in centre' and, as such, there is no requirement to test the proposal in sequential or impact terms nor to demonstrate need. Notwithstanding the concerns raised by the local community in this respect, in the light of the above, I consider that the principle of a retail use on this site accords with policy.
- 6.6. The proposals include a smaller unit for potential A1, A3 or A5 use. Shopping and Local Centres SPD (Policy 1) recommends that 50% of all ground floor units in Neighbourhood Centres should be retained in A1 use and (Policy 4) no more than 10% of units within the centre shall be in A5 use. This centre currently has 61.9% of units in A1 use, and only 4.76% in A5 use. As such, the requirements of the policy would still be met, were the smaller unit to be occupied for any of the proposed uses. While Public Health has objected to the A5 element due to the site's location opposite Kings Norton Primary School, I note that the proposal complies with SPD policy. The school was notified of the application and have not submitted any comments.

Transportation Issues

- 6.7. Objections have been received in response to the public consultation exercise, which relate to potential traffic implications. These include concerns in respect of increased traffic/resulting additional congestion, capacity for large lorries, and increased parking problems.
- 6.8. A Transport Statement was submitted in support of the application and this has subsequently been revised to include amended swept path analysis of delivery vehicles as requested by Transportation. As such, Transportation raise no objection to the proposal subject to the imposition of conditions in respect of the provision/specification of the crossing at the access point, restrictions on delivery vehicles/management plan and provision of cycle storage.

- 6.9. It is not anticipated traffic and parking demand generated at this location further to this development would differ significantly to that already potentially generated by this site, with no significant change in commercial floor area or the residential element provided at the site. In relation to the ancillary retail unit, stated to be an A1, A3 or A5, this is positioned in the location of the existing retail unit, fronting Pershore Road South, and will benefit from shared car park use, with pedestrian link provided.
- 6.10. The works provide a much improved level of off street parking, increasing from 6 to 16 spaces and will enable servicing to take place within the site's curtilage. The tracking shows the potential loss of an on street parking space adjacent to the access. However, through the reinstatement of the existing crossing serving the access adjacent to The Green Fish Bar (no.94) with full height kerbs, there will be no actual loss of on street capacity.
- 6.11. Transportation notes the concerns of local objectors relating to increased traffic and parking demand, along with concern over delivery vehicles manoeuvring around The Green. However, as already addressed above, given the size of the store compared to the retail space already provided within this site and additional off street parking being offered, it is not considered reasonable to refuse the application on these grounds. In relation to delivery vehicle manoeuvres, which have been adequately demonstrated, this is much improved through the provision of an in-curtilage servicing area. Conditions are recommended as required by Transportation.

Conservation/Design

- 6.12. The NPPF advises that good design is a key aspect of sustainable development. It requires that account should be taken of the role/characteristics of different areas, with the promotion of local distinctiveness and the integration of new development into the natural, built and historic environment.
- 6.13. One of the key principles of the NPPF is that heritage assets should be conserved. It advises that where a proposed development will lead to substantial harm to a designated heritage asset, consent should be refused and that where it would lead to less than substantial harm, this should be weighed against the public benefits of the proposal including *"the harm or loss is outweighed by the benefit of bringing the site back into use"* (paragraph 133).
- 6.14. The application site is within Kings Norton Conservation Area. The Conservation Area was designated in 1969 and extended in 1989. Paragraph 3.27 of the UDP requires that development within conservation areas should *"preserve or enhance the character or appearance of the area, and the demolition of buildings or removal of trees or other landscape features which make a positive contribution to the area's character will be resisted"*. It goes on to say that *"consent to demolish a building in a Conservation Area will be granted only where its removal or replacement would benefit the appearance or character of the area"* and that *"development should reflect the character of the existing architecture, in scale, grouping and materials, and should generally reflect the character and appearance of the area"*.
- 6.15. In line with the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, a consideration of significance is necessary, to assess the buildings proposed for demolition, and to assist in the assessment of harm. The buildings proposed for demolition are non-designated heritage assets.

