

# Public Document Pack



Coventry City Council

## Agenda

### Planning Committee

---

#### **Time and Date**

2.00 pm on Thursday, 8th April, 2021

#### **Place**

This meeting will be held remotely. The meeting can be viewed live by pasting this link into your browser: <https://youtu.be/Pj TJQVEOGA>

---

#### **1. Apologies for Absence**

#### **2. Declarations of Interest**

#### **3. Members Declarations of Contact on Planning Applications**

Members are reminded that contacts about any planning applications on this agenda must, unless reported to this meeting by the Strategic Lead for Planning, be declared before the application is considered.

#### **4. Late Representations**

To be circulated at the meeting.

#### **5. Application S73/2021/0337 - Land to the North and South of A45 (Pages 3 - 18)**

Report of the Strategic Lead for Planning

#### **6. Application FUL/2020/3127 - 6-7 Spencer Road (Pages 19 - 36)**

Report of the Strategic Lead for Planning

#### **7. Application FUL/2020/2781 - 300 Kingfield Road (Pages 37 - 56)**

Report of the Strategic Lead for Planning

#### **8. Application ADV/2020/2765 - 377 Green Lane (Pages 57 - 66)**

Report of the Strategic Lead for Planning

#### **9. Outstanding Issues**

There are no outstanding issues.

#### **10. Any other items of public business which the Chair decides to take as matters of urgency because of the special circumstances involved**

## **Additional Document: Late Representation Report**

---

Julie Newman, Director of Law and Governance, Council House Coventry

Monday, 29 March 2021

Note: The person to contact about the agenda and documents for this meeting is Carolyn Sinclair/Usha Patel

Membership: Councillors N Akhtar, P Akhtar, A Andrews, R Auluck (Deputy Chair), R Bailey, L Harvard (Chair), L Kelly, G Lloyd, C Miks, D Skinner and S Walsh

By invitation Councillors D Welsh

**Please note: a hearing loop is available in the committee rooms**

If you require a British Sign Language interpreter for this meeting  
OR if you would like this information in another format or  
language please contact us.

**Carolyn Sinclair/Usha Patel**

# Agenda Item 5

Planning Committee Report	
Planning Ref:	S73/2021/0337
Site:	Land to the North and South of A45
Ward:	Bablake
Proposal:	Variation of condition 19 to remove the requirement for layby imposed on planning permission FUL/2019/2671 for construction of grade separated junction with associated access roads, landscaping, drainage and engineering works granted on 25/06/20.
Case Officer:	Dean Leadon

## SUMMARY

The proposal relates to previous application FUL/2019/2671 which was granted permission last year for a grade separated junction with associated access roads, landscaping, drainage and engineering works. This permission included the closure of an existing layby on the westbound carriageway. Condition 19 of that permission requires a suitable replacement layby to be provided. The application now made under Section 73 of the Town and Country Planning Act 1990 (as amended) is for that condition to be removed. If successful there would be no requirement for a replacement. The application states that this is required as '*following technical work undertaken, and dialogue with the City Council, it has been confirmed that no suitable (safe), deliverable option exists*'.

## BACKGROUND

The Grade separation junction is to provide the main vehicular access to the Eastern Green SUE this was granted permission on 25<sup>th</sup> June 2020. The application approved the removal of the existing layby; a condition was added by Members for a suitable alternative.

## KEY FACTS

Reason for report to committee:	5 or more objections and a request by Councillor Williams
Current use of site:	Agricultural
Proposed use of site:	Road Junction

## RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions.

## REASON FOR DECISION

- The proposal will not adversely impact upon highway safety.
- There have been no material changes in policy or circumstances since the original decision which would justify a different decision being reached regarding other impacts. The proposal accords with Policies: DS3, DS4, H2, GB1, GE3, GE4, DE1, HE2, AC1, AC2, AC4, AC5, EM4, EM5, EM7 and IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## BACKGROUND

## **APPLICATION PROPOSAL**

The application is made under Section 73 of the Town and Country Planning Act 1990 (as amended) and is to remove condition 19 of previous permission FUL/2019/2671. That application granted permission on 25<sup>th</sup> June 2020 for the construction of a grade separated junction with associated access roads, landscaping, drainage and engineering works.

