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# Appeal Decision

Site visit made on 23 March 2015

**by Martin Whitehead LLB BSc(Hons) CEng MICE**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 30 April 2015**

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**Appeal Ref: APP/P4605/W/14/3001904**

**Navigation Inn, 1 Wharf Road, Kings Norton, Birmingham B30 3LS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Spirit Pub Company and Sainsbury's Supermarkets Ltd against the decision of Birmingham City Council.
  - The application Ref 2014/05591/PA, dated 1 August 2014, was refused by notice dated 2 October 2014.
  - The development proposed is the erection of a local food store (use class A1) with ATM, car parking and other associated works.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the surrounding area, including Kings Norton Conservation Area (CA); and its effect on the safety of private car users and pedestrians.

## Reasons

### *Character and Appearance*

3. The appeal site includes the Navigation public house building, its car park and a grassed bank that is planted with 4 relatively large mature trees. It is basically shaped as an 'L' and is located near to the corner of the roundabout junction of Wharf Road with Pershore Road South. Kings Norton Conservation Area (CA) abuts 2 sides of the L to the north and west and includes an extensive 'Village Green' area that is enclosed by a variety of mature buildings on the opposite side of Pershore Road South, some that are facing the appeal site.
4. Kings Norton Primary School lies to the north west of the site and within the CA. It is constructed mainly in red brick and includes a variety of gables with ornate finishes and steeply pitched tiled roofs of differing heights. Its predominant elevation is facing Pershore Road South, but it also stands out in views from Wharf Road looking north west. The Navigation public house is a similar height to the school buildings and has large gables and a varied roofline. The relatively modern police station and residential area to the south are set back from Wharf Road behind a wide grassed area that includes tree planting at the roundabout. As such, the proposed site of the food store is viewed in the context of the adjacent school building, the trees either side of

- the roundabout junction, the Navigation public house building and the buildings either side of 'The Green'.
5. The site is set below the level of Pershore Road South and Wharf Road falls away from the roundabout. This topography, combined with the current use of the proposed site of the food store, provides an open character and appearance to that corner location, allowing the trees to screen the buildings within the CA in views from Wharf Road to the roundabout. These trees make an important contribution to the setting of the CA and, since the application, 4 mature lime trees on the embankment within the site have been the subject of a provisional Tree Preservation Order (TPO). I have insufficient evidence before me to examine the merits of this TPO.
  6. I consider that the proposed new food store should relate to the mature buildings within the CA, as most of the main views of it would include these buildings. The proposed site elevations demonstrate that it would be noticeably lower than the adjacent buildings, but would appear more intrusive than the current low level car park. I accept that the use of red bricks, high pitched roof and gable features would give it a degree of compatibility with these buildings. However, it would generally have a plain utilitarian appearance and, due partly to the surrounding topography, would fail to relate to the nearby buildings in either its apparent scale or design.
  7. I agree that it would not be reasonable to expect the store to front onto Pershore Road South due to the trees and level difference. However, the provision of a single window fronting Wharf Road would be insufficient to give it an active frontage along that road. Therefore, whilst it would be within the boundary of Kings Norton Neighbourhood Centre, it would turn its back on that retail centre and would appear separate from it. I have been given insufficient evidence to show that the topography of the site would not make it possible to orientate the building to face Wharf Road.
  8. The loss of the lime tree, which is the subject of the TPO and closest to the roundabout junction, would significantly reduce the level of screening of buildings within the CA. The proposed replacement tree would take a significant time to reach a sufficient size to provide a similar level of screening. This, and the above mentioned factors, would all contribute to the proposal having an unacceptable harmful effect on the character and appearance of the surrounding area, including Kings Norton CA.

### **Safety**

9. The level of traffic shown by the appellants' Transport Statement that would be generated by the proposed development would not be sufficient to cause any serious safety implications on the public highway. However, I am concerned that the safety problems that have been highlighted by the Council's Transportation Officer regarding deliveries to the food store have not been satisfactorily addressed. It seems to me that the suggested 'Delivery Management Plan' would not have sufficient control over the size, timing and manoeuvring of delivery lorries to ensure that this could be carried out safely with the proposed layout, particularly as any planning permission could be used by a different retailer from that of the appellants.
10. The relative location of the delivery areas to the parking and pedestrian areas could well cause a considerable amount of conflict between heavy goods

vehicles and customers for the proposed store, the majority of which during peak times have been identified in the Transport Statement as being on foot. Furthermore, due to the school being close to the site, it is very likely that a significant number of children would be likely to access the store and site, making it even more important to segregate the customers from the deliveries. Taking these matters into account, I conclude on this main issue that the proposal would harm the safety of private car users and pedestrians.

### ***Other Matters***

11. The appellants have suggested a number of economic and social benefits of the proposal in terms of it meeting the criteria for sustainable development in the National Planning Policy Framework (Framework). In this respect, the number of full-time equivalent jobs has been given as 24 on the application but 16 in the documents that accompany the appeal. Whilst either of these numbers would represent a significant level of employment, there is nothing to show that a similar level could not be provided by an alternative more environmentally acceptable proposal. The economic benefits from the additional construction work would apply to any new development, and the suggested increase in the retention of expenditure that the proposal would bring to Kings Norton area has not been quantified in any survey that has been provided with this appeal.
12. The suggested social benefits of reduced travel out of the area for food shopping and improved shopping choice and retention have not been supported or quantified by any data or expert reports with the appeal documents. Whilst the appellants have indicated that the Navigation public house would not be able to continue trading as a community facility without the investment that would be made due to the proposed development, I have not been provided with any up-to-date viability evidence or any guarantee that there would be financial investment into the public house. Therefore, I have not given this matter any significant weight.

### ***Conclusions***

13. For the reasons given above, I have found that the proposal would have an adverse effect on the character and appearance of the surrounding area and would harm the safety of private car users and pedestrians. As such, it would not accord with Birmingham Unitary Development Plan policies 3.8 and 3.10, as it would have an adverse effect on the quality of the built environment; policy 3.14D, as its scale and design would not respect the character of the locality and it would not retain a mature tree; policy 3.16A, as it would not retain an important tree; and policy 3.28, as it would not respect the character and appearance of Kings Norton CA. Whilst it would provide some economic and social benefits, the environmental harm that it would cause would make it fail to represent sustainable development in accordance with the Framework. Therefore, having regard to all matters raised, I conclude that the appeal should fail.

***M J Whitehead***

INSPECTOR