- 6.16. The designation papers relating to the Conservation Area identify that the key buildings within the area of designation are St Nicholas Church; The Old Grammar School; The Vicarage and The Church Hall. The report identifies the reason for conservation includes the areas historical associations including its mention in the Domesday Book and that the Green is unique in Birmingham as being the only village centre remaining relatively unspoilt by through traffic. It also identifies The Green as a setting for important historical buildings and where gaps in the townscape occur, infilling must be in character and scale with the 'Village style'. The report also identifies suggestions for conservation. These include:
- a) Enhancement of the quality and character of the area whilst ensuring and encouraging continued economic and social activity.
 - b) Off-street shoppers' car parking and rear servicing to commercial premises should be provided where possible to reduce vehicular/pedestrian conflict and promote environmental improvement.
- 6.17. A Heritage Statement has been submitted in support of the application and has been revised during the consideration of the application. This considers the existing site history/use of the building, along with its design, character and value as a heritage asset. It identifies the original Co-op building as an asset to The Green which is currently redundant and which *"residents have expressed that they would like to see something being done with ... as many have memories of the building when it was in use"*. Further assessment has been undertaken in relation to the Victorian dwellings, proposed for demolition following the previous refusal of planning permission. The dwellings have been identified that whilst within the conservation area were not designed or constructed by an important architect/developer and were developed as a result of late Victorian infill, being shown on historical maps in 1884. They have also been confirmed as not being provided as part of the adjacent school.
- 6.18. The dwellings themselves face onto Pershore Road South and are located on a narrow plot which was the rear garden area of building (now occupied by Lloyds Bank). Their gardens were located at either side of the dwellings. One of the gardens (no 269) was later developed with the Co-op building and Chinese restaurant being built over the area. This reduced the amenity area available to one of the dwellings.
- 6.19. The applicant proposes demolition of the two dwellings in order for the proposed scheme to be viable. They confirm that the dwellings are in a poor state of repair, are unviable to upgrade and are both empty and are suffering from severe damp. The cost of refurbishment associated with 287 alone were in excess of £30,000 (2013/2014) and these costs would have increased substantially since then and the dwellings degraded further and have been deemed unviable by the applicant.
- 6.20. Refurbishment works would need to include replacement windows and doors; repairs to the roof, flashing and eaves; damp proof course and wall membranes; new guttering and downpipes and the end gable of No 287 requires major structural work including replacement of bricks and repointing. Ivy growth would need to be removed, which has penetrated through the walls. Following structural works, total refurbishment internally would be necessary.
- 6.21. The applicants also stress that notwithstanding the above works, without the removal of the houses, the scheme is not physically viable as there would not be sufficient room for the necessary off road servicing and parking associated with the proposed new Co-op store.

- 6.22. An argument is made by the applicant that the loss of these two houses is adequately compensated for by the positive contribution that the re-use/enhancement of the former Co-operative building would make to the street scene and Conservation Area. They state that without their removal the scheme isn't viable as sufficient off road parking and off road servicing isn't obtainable and due to the severe lack of on street parking and the allowance of all day parking around The Green, for a convenience store in this location to work off road parking and servicing are essential.
- 6.23. The applicants have provided details in regard to the age of the buildings and whether the dwellings were designed or constructed by significant architects/developers. I also note that the space around the dwellings is poor and does not provide a form of enclosure or good setting for the buildings. I conclude that the buildings convey a neutral impact on the conservation area which neither enhance or detracts from the local character. In terms of suitability of re-use, the applicants have provided further details as to why they consider that the buildings cannot reasonably/viably be refurbished for re-use. Therefore I am satisfied that it would be inappropriate to require the buildings to be re-used and in this case it is appropriate to allow demolition of the current buildings and replacement with a viable alternative use that would make an improved contribution to the conservation area through the re-use of other, more significant buildings within the conservation area, which without demolition would not be viable.
- 6.24. With regards to the NPPF test, consent should be refused where substantial harm is identified and where it would lead to less than substantial harm; this should be weighed against the public benefits of the proposal including *"the harm or loss is outweighed by the benefit of bringing the site back into use"* (paragraph 133). Given that the dwellings have not been identified as significant within the conservation area and were not identified within the key buildings when designation occurred, I do not consider that their loss would lead to substantial harm. As such, where less than substantial harm is identified, this is weighed against the benefit of the redevelopment proposals and bringing the wider site back into use. Furthermore on this basis, the proposed demolition would not prejudice the enhancement and preservation of the conservation area in satisfaction of the test set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 6.25. Paragraph 3.14 of the UDP deals with new development and states that a high standard of design is essential to the continued improvement of Birmingham as a desirable place to work, live and visit and that the design and landscaping of new development will be expected to contribute to the enhancement of the City's environment.
- 6.26. Paragraph 3.14D sets out good urban design principles which applications for new development will be assessed against, including:
- Impact on local character, including topography, street patterns, building lines, boundary treatments, views, skyline, open spaces and landscape, scale and massing and neighbouring uses;
 - New buildings in terms of their scale and design should generally respect the surrounding area and character of the locality;
 - Landscaping should be an integral part of all major development projects and should be designed to complement the new development/surrounding area;
 - Mature trees should be retained where possible, and planting of new trees be required where appropriate.

