

# Public Document Pack

## 5. **Late Representations** (Pages 3 - 12)

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## Late Representations Planning Committee 14<sup>th</sup> December 2023

Item No. 6	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%;"><b>Planning Ref:</b></td> <td>PL/2023/0001225/RESM</td> </tr> <tr> <td><b>Site:</b></td> <td>Land At Allard Way Coventry. CV3 1HW</td> </tr> <tr> <td><b>Proposal:</b></td> <td>Reserved matters application for the development of 125 dwellings, including appearance, landscaping, layout and scale.</td> </tr> </table>	<b>Planning Ref:</b>	PL/2023/0001225/RESM	<b>Site:</b>	Land At Allard Way Coventry. CV3 1HW	<b>Proposal:</b>	Reserved matters application for the development of 125 dwellings, including appearance, landscaping, layout and scale.
<b>Planning Ref:</b>	PL/2023/0001225/RESM						
<b>Site:</b>	Land At Allard Way Coventry. CV3 1HW						
<b>Proposal:</b>	Reserved matters application for the development of 125 dwellings, including appearance, landscaping, layout and scale.						
<p><b>OFFICER RECOMMENDATION</b></p> <p>The officer recommendation is amended as follows:-</p> <ol style="list-style-type: none"> <li>1. Planning Committee are recommended to grant planning permission, subject to conditions summarised in this report.</li> <li>2. Planning Committee are recommended to note the concerns raised in the petition set out below insofar as it relates to the planning application site and to support the officer response in respect of the petition.</li> </ol> <p><b>NEIGHBOUR RESPONSE(S)</b></p> <p>There has been one additional representation received from a local resident raising non-material comments regarding existing traffic on surrounding roads. This matter was considered at outline application stage.</p> <p><b>PETITION</b></p> <p>A petition titled: 'Protect the trees near Allard Way', has been submitted to the Council separately to this planning application. The petition closed with 167 signatures on 4<sup>th</sup> April 2022. The petition statement reads:</p> <p><u>Statement</u></p> <p><i>We the undersigned petition the Council to give immediate tree preservation orders to the trees in the area of land to the South and South West of the Alan Higgs sports centre on Allard Way up to where the area meets the London Road and including the land near the Folly Lane football club and Severn Trent pumping station.</i></p> <p><u>Justification</u></p> <p><i>The trees in the above-mentioned area are not currently protected by tree preservation orders, why not? Has Coventry City Council deliberately not given these trees such protection so that any future developer can do whatever they want with them? Is this a case of deliberately not doing so? We need as many trees as possible to offset our carbon footprint. Some of the trees are about 150 years old, there are many Oaks and</i></p>							

*other fine trees there which need to be protected and included in any development and built around. A development would look much better with said trees. I hope that the Council have not done this on purpose to make the land more attractive to developers!*

#### Officer Response to the Petition

Part of the land referred to in the petition includes the application site, together with other land that makes up the housing allocation in Policy H2:9 of the Coventry Local Plan 2017 and other land around the Alan Higgs Centre.

A Tree Preservation Order is usually made where it appears that:

- The preservation of particular trees or woodlands is desirable in the interests of amenity.
- It is expedient to preserve the trees or woodland by making a Tree Preservation Order.

Although a tree may merit protection on amenity grounds, it may not be expedient to make it the subject of a Tree Preservation Order (for example where trees are under good arboricultural management).

Based on the above, officers are not supportive of a blanket Tree Preservation Order being made in relation to the planning application site. It should be noted that a number of trees have already been identified for removal as part of the Outline Permission reference OUT/2020/2665. It should also be noted that two petitions were considered by Planning Committee when granting outline permission, both seeking retention of the site as open space and one specifically noting the important trees on site. The report to Planning Committee for the outline application noted that the Tree Officer had no objection.

