
COMMITTEE REPORT

Planning Committee

20/12/2007

Report of City Planning Manager

APPLICATION No. - 23339/L

Description of Development - Development of apartments with associated replacement landscaping, parking and bin store.

Site - 5 Brinklow Road

Applicant - K Philips Ltd

Ward - Wyken

INTRODUCTION

- The purpose of this report is to consider the above application, which has been amended following the issue of a temporary Stop Notice.

RECOMMENDATION

- Planning Committee are recommended to delegate to officers the grant of planning permission subject to the satisfactory completion of a Section 106 Agreement and subject to the conditions set out in the schedule.

DESCRIPTION OF APPLICATION SITE

- The site is located on the corner of Clifford Bridge Road and Brinklow Road. The site was previously occupied by Lino's restaurant though the building has been demolished and development has commenced.
- To the north and east of the site are two storey dwellings fronting Melfort Close and Rannock Close; and a tree protected by a Tree Preservation Order fronts Brinklow Road.
- A public footpath runs parallel to the northern boundary of the site from Clifford Bridge Road and connects into a footpath network, which links Brinklow Road with Melfort Close.

- Properties to Melfort Close have their main front aspect to this public footpath and subsequently face onto the application site though they are set back approximately 7.4m from the footpath.
- To the east of the site are further residential properties on Rannock Close.
- To the south on the opposite side of Brinkow Road is Binley Business Park with Bambinos Day Nursery being the closest building.
- On the opposite side of Clifford Bridge Road is open countryside, which is defined as Green Belt within the adopted development plan.

PROPOSAL

- The proposal is for the erection of apartments with associated replacement landscaping, parking and bin store; and the detailed design has been modified following your decision to issue a temporary Stop Notice at your last meeting in November because of the impacts that had arisen from removal of substantial vegetation and the unauthorised development that had taken place.
- The scheme as negotiated seeks to retain the two three-storey blocks on the corner of Clifford Bridge Road with Brinklow Road but reduces the block on Brinklow Road from three-storey to two and a half storey. The scheme still provides 18 two-bedroom apartments.
- There will be vehicular access from Brinklow Road and 18 car parking spaces provided within the site. Pedestrian access to the site will be available from Clifford Bridge Road.
- A replacement landscaping scheme is proposed for the northern site boundary and this includes planting a 4.5m high leylandii hedge and heavy standard trees.

RELEVANT PLANNING HISTORY

- An application for 24 one and two bedroom apartments was submitted on the 11th September 2006 though following negotiations this application was technically withdrawn on the 23rd April 2007 and the proposals substituted with a scheme for 18 apartments.
- The scheme for the erection of 18 apartments with associated landscaping, car parking and bin store was considered by your Committee on the 14th June 2007 when you resolved to delegate to officers the grant of permission subject to the satisfactory completion of a S106 Agreement for contributions towards open space; education and highways and to appropriate safeguarding conditions. The S106 was never completed and therefore no permission was granted.
- In response to an enquiry made by local residents that development had commenced and the hedge had been removed, Officers visited the site and verbally advised that works should stop on 6th August 2007. Work stopped but recommenced again at the end of August and consequently a letter was sent to the applicants on the 12th September advising them that the S106 Agreement has not been completed, that planning permission has not yet been granted, and therefore the works being undertaken on site were unauthorised. Concern was also expressed regarding the removal of the

hedge and trees to the northern boundary of the site. The letter advised that all works should stop on site.

- The developer continued on site and the matter was referred to Planning Committee on the 15th November and a temporary Stop Notice was issued in order to seek to negotiate a satisfactory outcome. The details now before you reflect the negotiations.

DEVELOPMENT PLAN POLICIES

- RSS : QE3,
- CDP; OS6, OS9, OS10, H1, H9, H12, AM9, AM13, AM22, BE20, GE6, GE14,
- PPG; PPS1, PPS3,

STATUTORY CONSULTATION RESPONSES

- None.

PUBLIC RESPONSES

- Notification letters on the amended scheme were sent to 1-10(inc) Melfort Close; 6-26(evens) Rosedale Cottage, Nos. 1 & 2 Rosedale Cottage Clifford Bridge Road; 2-189 (evens) Marlborough Road; 1-4(inc) Rannock Close; 1, 2a, 4a, 2-12, 3, 7-13, 19 & Coombe Social club Brinklow Road; 23 Malthouse Lane; 21 Freeburn Causeway; 330 Willenhall Lane; 55 Abbey Cottages; 123 Upper Spon Street
- No representations have been received to date

ISSUES

- In terms of its location I consider that the site meets the criteria set down in Policy H9 dealing with windfall housing sites. The access arrangements remain unaltered from the scheme previously considered and satisfies Policy AM22.
- Policy H12 states that a high standard of design will be required for new housing development in the city. The density of development should represent the most efficient use of sites consistent with the principles of good design and the creation of a sufficient range of high quality residential environments. Proposals will be considered on the basis of:
 - the recognition of existing site features
 - the relationship between buildings and spaces
 - building details such as proportion massing and materials
 - convenient and safe pedestrian and cycle access
 - an appropriate level of car parking
 - durable landscape treatment
 - the efficient use of energy; and
 - the enhancement of the character and quality of the local environment
- Policy GE14 seeks to protect important landscape features of value to the amenity or history of a locality. As Members are aware prior to the grant of permission and contrary to the earlier scheme submitted for your

consideration a substantial hedge and trees were removed from the northern boundary.