- 6.27. In addition, 'Places for All' SPG identifies principles to assist in the achievement of high quality, well-designed, attractive, safe and secure development.
- 6.28. Following the previous refusal of planning permission, the applicant has, for this submission, redesigned the new build element of the proposal fronting The Green. This elevation now reflects the original scale and architecture of the building and its surroundings and no longer proposes a contemporary interpretation. As such, the proposed new build element would comply with conservation area policy and would meet the aims and objectives of the original conservation area designation. Your City Design/Conservation Officer considers this revised proposal to be acceptable in design and layout and whilst there remains no active interface between the store and the street on the Pershore Road South frontage, the smaller unit would provide activity on this frontage. Your Officers consider that the scheme for which permission is now sought is more in keeping with the character and vernacular of the Conservation Area.
- 6.29. Some minor concerns are still raised regarding the proposed secondary entrance to the store from the car park. However, these concerns can be dealt with by a lighting, security and CCTV scheme, which are recommended to be secured via condition.
- 6.30. The opportunity to renovate the building and bring it back into active use is welcomed and it is recognised that this may necessitate alterations/extensions to the original structure and other buildings in the vicinity. The current proposal includes the demolition of a pair of semi-detached houses on the Pershore Road South frontage at the north end of the site. The applicant believes that this is unavoidable, with their removal being necessary to create a viable scheme (through the provision of adequate servicing/parking space). These units are currently in a poor state of repair and require some attention.
- 6.31. In the light of the above, your City Design/Conservation Officers consider that the proposal is acceptable and overcomes the previous reasons for refusal, and I concur. Less than significant harm would occur to the Conservation Area through the proposed development and loss of two unlisted dwellings through demolition. The proposed development would provide wider benefits to the Conservation Area through the re-use of a building of greater significance to The Green and would provide off-street car parking for use by shoppers to the store and The Green as a whole.

Trees/Landscaping

- 6.32. The proposals include the clearance of the existing gardens of the houses to be demolished, and necessitate the removal of all the trees located on-site, with the exception of a Holly located at its northern tip. This would amount to 14 no. trees (a mix of Cypress, Goat Willow, Sycamore, Apple, Ash, Crab Apple and Hawthorn).
- 6.33. Your Tree Officer is in general agreement with the conclusions of the submitted tree report – that most of the removals are U Category and are not a concern. The 3 no. Category C trees that would be lost (a Goat Willow and 2 no. Cypress, also at the north end of the site) are considered not insignificant in providing views of green canopy to Pershore Road South on the approach to the roundabout. However, your Arboricultural Officer is satisfied that the intended replacements would be better arranged and ultimately should be of a higher quality. In addition, views would be opened through the site. He considers that the proposed landscaping scheme would adequately mitigate against the losses on site.

- 6.34. There are also 3 no. City Council owned trees outside, but adjacent to the site. The amended access, reviewed under the previous application has been incorporated into this proposal. This shows an access arrangement, with the existing kerb line around the trunk of the Ash tree situated within the pavement on the west side of the site (the frontage to The Green) to remain unaltered and dropped only at the very edge of the RPA. As such, your Arboricultural Officer raises no objection to the proposal, subject to the imposition of a tree protection condition and I concur with this view.
- 6.35. Your Landscape Officer notes the prominent location of the site and has made a number of observations/recommendations for improvement. These relate to the scale of the proposed turning area, the pedestrian environment on Pershore Road South, treatment of level changes, planting and boundary treatment.

