208 Sheldon Heath Road, Garretts Green, Birmingham, B26 2RY

Demolition of public house and erection of new residential development comprising of 18 apartments and 16 houses and associated works

Applicant: Mar City Developments Ltd
1036 Stratford Road, Shirley, West Midlands, B90 4EE
Agent:

Recommendation
Approve Subject To A Section 106 Legal Agreement

1. Proposal

1.1 Planning permission is sought for the demolition of the former Chestnut Public House and the erection of a new residential development comprising of 18, 1 bedroom apartments and 16 houses (8 two bed and 8 three bed), with associated parking and landscaping.

1.2 The houses would be arranged in a crescent at the front of the site overlooking the roundabout, set behind a lawned area and footpath to mirror the development on the former Garretts Green College to the north.

1.3 The development would form a new perimeter block with dwellings facing outwards onto the street with gardens and car parking areas to the rear.

1.4 The public footpath between Sheldon Heath Road and Meon Grove would be retained with the existing boundary fence being removed to allow natural supervision of this route.

1.5 Houses would be traditional in design, incorporating simple design features such as cladding to the front elevations and canopies over the front doors. House type M2 would have one double and one single bedroom and bathroom at first floor with lounge, kitchen and wc downstairs.

1.6 House type M3 would be slightly larger to accommodate another double bedroom within the loft space lit by velux windows.

1.7 All bedroom sizes exceed guidelines within Places for Living.

1.8 Garden sizes vary from 48 to 96 sqms. All, except one of gardens for the smaller house types comply with the required 52 sqm used as a guideline within Places for Living, only 2 of the larger house types have less than the 70 square metres required by this guidance.
1.9 The apartment blocks proposed would be 3 storeys high in a “U” shape. The maximum height would be approximately 11 metres to the ridge. One block would face onto Garretts Green Lane and the other onto Sheldon Heath Road. Each block would contain 9 one bedroom apartments, 3 on each floor.

1.10 The floor area for type C would be 50 sqm and for type D, 55 sqm. Double bedroom sizes would comply with the second double bedroom guideline of 10.26 required by Places for Living.

1.11 The communal amenity spaces for the block of apartments on Sheldon Heath Road would be approximately 75 sqm which equates to 8sqm per unit. The other apartment block has a larger communal amenity area of 100 sqm that equates to 11 sqm per unit.

1.12 Materials would be similar to those used on the College site and would be a mixture of brick and tile. The majority of rear gardens would be enclosed by 1.5 m high close boarded fences. Where gardens adjoin the pavement, dwarf walls with 1.8m high brick pillars with infill timber panels would be installed.

1.13 Site area is 0.5 hectare
Density 68 dwellings per hectare

1.14 2 car parking spaces would be provided for each 3 bed house with 1 space each for the 2 bed houses and apartments.

1.15 A phasing plan has been submitted that shows that the development would be brought forward on a phased basis consisting of 4 phases. The larger house types fronting on to the roundabout would be constructed first.

1.16 The planning application is supported by a number of documents:
Design and Access Statement
Noise Assessment
Transport Statement
Travel Plan
Lighting scheme

2 Site and Surroundings

2.1 The site currently contains the former Chestnut Public House (which was last used as a restaurant/drive thru) and large car park. It is now vacant. It is located on a busy roundabout at the intersection with Sheldon Heath Road and Garretts Green Lane. The area is predominantly residential in nature and is opposite the recently developed Garretts Green College site that now contains a mixture of houses and apartments similar to those now proposed by the same developer. A new BHMT development is under construction to the east of the site, on the other side of Meon Grove.
3 Planning History

3.1 Site

15/09/2008 - 2008/02711/PA - Erection of single storey side extension to form retail counter for "Drive-Thru" food facility, including alterations to car park, lobby extensions and new canopy – Approve Subject to Conditions

20/05/2011 - 2011/08195/PA – erection of single storey extension within the rear car park to form car wash and valeting area – approved subject to conditions

3.2 Relevant to the application site


4 Consultations/PP responses

4.1 Transportation Development – No objection subject to the imposition of safeguarding conditions.

4.2 Regulatory Services – no objection subject to the installation of appropriate glazing and site investigation reports.

4.3 Leisure Services – proposals generate a requirement for a commuted sum of £46,000 towards the improvement of existing public open space within the ward.

4.4 Housing and Communities – support the proposals

4.5 West Midlands Police – proposals capable of achieving Secured By Design

4.6 West Midlands Fire Service- access to water supply for the apartments appears to be unsatisfactory; the applicant is advised to contact the Fire Service directly.

4.7 Local residents, residents groups, ward councillors and MP were notified. A site notice was posted and the proposals were advertised in the press.

4.8 1 letter of comment was received stating that no further residential accommodation is needed in the area, but a supermarket should be provided on the site. An email has also been received from Cllr Mike Ward expressing his and Cllr Paul Tilsley’s concern at the lack of a financial contribution towards improvements to public open space in the ward.