- The earlier scheme considered by your Committee in June indicated that the separation distances between the proposed three storey apartment blocks and dwellings that front to the rear of the site in Melfort Close would be 20 metres which was less than your adopted guidelines, which would require 23 metres separation because the proposed apartments were three storeys in height. However, the presence of a significant hedge over 5 metres high led to a recommendation that permission be granted with a condition that required its retention at that height
- Following the issue of the temporary Stop Notice the developer has revised their proposals:
 - Block A –ridge height was 11.6m and eaves height 7.8m – ridge height reduced to 10.1m and eaves level to 7.3m.
 - Block A - previously kitchen and bathroom windows shown to rear elevation facing Melfort close – these will remain though windows in 2nd storey will all be obscure glazed.
 - Block B - ridge height was 11.6m and eaves height 7.8m – ridge height reduced to 10.6m and eaves level to 7.7m.
 - Block C - ridge height was 11.6m and eaves height 7.8m – ridge height reduced to 10.6m and eaves level to 7.7m.
 - 4.5m high Leylandii hedge proposed to northern boundary.
- These changes will in my view reduce the perceived overall bulk of the apartment blocks particularly Block A which effectively becomes a two and a half storey building.
- I consider that this reduction in height significantly improves the relationship between Block A and Melfort Close and in my opinion the reduction in their bulk has vastly improved the visual outlook that the occupants of Melfort Close will now enjoy.
- The obscure glazing to windows at 2nd storey will preclude overlooking to front gardens and windows of dwellings on Melfort Close.
- The replacement hedge proposed to the northern boundary will be planted at such a size that it will provide almost instant impact thereby further protecting the amenities of occupiers of properties on Melfort Close and re-introducing an important landscape feature in the locality.

CONCLUSION

- I therefore recommend that subject to the satisfactory completion of an appropriate legal agreement for the provision of a contribution of £500 per unit for off site play provision and a contribution for £20,000 towards a pedestrian crossing delegated authority be given to officers to grant planning permission.

SCHEDULE

Condition(s)

- 2. The development shall proceed only in accordance with the measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway, which shall have been submitted to and approved in writing by the local planning authority. Such approved measures shall thereafter continue while construction operations are taking place.**
- 3. The development or other operations shall be only proceed on site in accordance with adequate steps, which shall have been previously approved in writing by the local planning authority (and which shall accord with BS5837:2005), have been taken to safeguard against damage or injury during construction works all trees on the site, or those trees whose root structure may extend within the site and which are the subject of the City of Coventry (Binley Business Park No.1) Tree Preservation Order 1995. In particular no excavations, site works, trenches or channels shall be cut or pipes or services laid or any other works carried out in such a way as to cause damage or injury to the trees by interference with their root structure and no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the trees.**
- 4. The development shall only be undertaken in accordance with details of both hard and soft landscaping as shown on drawing nos. 2297/2/LS/2A & 2297/3/LS/1B. The hard landscaping works shall be completed in full accordance with the approved details within 3 months of the first occupation of any of the buildings hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following that first occupation. Any tree or shrub which within a period of 5 years from the completion of the development dies, is removed or becomes seriously damaged or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation.**
- 5. The proposed hedge indicated on the approved plan No.2297/2/LS/2A shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height of the hedge falls below 1.5m at any point without the written consent of the local planning authority. Any hedge removed without consent or severely damaged shall be replaced with hedging, trees and/or shrubs of such size and species details of which must be submitted to and approved by the local planning authority. Any hedge, tree or shrub dying or becoming seriously diseased within five years from the substantial completion of development shall be replaced as soon as practicable with hedging, trees or shrubs of such size and species details of which must be submitted to and approved by the local planning authority.**

- 6. The development hereby permitted shall not be used until a pavement crossing has been constructed to the site in accordance with the approved drawings.**
- 7. The development shall proceed only in accordance with details of the means of access from Brinklow Road which shall have been submitted to and approved by the local planning authority and the buildings shall not be occupied until the means of access has been laid out and formed in full accordance with such approved details or any approved amendments and thereafter the means of access shall be kept available for use by vehicular traffic at all times.**
- 8. None of the dwellings hereby permitted shall be occupied until the communal car parking spaces to be provided have been completed and marked out in accordance with the approved drawings and made available for use. That parking provision shall thereafter remain available for that use.**
- 9. At all times at least 5% of the residential units within the scheme shall be designed to Lifetime Homes Standards.**
- 10. The development hereby permitted shall only proceed in accordance with:**
 - a) A desk top study identifying previous site uses, potential contaminants and other relevant information and using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been undertaken and submitted for approval in writing by the local planning authority.**
 - b) If deemed necessary as a result of the desk top study, a site investigation shall be designed using the information obtained from the desk top study and any diagrammatical representations (Conceptual Model) and shall be submitted to and approved in writing by the local planning authority;**
 - c) The site investigation shall be undertaken in accordance with details approved and a risk assessment has been produced.**
 - d) A remediation method statement shall be submitted to and approved in writing by the local planning authority which details the remediation requirements identified within the site investigation.**
 - e) Following completion of the approved remediation requirements a validation report is produced which details what remediation was undertaken and submitted to the local planning authority.**
- 11. If after commencement of development within a phase, contamination not previously identified is found to be present, no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until either: a site investigation has been designed and undertaken in accordance with details approved in writing by the local planning authority, a risk assessment has been produced and a method statement detailing the remedial requirements using the information obtained from the site investigation has been approved by the local planning authority or; if the above has been previously undertaken, the developer shall submit and obtain written approval from**