Other Issues

- 6.36. An archaeological desk-based assessment was submitted with the application. This analyses the potential for unrecorded heritage assets and previous impacts on the site. The eastern side of The Green has been the focus for settlement in the area from the Saxon period onwards. It is considered possible that a former medieval farm lies within the northern/western sections of the site. The report assesses what features are likely to remain, including the original medieval ground surface in some places. Archaeological investigations on other sites in the vicinity indicate that medieval remains survive in the area and it is possible that this may be the case here.
- 6.37. Your City Design advisors accept the Assessment's conclusion that any archaeological remains which survive on this site are unlikely to be of a level of significance which would represent an absolute constraint on development. Given the built up and constrained nature of the site with a high potential for the presence of utilities, it is also agreed that pre-determination archaeological investigation of the site is impracticable. As such, the report recommends consultation with the City Council to establish the nature of any potential archaeological work that may be required.
- 6.38. The comments in respect of the existing business on site and Business Improvement District reflect those received from Lifford Business Association. Whilst it would not be appropriate to require such commitments through the planning application process, the applicant has provided a response on these issues, as follows. The Co-op has been in touch with the hairdressers. The additional ancillary (smaller) unit could be potentially used as relocation premises and it is the Planning Agent's understanding, that the owner has indicated that the unit would be acceptable. The Co-op has confirmed that they are aware of the Business Improvement District and its aims.
- 6.39. A Bat Survey has been submitted in reflection of the potential implications associated with the proposed works to the existing buildings and demolition of the existing houses. This concludes that all of the buildings are highly unlikely to be used as a bat roost site. The main building roof space is categorised as offering moderate opportunities for access and use by bats, but the roof/roofspace would be unaffected by the proposal. The Survey indicates no evidence of use of any of the other buildings by bats and concludes that no further survey work or mitigation is required.

6.40. Your Ecologist accepts the findings of the submitted report, although he considers (contrary to the report) that there are some features holding potential for bats within the main building. As such, a method statement should be required detailing how works to the existing building would be undertaken and if works are not commenced within 12 months of the original survey (i.e. by August 2015) a new survey would be required. Otherwise, no ecological issues are foreseen.

6.41. Birmingham Public Health has objected to the application because it involves a potential A5 unit, and this would be contrary to the nearby Kings Norton Primary School's healthy eating policy. Notwithstanding this, the school is for primary-aged children (who do not leave the premises unescorted) and there are currently no policy grounds to resist the proposal for this reason.

7. Conclusion

7.1. The scheme would have a positive impact on the character of the conservation area and the buildings proposed for demolition are of limited architectural value and convey a neutral contribution to the character and appearance of the conservation area. The design of the new development is acceptable and in keeping with the character and vernacular of the existing conservation area. Less than significant harm would occur to the Conservation Area through the proposed development and loss of two unlisted dwellings through demolition and the proposed development would provide wider benefits to the Conservation Area through the re-use of a building of greater significance to The Green and would provide off-street car parking for use by shoppers to the store and The Green as a whole. Therefore, the scheme meets the expectations of the UDP and the NPPF and Sections 66 and 72 of the 1990 Planning (Listed Buildings and Conservation) Act.

7.2. I note that the key principle in the NPPF is the presumption in favour of sustainable development and this is identified as having three stems of economic, social and environmental. The proposed development would provide economic and social benefits to The Green as a neighbourhood centre, would support the provision of further local employment, would have less than significant harm on the conservation area and does not have an environmental impact that could be regarded as significant. I consider the proposal to be sustainable development and on this basis, should be approved.

8. Recommendation

8.1. That planning permission is approved subject to the conditions listed below.

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

2 Requires the prior submission of access ramp details

3 Prevents Obscuring of Shop Front Windows

4 Shop Front Design

5 Limits the hours of use to 0700-2300.

6 Requires the prior submission of a demolition method statement

7 Requires the prior submission of Ramps and Step details

-
- 8 Requires the prior submission of a drainage scheme
 - 9 Requires the prior submission of a method statement regarding repairs to the retained building and roof
 - 10 Requirement for a further bat survey
 - 11 Requires the prior submission of extraction and odour control details
 - 12 Limits the noise levels for Plant and Machinery
 - 13 Requires the prior submission a noise study to establish residential acoustic protection
 - 14 Requires the prior submission of noise insulation (variable)
 - 15 Requires the prior submission of hard and/or soft landscape details
 - 16 Requires the prior submission of hard surfacing materials
 - 17 Requires the prior submission of earthworks details
 - 18 Requires the prior submission of boundary treatment details
 - 19 Requires the prior submission of a landscape management plan
 - 20 Requires the prior submission of a lighting scheme
 - 21 Requires the prior submission of a construction method statement/management plan
 - 22 Requires the prior submission of sample materials
 - 23 Prevents outside storage
 - 24 Requires the prior submission of a CCTV scheme
 - 25 Requires the prior submission of details of refuse storage
 - 26 Requires the parking area to be laid out prior to use
 - 27 Requires the prior submission of cycle storage details
 - 28 Requires the prior submission of details of a delivery vehicle management scheme
 - 29 Delivery vehicles servicing the site shall be no greater in size than an 12m articulated lorry.
 - 30 Upgrading of existing footway crossing prior to occupation/trading
 - 31 Protects retained trees from removal
 - 32 Requires the implementation of tree protection
 - 33 Limits the approval to 3 years (Full)
-