The condition to be removed is as follows:

*Prior to the closure of the existing layby on the westbound carriageway, an options report to identify the provision of a suitable replacement layby facility shall be submitted to and approved in writing by the Local Planning Authority. The options report should provide full details identifying the location, vehicle capacity, construction specification and timeframe for delivery and the replacement should thereafter be provided in strict accordance with those details*

In essence, this application is to remove the requirement for a replacement layby on the A45.

## **SITE DESCRIPTION**

The application site forms part of the Eastern Green SUE and comprises 22.10ha of land which extends in a south-easterly direction from the A45 towards the centre of the main SUE site. The application site boundaries have been drawn around the proposed new grade separated junction on the A45, around Brick Hill Lane and Pickford Green Lane, and the first parts of the primary access road and secondary road links.

The site is in agricultural use and includes groups of trees and hedgerows. Pickford Brook winds its way from the north west of the site through to the south east and electricity cables cross the site from south west to north east.

There are two existing public right of ways (PROWs) which run from north to south across the A45. The PROW to the west crosses the A45 at Pickford Green Lane whereas the PROW to the east crosses the A45 and runs through the centre of the Eastern Green SUE.

The majority of the site has been removed from the Green Belt through the allocation of the Eastern Green SUE in the adopted Local Plan. However, land north of the A45 remains in the Green Belt.

## **PLANNING HISTORY**

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

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
OUT/2018/3225	Residential led development of up to 2400 dwellings, Including 'extra-care' accommodation; new vehicular access from the A45 and via Pickford Green Lane, with other non-vehicular access	Pending

	points; 15ha of employment land (B1, B2 and B8); a District Centre of approximately 10,000 sq. m. retail space; a Local Centre of approx. 1000 sq. m. local convenience retail plus other community facilities; provision of a Primary School; open spaces, substantial landscaping, green infrastructure and sports provision; earthworks including the provision of new drainage features; and associated demolition and groundworks.	
FUL/2019/2671	Construction of grade separated junction with associated access roads, landscaping, drainage and engineering works	Approved 25 <sup>th</sup> June 2020

## POLICY

### National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

### Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy DS3: Sustainable Development Policy

Policy DS4: (Part A) – General Masterplan Principles

Policy DS4: (Part D) – Eastern Green SUE specific masterplan principles

Policy H2: Housing Allocations

Policy GB1: Green Belt and Local Green Space

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection

Policy DE1: Ensuring High Quality Design

Policy HE2: Conservation and Heritage Assets

Policy AC1: Accessible Transport Network

Policy AC2: Road Network

Policy EM4 Flood Risk Management

Policy EM5 Sustainable Drainage Systems (SuDS)

Policy EM7 Air Quality

Policy IM1 Developer Contributions for Infrastructure

## **Supplementary Planning Guidance/ Documents (SPG/ SPD):**

SPD Delivering a More Sustainable City

SPD Coventry Connected

### **CONSULTATION**

No Objections received from:

- Environmental Protection
- Highways England
- Ecology
- Natural England
- Archaeology
- CCC Highways – No objections subject to confirmation from Solihull that option 4 for the layby to be extended west towards Meriden is not feasible.
- Lead Local Flood Authority

At the time of writing the report comments have not been received from:

- Solihull Metropolitan Borough Council
- Warwickshire County Council (Highways)
- Allesley Parish Council
- Tree Officer

Immediate neighbours and local councillors have been notified; a site notice was posted on 11<sup>th</sup> March 2021. A press notice was displayed in the Coventry Telegraph on 11<sup>th</sup> March 2021.

12 letters of objection have been received, raising the following material planning considerations that the proposal would result in:

- a) Highway convenience issues due to overspill onto slip roads and other areas of highway becoming congested
- b) Highway safety issues due to lack of facilities for drivers to have breaks and potential for stopping on the carriageway
- c) That more laybys are required
- d) That the junction should not be approved due to a review by the Office for National Statistics on Household Projections.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- e) That the current laybys are not meeting standards and a full review is required
- f) That Warwick County Council and Solihull should have been consulted on the closure of the layby previously approved
- g) That this application undermines the democratic process
- h) That the statements provided by the applicant are misleading
- i) That condition 19 allegedly should contain a replacement bus stop and this hasn't been addressed. *Officer response: There is no bus stop in respect of the layby to be removed.*

An objection has also been made by Councillor Glenn Williams who has stated that the condition was specifically requested by members of the Planning Committee and that it is not the place of officers to approve the Section 73 application.