5 Policy Context

National Planning Policies

NPPF 2012
Local Planning Policies

UDP 2005
Draft Birmingham Development Plan
Places for Living SPG
Affordable Housing SPG
Open Space in New Residential Development SPG

6 Planning Considerations

6.1 Policy

6.2 The UDP reinforces national guidance within the National Planning Policy Framework that is based upon a presumption in favour of sustainable development and the reuse of land that has previously been developed. It also advises that good design is a key aspect of sustainable development, and is indivisible from good planning and should contribute positively to making places better for people. Developments should respond to local character and reflect the identity of local surroundings and materials. The environment chapter of the UDP requires proposals for new development to respect the character of the area in which they would be located and respond in a positive way. Proposals which would have an adverse effect on the environment will not normally be allowed. I consider the principle of redeveloping the site for residential purposes to be entirely consistent with both National and Local Planning policy.

6.3 Layout/character

6.4 The proposals were discussed at length during the pre-application process and the layout was amended to take into account comments made by City Design. The final layout includes improvements to car parking areas for the apartments and reconfiguration of front gardens/car parking spaces of dwellings facing onto the public footpath between Sheldon Heath Road and Meon Grove in terms of landscaping and lighting.

6.5 The layout responds to the development now completed on the former East Birmingham College site to the north that was also developed by the applicant. The crescent overlooking the roundabout mirrors that development and "completes the green area" around the roundabout. Footpaths link up with those on either side of the road and zebra crossings.

6.6 The majority of the surrounding area is residential, consisting of semi detached houses set within generous plots, built around 1950. A more recent flatted development is located directly to the south of the site. This consists of three “T” shaped two storey buildings, two of which face onto Sheldon Heath Road the other Meon Grove. These appear to be 1970's with a large communal amenity space.

6.7 Taking into account the mixed nature of residential development within the area, I consider the layout to be acceptable and not harmful to the character of the area.

6.8 Design and appearance

6.9 The design and appearance of the scheme is very similar to that approved and constructed on the former East Birmingham College site. The designs of the houses are traditional with materials proposed comprising the same as those used on the former college site. The apartments are very simple in design but functional. I
consider that they are acceptable and not detrimental to the appearance of the site or wider area.

6.10 Residential Amenity
6.11 Existing

6.12 The flats that directly adjoin the site to the south contain a number of windows that face onto the new houses proposed. It appears that most of these windows either serve non-habitable rooms or light staircases. There would be 18 metres distance between houses proposed on plots 4 and 5 and the existing block facing Meon Grove and 13 metres between the proposed lounge windows and the side facing kitchen windows within the existing block of flats fronting Sheldon Heath Road. Guidance requires 21 metres between building faces for 2 storey dwellings and 27.5m for 3 storeys. These distances are not achievable in these circumstances but I am satisfied that there would be no adverse impact upon residents of these flats from the proposed development in terms of overlooking. The existing semi mature trees would remain that would filter views into the buildings. The proposals would also improve residential amenity for existing occupiers by allowing the removal of the fence currently separating the flats from the application site that would improve outlook for occupiers of the flats and make the path safer through natural surveillance and lighting.

6.13 Proposed
6.14 The layout of the site would allow most of the rear gardens to be secure, with rear gardens backing onto each other. The proposed parking areas for the apartments would be the only incursions into the centre of the site. The majority of gardens for the houses comply or exceed the minimum guidelines. All bedrooms for the houses either comply with or exceed guidelines, as do the bedrooms within the apartments. The shortfall in communal amenity areas for the apartments is not ideal, but the applicant has pointed out that all of the flats would be occupied by single people or couples, without children and on this basis their use for the amenity area would be reduced. I am inclined to agree with this and would also point out that the site is within close proximity to the Radleys Public Open Space and to the Meadway public open space. (800 and 600 metres away respectively)

6.15 Regulatory Services have raised no objection to the proposals but suggest that windows are fitted with double glazing. The applicants are eager to commence on site following any approval and discussions have taken place with Officers at the Contaminated Land Team who are agreeable to commencement of development on site up to foundations level without the need for any further site investigations. For development to progress beyond this stage, a further land survey is required together with a remedial strategy for any contamination found. An appropriate condition is attached.

6.16 Transportation Development
6.17 No objection is raised to the amended site plan which indicates satisfactory access and parking provision. The application is accompanied by a Transport Statement which concludes that the proposals would result in 29 trips in the morning peak and 26 in the evening peak; this equates to less than one vehicle every 2 minutes. It is concluded that the development would therefore not adversely impact upon the free flow of traffic in the surrounding highway network. Transportation formal comments will be reported to Committee. A Travel Plan has also been submitted that shows
how new occupiers of the development would be made aware of sustainable travel options – ie location of bus and rail services, cycling and pedestrian routes – to offer a real alternative to reliance on the car. I concur with Transportation’s views and the contents of the Travel Plan and have attached appropriate safeguarding conditions.

6.18 S106 contributions

6.19 As the proposals are for more than 15 dwellings, there is a requirement for affordable housing. The UDP and Affordable Housing SPG require 25% of total dwellings to be provided by an organisation (ie registered social landlord) and another 10% to be low cost market housing.

6.20 The size of the development proposed also triggers the requirement for a financial contribution for public open space in accordance with UDP policy and Open Space in New Residential Development SPG. This would require a financial contribution of £46,000.