the local planning authority for an addendum to the method statement detailing how this unsuspected contamination shall be dealt with.

12. The development shall only proceed in accordance with a noise assessment which shall be carried out in accordance with the requirement of PPG24 and this shall have been submitted to and approved in writing by the local planning authority along with details of any mitigation measures which shall have been completed in all respects prior to the occupation of any of the residential units hereby approved. The noise assessment shall include results for LAeq, LA10 and LA90 noise descriptors together with a calculated arithmetical average for the LAeq. The report will demonstrate by calculation that internal noise levels for the proposed residential properties meet the 'Good' criteria set out in BS8233.

13. The development hereby permitted shall only proceed in accordance with an Air Quality Assessment the results of which shall have been submitted to and approved in writing by the local planning authority along with any mitigation measures and these shall have been completed in all respects prior to the occupation of any of the residential units hereby approved. The Air Quality Assessment may be performed using DMRB or suitable dispersion model the results of which shall have been validated and corrected against monitoring data held by the Environmental Protection Department of Coventry City Council for 2005 and 2006 from Clifford Bridge Road and Brinklow Road and the report shall ascertain concentrations of nitrogen dioxide and PM10 at the building facade in 2005 and show traffic data used and state its source.

14. The developer shall afford access to the site at all reasonable times to any archaeologist nominated by the local planning authority and shall allow such persons to observe any excavations as they are carried out and to record items of archaeological interest and finds.

15. The development shall be carried out only in full accordance with the details of the external facing, roofing and paving materials indicated within the letter reference BC/JA/2297 dated 4th December 2007 hereby approved.

Reason(s)

2. In the interests of public and highway safety and the visual amenities of the area in accordance with Policies AM21 & BE2 of the Coventry Development Plan 2001.

3. To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy GE14 of the Coventry Development Plan 2001.

4. To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies BE2 & BE20 of the Coventry Development Plan 2001.

5. To protect that hedging which is of significant amenity value to the area in accordance with Policies OS4 & GE14 of the Coventry Development Plan 2001
6. To ensure that a pavement crossing is available for use when the development commences thereby enabling safe and convenient access to and egress from the site in the interests of the safety of road users and pedestrians in accordance with Policy AM9 of the Coventry Development Plan 2001.
7. In the interests of highway safety in accordance with Policy AM22 of the Coventry Development Plan 2001.
8. To ensure adequate parking provision within the development in the interests of the amenities of the locality and highway safety in accordance with Policies AM22 & H12 of the Coventry Development Plan 2001.
9. To ensure that the specific needs of disabled occupiers are adequately provided for during the lifetime of the scheme in accordance with Policies OS8 & OS9 of the Coventry Development Plan 2001.
10. To ensure that appropriate measures are undertaken to address land contamination to safeguard health, safety and the environment in accordance with Policies EM5 and EM6 of the Coventry Development Plan 2001.
11. To ensure that appropriate measures are undertaken to address land contamination to safeguard health, safety and the environment in accordance with Policies EM5 and EM6 of the Coventry Development Plan 2001.
12. To ensure that the level of noise emanating from the adjacent road and ground floor retail unit is confined to levels which would not cause unacceptable disturbance to the detriment of the amenities of the occupiers of the proposed residential units in accordance with Policies BE2, H5 & EM5 of the Coventry Development Plan 2001.
13. To ensure a satisfactory residential environment in accordance with Policies EM2, EM5 & H5 of the Coventry Development Plan 2001.
14. The site is considered to be of significant archaeological interest and it is important that the opportunity created by the development to expose the history of the land, thereby contributing to the better understanding of the development of the City is not lost in accordance with Policy BE15 of the Coventry Development Plan 2001.
15. To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area in accordance with Policy BE2 of the Coventry Development Plan 2001.

LIST OF BACKGROUND PAPERS

PROPER OFFICER: City Planning Manager

AUTHOR: Richard Sykes – Team Leader -Development Management
(024) 7683 1224

PAPERS OPEN TO PUBLIC INSPECTION (all at City Development
Directorate, Civic Centre 4, Much Park Street)

Planning Application File: 23339/L

Coventry Development Plan 2001

Regional Planning Guidance for the West Midlands, RPG11, June 2004

CASE OFFICER: Anne Denby
R/2006/1751