*“No objections are raised by the Tree Officer with regards to the principle of the proposed layout as shown to the Tree Constraints Plan (identified as Tree Retention and Removal Plans; TCP-CCC-01 and TRRP-CCC-02), subject to conditions requiring their retention and protection. Please (see) condition No.7”*

Officers consider that there are some important trees on site and these were identified for retention as part of the outline planning application and were secured by planning condition. Furthermore, an Arboricultural report was submitted with the reserved matters application for determination and this has been added to the list of reports in Condition 1.

Accordingly, a blanket TPO across this site is not considered acceptable or appropriate for an allocated housing site where outline planning permission has been approved, with the matters of trees already having been considered by Planning Committee in granting that approval.

#### **PLANS**

The tenure plan should read Drg No.22669/TN/01F. The drawing numbers have been updated accordingly.

Brindle & Green ARBORICULTURAL IMPACT ASSESSMENT SURVEY & REPORT  
Land at Allard Way, Coventry – Wider Site Report Reference: BG22.159.26 June 2023 added.

Item No. 7	<b>Planning Ref:</b>	PL/2023/0000936/RESM
	<b>Site:</b>	Land Accessed Off Siddeley Avenue (Sphinx Club) The Sphinx Club Sphinx Drive Coventry. CV3 1WA
	<b>Proposal:</b>	Reserved Matters application for appearance, landscaping, layout, scale for (up to) 196 dwellings, plus associated infrastructure pursuant to planning permission APP/U4610/W/21/3288560 (OUT/2021/0104) granted on 21/12/2022 and the discharge of associated conditions 6 (access details Siddeley Ave), 7 (access details Sphinx Dr), 8 (Affordable Housing), 10 (materials), 12 (noise), 16 (lighting), 17 (cycle parking), 18 (bin storage), 19 (EV charging), 23 (construction management), 24 (Secured by Design) and 25 (Sustainability).
<p><b>REPORT</b></p> <p>The '<b>APPLICATION PROPOSAL</b>' section of the report includes a number of conditions no longer being considered as part of this reserved matters application. To reflect the proposal description the first paragraph is updated to the following:</p> <p><i>This application seeks planning permission for the reserved matters relating to appearance, landscaping, layout and scale , pursuant to outline planning permission APP/U4610/W/21/3288560 (OUT/2021/0104), plus information to discharge conditions No.6, 7, 8, 10, 12, 16, 17, 18, 19, 23, 24 and 25 imposed under that outline permission.</i></p> <p><b>NEIGHBOUR RESPONSE(S)</b></p> <p>There have been three additional representations received from local residents objecting to the scheme. These comments relate to matters already considered at outline application stage regarding access, traffic, restrictive covenants, bio-diversity offsetting and insufficient existing GP and schools facilities in the locality.</p> <p><b>CONDITIONS</b></p> <p>It is proposed to alter the wording for trigger points for condition 7, as underlined below, from:</p> <p><i>Prior to the first occupation of the development hereby permitted full details of: (i) the Local Equipped Area for Play (LEAP) (ii) the naturalised play area and (iii) the Multi-Use Games Area, shall be submitted to and approved in writing by the Local Planning Authority. The details should provide a minimum of five or more items of varied play equipment (swinging, climbing, rotating, sliding etc.) for the LEAP, and details of the landscape features. mounds, logs, planting, big boulders, trees etc. for the naturalised play area, plus a ball-games area (MUGA) and other facilities for teens / young adults.</i></p>		