6.21 The applicants have demonstrated through various development scenarios that there is not enough profit in the scheme to realistically allow any financial contribution. However, the proposals have been designed for Sanctuary Housing Association, one of the Council’s Preferred Partners who wants to build out the scheme as soon as possible. The applicants have been in discussion with the Housing and Communities Agency (the HCA) and consider that the level of grant funding available to them would result in 100% provision of affordable homes on the site. Despite not being viable on paper, the applicants have therefore agreed to formally enter into a legal agreement requiring 35% of all units to be affordable, on the basis that no financial contributions would be sought for public open space. The legal agreement would be worded such, that, in the event that the site was not sold to Sanctuary Housing, 35% affordable housing would still need to be provided on site by any subsequent land owner, in the event of the permission being implemented.

6.22 The Radleys public open space is located approximately 800m to the east of the site, and The Meadway public open space is located approximately 600 m to the north, both of which are within walking distance of the site. It is my view that the securing of a higher proportion of affordable houses in lieu of a contribution towards improvement to the above areas of public open space is acceptable, in this case. This would enable the scheme to proceed rapidly and provide much needed affordable housing, in a layout that is considered to be acceptable.

6.23 The applicants are also willing to enter into a legal agreement to secure training and employment for local people throughout the construction period of the development.

6.24 Trees/Landscaping

6.25 Semi mature trees along the southern boundary would be retained. Appropriate conditions are recommended to ensure they are protected throughout the construction period and that they be incorporated into a landscaping scheme that would replace the existing boundary treatment. Both the Tree and Landscaping Officers support the proposals – the details of which are required by condition within a Landscaping Master plan. Details of the proposed boundary treatment has been submitted with the proposals and include brick dwarf wall with 1.8m brick piers with timber infill panels to a height of 1.8 m to enclose rear gardens along Garretts Green Lane and Sheldon Heath Road the north. Rear gardens would be separated with 1.5 m close boarded fences.
6.26 The agents will liaise directly with the Fire Service to find a solution to the apparent deficiency for fire appliance access. This is also a requirement for building regulations.

7 Conclusions

7.1 The proposals would result in the re-use of a brownfield site, within a predominantly residential area to provide additional housing in a very similar way to that already built at the former East Birmingham College site. The proposals have been the subject of many amendments to achieve the best possible layout, and at the same time produce a viable scheme that would be built out and employ/train local people during its construction and provide a substantial level of affordable housing. I consider the proposals therefore to be in compliance with both national and local planning policy.

8 Recommendation

8.1 1. That consideration of application no. 2013/00166/PA be deferred pending the completion of a Section 106 planning obligation to secure the following:

   (a) Affordable housing comprising of 35% rented units and/or shared ownership units
   (b) A commitment to engage with the City Council and other agencies to enter into a local training and employment scheme for construction of the development to a target of 60% of posts created for the employment of local people.

2. In the absence of the planning obligation being completed to the satisfaction of the Local Planning Authority by 18th April 2013 planning permission be REFUSED for the following reason [s];

   (a) The proposed development does not make provision for Affordable Housing contrary to paragraphs 5.37-5.37G of the Birmingham Unitary Development Plan 2005 and NPPF.
   (b) The proposed development does not make provision for local employment/training contrary to policies 8.50-8.54 of the adopted UDP 2005 and the NPPF

3. That the Director of Legal and Democratic Services be authorised to prepare, seal and complete the planning obligation.

4. A Monitoring /Administration Fee of £1,500 to be paid on completion of the planning obligation.

5. That in the event of the planning obligation being completed to the satisfaction of the Local Planning Authority by 18th April 2013, favourable consideration be given to this application, subject to the conditions listed below:

1 Requires the prior submission of a contamination remediation scheme

2 Requires details of a landscaping masterplan prior to the first occupation of phase 1.
Requires the scheme to be in accordance with the listed approved plans
Removes PD Rights for hard surfacing of front garden
Removes PD rights for extensions
Requires the parking area to be laid out prior to use
Requires the prior submission and completion of works for the S278/TRO Agreement
Requires the implementation of tree protection
Requires tree replacement within 2 years post development
Protects retained trees from removal
The dwellings shall not be occupied until vehicle parking has been constructed, surfaced and marked out on site
The submitted Travel Plan to be adhered to
Double glazing to be agreed and provided
Schedule of agreed materials
Requires the development to be carried out in accordance with the phasing plan.
Requires details of the proposed maintenance of the public amenity area facing onto the roundabout.
Requires the prior approval of details to prevent mud on the highway
Requires the prior installation of means of access
Prevents occupation until the service road has been constructed
Limits the approval to 3 years (Full)

Reason for Approval

Birmingham City Council grants Planning Permission subject to the condition(s) listed below (if appropriate). The reason for granting permission is because the development is in accordance with: Policies 5.7 - 5.40 of the Birmingham Unitary Development Plan 2005; Places for Living (2001), which has been adopted as Supplementary Planning Guidance; and the National Planning Policy Framework.

Case Officer: Debbie Farrington