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issue in determining this application is whether the loss of the layby results in unacceptable highway impacts.

### **Highway considerations**

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

The application is accompanied by an 'A45 Westbound Layby Assessment'. This report assesses five options for incorporating a new layby. Four of these options are on the A45 whilst the fifth option is within the Eastern Green development site. The identified locations and the conclusions for each are defined below:

- Location 1: length of highway verge south of the Pickford Way roundabout – Not preferable on safety grounds and based on its proximity to existing residential areas.
- Location 2: Strip of land near to the diverge taper for the Windmill Farm Hotel – Not preferable on safety grounds due to the close proximity to an existing merge lane from the Pickford Way roundabout and an existing merge taper from Windmill Farm.
- Location 3: By the existing diverge taper for Pickford Green Lane and the Guy Salmon Land Rover dealership – Not preferable on safety grounds due to the proximity to an existing bus layby and the fact that a diverge taper would still be in the use of the car dealership.
- Location 4: Existing layby near to the MFG filling station. It is identified that scope exists to improve the layout and increase the capacity of this feature however this has been discounted on the basis that the land is within Solihull's ownership and it is understood they would not support any such proposals.
- Location 5: Internal layby within Eastern Green Site this is within a link road that connects the first roundabout (off the A45) with a further internal roundabout to the south west – this is not preferable as this would have a negative impact on the development itself whilst going against one of the primary items in the design standard – locating laybys away from residential and commercial areas.

A Road Safety Audit has also been submitted with the application which examines the suitability of location 4. The audit concludes that if the layby were extended eastwards the weaving distance between the merge and layby would be substantially reduced

increasing the risk of side swipe, loss of control and rear-end shunt collisions. Therefore, it is recommended that the layby is not extended eastwards on safety grounds. It is also recommended that an alternative scheme should be investigated such as extending the layby westwards.

Coventry's Highways considered the layby assessment in January of this year and concurred with the findings that all options with the exception of location 4 were not feasible. Their recommendation was that due to approximately 60% of the layby(location 4) being within the ownership of Coventry City Council that extension of the layby towards the East should be explored further. Following the submission of the Road Safety Audit with this planning application Highways now accept that this is not suitable on highway safety grounds. The only other option available is to extend the layby westwards towards Meriden, this land is within the ownership of Solihull Metropolitan Borough Council and at the time of writing this report a response had not been received from them on this matter. Their response is considered critical to the suitability of this application and a response will be reported back to you as a late representation.

Objections have been received to the loss of the layby due to the need for them to provide resting points for drivers. The Highway Authority has considered the impact of the loss of the existing lay-by on the A45 westbound carriageway and conclude that a lack of a replacement would not pose significant issues on the safety and convenience of users of the highway. There are no set standards as to the siting of parking lay-bys, and the only published guidance is that of CD19 from the Design Manual for Roads and Bridges which recommends a spacing provision of one every 2.5km. However, this relates to all-purpose trunk roads and doesn't apply to this section of the A45 where the level of traffic and in particular HGV proportions are likely to be lower. Therefore, it is considered that the loss of this particular lay-by which will reduce the overall provision between the Coventry urban area to the east and Meriden to the west will have no direct impact on the safety or convenience of users of the highway.

### **Other Matters**

There have been no significant material changes in either policy or circumstances since the previous permission. The situation in respect of all other material considerations is essentially the same as the previous approval.

It has been raised that there has been a resolution to grant permission on the Hallam site for more development than is allocated for in the Local Plan. However, the junction has been designed to accommodate all of the trip generation for the whole SUE and not just the Hallam site. Furthermore, the likely trip generation from the SUE was known when the junction was approved in June of last year.

It has also been raised that we shouldn't approve the junction due to the national review of the Office for National Statistics (ONS) household projections which could ultimately result in less housing being required. In response, the junction already has an extant planning permission and this application would not result in that permission being removed.

It has been queried that the proposal should not be dealt with as a minor material amendment under Section 73 of the Town and Country Planning Act 1990 (as amended). This has been considered and this is the right process for dealing with the proposal to remove condition 19.