	<p><u>All details shall be carried out as approved prior to (i) 25% occupation of the dwellings for provision of the naturalised play area, (ii) 50% occupation of the dwellings for the LEAP and (iii) 75% occupation of the dwellings for the MUGA.</u></p> <p>To:</p> <p><i>Prior to the first occupation of the development hereby permitted full details of: (i) the Local Equipped Area for Play (LEAP) (ii) the naturalised play area and (iii) the Multi-Use Games Area, shall be submitted to and approved in writing by the Local Planning Authority. The details should provide a minimum of five or more items of varied play equipment (swinging, climbing, rotating, sliding etc.) for the LEAP, and details of the landscape features: mounds, logs, planting, big boulders, trees etc. for the naturalised play area, plus a ball-games area (MUGA) and other facilities for teens / young adults. All details shall be carried out as approved prior to 50% occupation of the dwellings.</i></p> <p>The reason for the change is because the applicant reports that it is not practical to deliver the three public spaces at different times from a build perspective and also the 25% occupation trigger for the naturalised play area is too early in the build to safely allow public access.</p>
<p>Item No. 8</p>	<p><b>Application</b> PL/2023/0001191/FULM - 2 The Oaks, Westwood Way</p> <p><b>Site:</b> 2 The Oaks, Westwood Way</p> <p><b>Proposal:</b> Demolition of existing education building (Use Class F1) and erection of an education building (Use Class F1) and Purpose-Built Student Accommodation (Sui Generis) with amenity spaces, car parking, landscaping and associated works.</p> <p><b>Introduction</b></p> <p>Following the publishing of the committee report, this update paper sets out some minor revisions to the wording of conditions, these amendments have been included to capture the two phases of the development coming forward, insofar as the college being implemented prior to the demolition of the existing college, with the student accommodation then coming forward once the students have migrated into the new college campus building. There are also minor updates to reflect more recent legislation and to incorporate the approved Student Management Plan as an approved document as submitted.</p> <p><b>Conditions</b></p> <ol style="list-style-type: none"> <li>1. It is proposed that Condition 22 is removed and the Student Management Plan submitted forms part of the approved list of drawings in Condition 1 the development if permitted will then be carried out in accordance with this plan.</li> </ol> <p>Plan Reference: 'Management Plan – The Oaks (Phase 4). Version 1. Dated March 2023</p> <ol style="list-style-type: none"> <li>2. It is proposed that Condition 9 is updated to reflect the most up to date British Standards; Prior to first occupation sprinklers shall be fitted to all rooms in the Blocks A and B (Student Accommodation) in full accordance with BS:9251 and</li> </ol>

thereafter shall remain in place at all times and be maintained in full accordance with the manufacturer's recommendations.

3. It is proposed Condition 12 is removed as the required document is listed in the approved drawings set out in Condition 1.

4. It is proposed that Condition 16 is updated to allow for above ground works to take place should permission be granted, and that archaeology requirements are triggered by below ground works, it is therefore proposed the condition reads;

No below ground works shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing.

For land that is included within the WSI, no below ground works shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives; and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

5. It is proposed that the wording is also amended to reflect the phased nature of the development;

Prior to occupation of the final phase of the development hereby approved the car parking areas for all phases shall be provided in accordance with the approved details, and the car parking area(s) shall not thereafter be used for any other purpose than the parking of vehicles.

6. Again, it is recommended updates to reflect phasing are also included within Condition 25 as follows;

Notwithstanding the submitted details, prior to the first occupation of the final phase of the development hereby permitted, a combined ecological and landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all aspects of landscaping including details of any compensation for biodiversity loss, including the erection of bat boxes and/or bird nesting boxes (to include box type, numbers, location and timing of works). The approved scheme shall be fully implemented in strict accordance with the approved details prior to the first occupation of the final phase of development and thereafter shall be retained and shall not be removed or altered in any way.

Item  
No. 9

**Application:** PL/2023/0002134/FUL - 8 Station Avenue, Coventry CV4 9HS

**Site:** 8 Station Avenue, Coventry CV4 9HS

**Proposal:** Change of use from café and hot food takeaway (sui generis mixed use) to retail and increase in opening hours to 11.00 pm

**Introduction**

As indicated within the Committee report the site has an extensive planning history, to aid the considerations additional detail is provided in the following sections of this paper to set out the relevant planning history in a chronological order with some commentary.

**Additional Representation**

Since the publishing of the Committee report a further objection has been received from a Ward Member and is summarised below.