Case Officer: Pam Brennan

Photo(s)

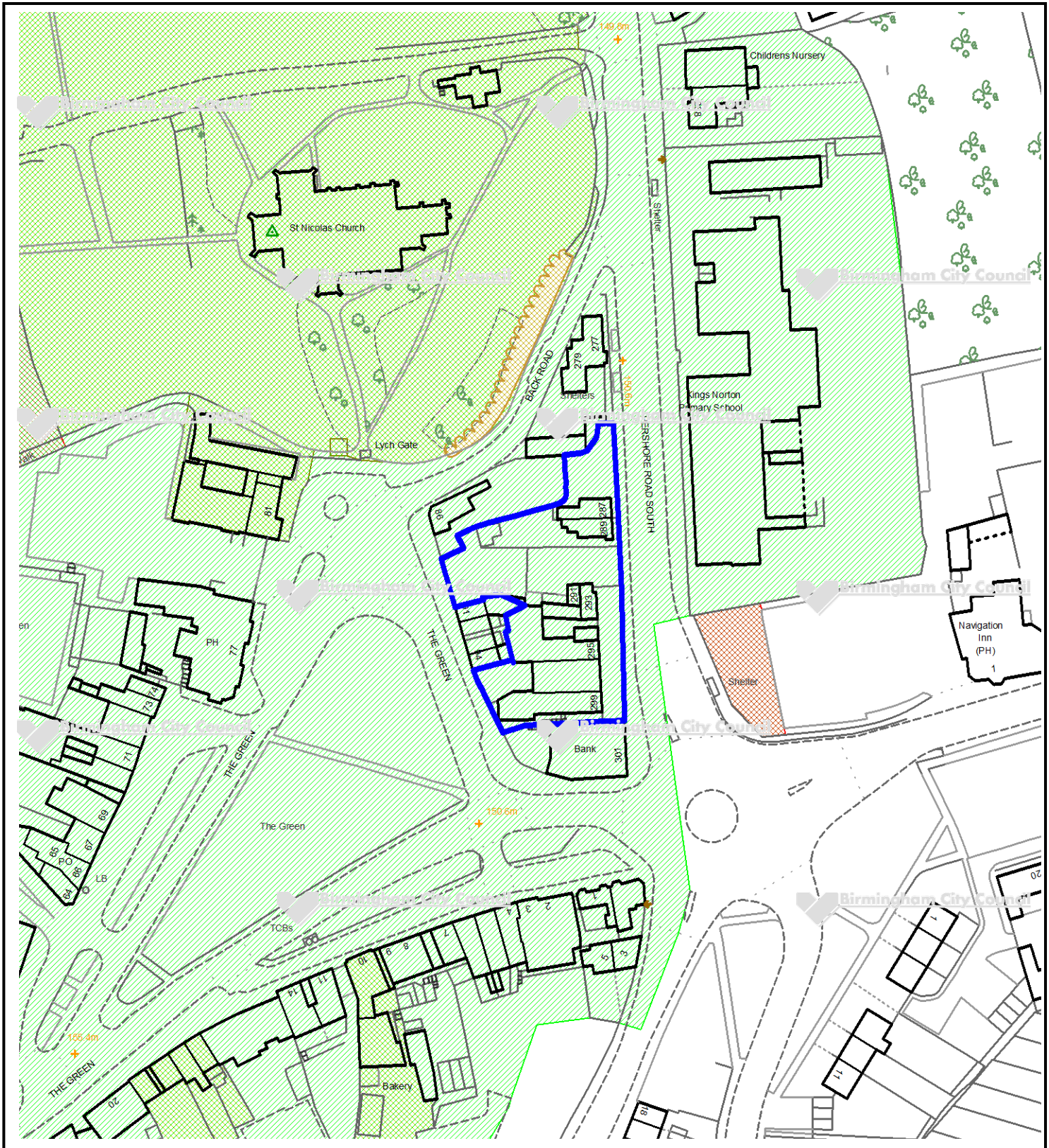


Existing dwellings to be demolished fronting Pershore Road South



Existing building to be retained and reused – fronting Pershore Road South (original Co-op store)

Location Plan



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