### **Equality Implications**

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

### **Conclusion**

The proposed removal of the condition is not considered to have any significant impact on highway safety and there have been no material changes in policy or circumstances since the original decision which would justify a different decision being reached regarding other impacts, subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, DS4, H2, GB1, GE3, GE4, DE1, HE2, AC1, AC2, AC4, AC5, EM4, EM5, EM7 and IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

### **CONDITIONS:/REASON**

1. The development hereby permitted shall begin not later than 25<sup>th</sup> June 2023.

**Reason:** *To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)*

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 10290 PB 01 J - HIF planning boundary; 6285 L 100 A - location plan; 6285 L 101D; 6285 L 102D; 6285 L 103D; 6285 L 104D; 6285 L 105D; 6285 L 106D; 6285 L 107D; 6285 L 108D; 6285 L 109D - landscape strategy plans; 10290 CS 01 A - cross sections; 10290 HL 40 G - general arrangement sheet 1; 10290 HL 41 G - general arrangement sheet 2; 10290 PK 100 C - surface finish sheet 1; 10290 PK 101 C - surface finish sheet 2; 10290 HL 45 - westbound visibility check

**Reason:** *For the avoidance of doubt and in the interests of proper planning*

3. No development (including any demolition or preparatory works) shall take place unless and until a written scheme of archaeological investigation, which shall include a detailed programme of archaeological works, has been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in full accordance with these approved details

**Reason:** *The submission of these details prior to the commencement of development is fundamental to mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for this and future generations in accordance with Policy HE2 of the Coventry Local Plan 2016*

4. The Tree and Hedgerow Protection Plan shall be carried out in accordance with the approved details approved under DC/2020/3161 on 29/1/2021 and shall be retained thereafter.

**Reason:** *To protect those trees which are of significant amenity value to the Conservation Area and which would provide an enhanced standard of appearance to the development in accordance with Policy GE3, GE4 and HE2 of the Coventry Local Plan 2016.*

5. The existing hedges indicated on the approved plans to be retained shall not be cut down, grubbed out or otherwise removed or topped or lopped so that the height of the hedge(s) falls below 2m at any point. Any hedge(s) removed without consent or dying, or being severely damaged or diseased or becomes; in the opinion of the Local Planning Authority; seriously damaged or defective, shall be replaced within the next planting season with hedging, tree(s) and/or shrub(s) of such size and species details of which must be submitted to and approved by the Local Planning Authority. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces).

**Reason:** *To protect those landscape features which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policies GE3, GE4 and HE2 of the Coventry Local Plan 2016.*

6. The trees and shrubs indicated on the approved landscape strategy drawings shall be planted within the first planting season following first use of the road. Any tree(s) or shrub(s) removed, dying, or becoming; in the opinion of the Local Planning Authority; seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations and BS4428 - Code of Practice for General

Landscape Operations.

**Reason:** *To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in accordance with Policies GE1 and DE1 of the Coventry Local Plan 2016.*

7. Within one month of vehicular use of the grade separated junction commencing, the footpaths and cyclepaths indicated on drawing numbers 40G and 41G shall be completed, in accordance with the details approved under condition 18 of this consent, and open for use by the general public.

**Reason:** *To ensure a satisfactory standard of development and to ensure highway safety, in accordance with Policies AC2 and AC4 of the Coventry Local Plan 2016.*

8. Notwithstanding the submitted details, prior to the occupation of the development hereby permitted the following drainage details shall be submitted to and approved in writing by the Local Planning Authority:
  - a) A scheme for the provision of surface water drainage, fully incorporating open air suds with particular emphasis on attenuation techniques. surface water attenuation shall be located outside the flood plain;
  - b) development discharge rates to be managed to Qbar greenfield rates minus 20%;
  - c) provisions must be made for the drainage of the site to ensure there are no temporary increases in flood risk, on or off site, during the construction phase;
  - d) evidence to show the management of overland flow routes in the event of exceedance or blockage of the drainage system;
  - e) provisions must be made for the drainage of the site to ensure there is no discharge of surface water to the existing Public Highway;
  - f) where new or redevelopment site levels result in the severance, diversion or the reception of natural or engineered drainage flow, the developer shall maintain existing flow routes (where there are no flood risk or safety implications) or intercept these flows and discharge these by a method approved by the Local Planning Authority;
  - g) where an attenuation structure is located adjacent to Public Highway boundary, the applicant should demonstrate the structural adequacy of the attenuation structure to safeguard Public Highway;
  - h) the drainage strategy should not result in top water levels of attenuation structures being above the natural ground level and must achieve a 300mm freeboard, in relation to this existing ground level, at the 1 in 100 year plus climate change event; and
  - i) A detailed strategy for the long-term maintenance of the suds and other surface water drainage systems on site.