Cllr Asha Masih: Objection to the development as the change of hours are likely to have a detrimental impact upon community safety and will increase the risk of and fear and perception of crime which could exacerbate existing anti-social behaviour issues and increase noise and littering to the detriment of the amenity of existing residential occupiers.

**Planning History/Chronology**

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Application Number	Description of Development	Decision and Date
LDC/2013/0638	Application for a lawful development certificate(existing) for a mixed A1,A3 & A5 use	Refused – 18/6/2013 and subsequently dismissed appeal
FUL/2015/2200	Change of use from retail (A1) to a mixed use as a Café and Hot Food Takeaway (A3 and A5) (retrospective)	Refused by planning committee – 3/9/2015 and subsequently dismissed on appeal
FUL/2016/2113	Change of use from retail (A1) to café/takeaway (A3 and A5),external extraction flu, alterations to shop front and raised planters	Approved by planning committee – 30/9/2016 (07:30-18.00 Mon - Fri, 08:00-18:00 Sat and 10:00 16:00 Sun)
S73/2018/0583	Variation of Condition 2 – to extend opening hours: imposed on planning permission FUL/2016/2113	Refused by planning committee - 14/6/2018 and subsequently dismissed on appeal. (requested hours; 07:30-23:00 Mon-Sat and 08:00-22:30 Sun and BH)

DC/2018/3262	Submission of details to discharge condition No.4:External ducting, imposed on planning permission FUL/2016/2113	Refused – 5/2/2019	
DC/2019/0638	Submission of details to discharge condition 4 -fume extraction and odour control equipment imposed on planning permission FUL/2016/2113	Approved – 23/5/2019	
S73/2019/3170	Variation of Condition 2 (opening hours) imposed on planning permission FUL/2016/2113 for change of use from retail (A1) to Café/takeaway (A3 and A5) external extraction flu, alterations to shop front and raised planters	Approved by planning committee – 18/6/2020 (07:30-20:00 on any day for a temporary period of three months)	
S73/2020/2735	Removal/Variation of conditions: 2 opening times, 4 drawings, imposed on planning permission FUL/2016/2113 for change of use from retail (A1) to café takeaway (A3 and A5)	Approved by planning committee – 11/02/2021 (07.30-20:00 Mon-Sat and 10:00-16:00 Sun and BH on a permanent basis).	
<p>By way of further context and appeal decisions, the premises were previously a butcher's shop. However, an application for a lawful development certificate for use of the premises as a café was refused, as it was considered that any hot food sold from the premises was only ancillary to the main use as a butcher's shop. The subsequent Appeal was dismissed.</p> <p>The previous change of use application in 2015 (FUL/2015/2200), the subject of appeal, proposed opening from 06:00-23:00, seven days a week. The Environmental Protection Officer raised concerns about this due to the close proximity to residential dwellings. Whilst there were no objections to a daytime café use, Environmental Protection were concerned about a late-night takeaway use in this location and recommended conditions restricting the hours of operation from 07:00-20:00 hours.</p>			

The 2015 application was refused at planning committee on the grounds of residential amenity and highway safety. In considering the appeal the Inspector observed that, in the appeal statement, it was noted that the Council's suggested opening hours would be acceptable as an alternative to the appeal being dismissed. The Inspector noted that the proximity of the building to the dwelling at No. 10 and the lack of screening between the two properties meant that any comings and goings and activity associated with the café and takeaway use would have a direct and significant impact on the living conditions of the occupiers of No. 10. The Inspector further noted that, whilst the level of noise and disturbance generated by the café and takeaway in the daytime is unlikely to be materially more harmful than that generated by the previous use as a butchers shop, any noise and disturbance associated with the appeal site in the early morning and in the evening would have a significant adverse impact on the living conditions of the occupiers of No. 10. The Inspector did not consider that the alternative closing time (8.00pm) would overcome this adverse impact. (The hours of opening for the butchers were not known but typically, a butcher's is a daytime use operating between 9.00 am until 5.00pm.)

Planning application FUL/2016/2113 was approved by Planning Committee on 30<sup>th</sup> September 2016 to change the use of the premises from a shop (Use Class A1) to a café/takeaway (Use Class A3&A5), which also included the repositioning of the entrance door. A number of conditions were attached to the permission. Condition 2 which restricted the opening hours to the hours of 07:30 and 18:00 Monday to Friday, 08:00 to 18:00 on a Saturday, 10:00 and 16:00 on a Sunday and at no time on a Bank Holiday. The reason given for this condition was that the premises were 'closely adjoined to residential properties'.

Planning application S73/2018/0583 was submitted in May 2018 for the variation of the opening hours condition to allow the premises to open until 23:00 Monday to Saturday and 22:30 on Sunday and Bank Holidays. The reason given was to meet customer requirements and ensure the viability and competitiveness of the premises. This was subsequently refused by Planning Committee 14<sup>th</sup> June 2018 and subsequently dismissed at appeal on 17<sup>th</sup> April 2019.

In considering and dismissing the appeal for application reference S73/2018/0583 the inspector stated:-

"Given that Nos 8 and 10 are so close to one another, I consider that the only practical way of ensuring that the occupiers of No. 10 would not be subjected to unacceptable levels of noise disturbance arising from the comings and goings to No.8 would be through the use of a condition precluding the premises use after 1800hrs."

Planning application S/73/2019/3170 was submitted on 23<sup>rd</sup> December 2019. This application sought to extend the opening hours by varying condition 2 of planning permission FUL/2016/2113 to enable opening hours up to 20:00 on weekdays and Saturdays. The application was subsequently approved on 18<sup>th</sup> June 2020. Condition 3 of the permission stated that the use should not commence unless and until 7 days written notice was submitted to the Council of the intention to enact the permission which was for a temporary 3-month period. The written notice was received on 1<sup>st</sup> July 2020.

Following expiry of the temporary opening hours, a further planning application S73/2020/2735 was submitted in November 2020 and sought to extend the opening on a permanent basis to allow opening between the hours of 07:30– 20:00 Monday to Saturday and 10:00-16:00 on Sundays and Bank Holidays. This application was subsequently approved on 11<sup>th</sup> February 2021.

Item  
No. 10

**Application:** PL/2023/0001089/FUL

**Site:** 143 Hinckley Road Coventry. CV2 2QN

**Proposal:** Existing canopy to be raised from 3.6m to 4.5m.

### **NEIGHBOUR RESPONSE(S)**

One additional neighbour response has been received on behalf of several residents along Mapperley Close. The following comments are made:

- The amendment to include planting is welcomed and will go some way to alleviating noise, air and light pollution.
- Concerns are raised regarding the extent of planting.
- A condition is requested to control the height of the planting and that the measures are enforced.
- Reassurance requested around non-illuminated western elevation being continued on any new raised canopy.

### **REPORT**

The proposed planting shown on the landscape plan will significantly screen views of the canopy. It is considered that the reduced impact on visual amenity is acceptable as the only alteration to the petrol filling station is to the canopy height.

Within the recommended conditions, it is indicated that the landscape plan shall be fully installed in accordance with the approved details and shall be retained thereafter. The landscape plan provided indicates that the height shall be a minimum of 4.5m to retain screening, as this detail is within the approved plan, and the amended condition 3 below.

In considering the non-illuminated surround on the western elevation, this has been conditioned for this proposal. Should any future application be submitted to further amend the height of the canopy, the impact on neighbours will be considered again at that time and any necessary mitigation sought.

### **CONDITION**

Based on the comments received it is recommended that condition 3 be amended to the following wording:

Prior to the commencement of the development, the proposed planting shall be fully installed in strict accordance with the approved details (Canopy-Uplift-Landscape-V2) and thereafter shall be retained and maintained with a hedge height of 4.5m and shall not be removed or altered (other than through routine maintenance) in any way.

This wording is to ensure that the planting proposed is maintained at an appropriate height and does not grow excessively which may have implications for neighbouring amenity.

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