The drainage details shall be installed in full accordance with the approved documentation prior to occupation of the development and thereafter shall be maintained and shall not be removed or altered in any way.

**Reason:** *To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with policies EM1, EM4 and EM5 of the Coventry Local Plan 2016 and Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'*

9. In the event that contamination or unusual ground conditions are encountered during the development it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared for submission to and approval in writing of the Local Planning Authority. Following completion of the measures identified within the approved remediation scheme, a verification report must be prepared for submission to and approval of the Local Planning Authority.

**Reason:** *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

10. The Construction Environmental Management Plan (CEMP) shall be carried out in accordance with the approved details approved under DC/2020/3161 on 1/3/2021 and shall be retained thereafter.

**Reason:** *In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy GE3 of the Coventry Local Plan 2016.*

11. Prior to the first use of the highway hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
  - a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management, including mitigation and enhancement for species identified on site;
  - d) Appropriate management option for achieving aims and objectives;
  - e) Prescriptions for management actions;
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
  - g) Details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation;
  - h) Ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met.The LEMP plan shall be implemented in strict accordance with the approved details within three months of the first occupation of the development and thereafter shall not be withdrawn or amended in any way.

**Reason:** *In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain in accordance with Policy GE3 of the Coventry Local Plan 2016*

12. The Road crossing points shall be carried out in accordance with the approved details approved under DC/2020/3161 on 1/3/2021 and shall be retained thereafter.

**Reason:** *In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain in accordance with Policy GE3 of the Coventry Local*

*Plan 2016*

13. No development shall take place unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:
  - hours of work;
  - hours of deliveries to the site;
  - the parking of vehicles of site operatives and visitors during the demolition/construction phase;
  - construction traffic routes and the delivery access point;
  - the loading and unloading of plant and materials;
  - anticipated size and frequency of vehicles moving to/from the site;
  - the storage of plant and materials used in constructing the development;
  - the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;
  - wheel washing facilities and other 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;
  - measures to control the emission of dust and dirt during demolition and construction;
  - measures to control the presence of asbestos;
  - measures to minimise noise disturbance to neighbouring properties during demolition and construction;
  - details of any piling together with details of how any associated vibration will be monitored and controlled; and
  - a scheme for recycling / disposing of waste resulting from demolition and construction works.

Thereafter, the approved details within the CMP shall be strictly adhered to throughout the construction period and shall not be amended in any way.

**Reason:** *The agreement of a Construction Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; to minimise disturbance to local residents and in the interests of highway safety during the construction process in accordance with Policies [EM7], AC1 and AC2 of the Coventry Local Plan 2016.*

14. Prior to commencement of the watercourse crossings, plans shall be submitted to, and approved in writing by the Local Planning Authority for the watercourse crossings. These designs must show the bridges are clear spanning from bank top to bank top and have soffit levels at least 600mm above the 1 in 100 year plus climate change flood level. Bridge crossings shall be constructed in accordance with the plans submitted to and approved in writing by the Local Planning Authority.

**Reason:** *To reduce the risk of flooding to the proposed development and future occupants by ensuring flood flows are not obstructed in an extreme event.*

15. A scheme for floodplain compensation must be submitted to, and approved in writing by, the local planning authority for any ground raising within the 1 in 100 year plus climate change extent. Floodplain compensation must be provided on a “level for level” and “volume for volume” basis within the boundary of the application site.

The compensation area must be hydraulically connected to the watercourse which the site floods from and adhere to the following design principles:

1. The equal (or larger) volume must apply at all levels between the lowest point on the site and the 1 in 100 year plus climate change flood level. This must be calculated by comparing volumes taken by the development and the volume offered by the compensatory storage for a number of horizontal slices starting from the 1 in 100 year plus climate change critical flood level down to the existing ground level.
2. The thickness of a slice must be 0.2 metres.
3. Compensatory storage must be provided equal to or exceeding the development for each of these slices.
4. Details of the floodplain compensation scheme including plans and calculations must be provided as part of a site specific flood risk assessment. The calculations must include the upper and lower levels over which the compensation works will apply, the slice thickness to be used and the location of the works.
5. Floodplain compensation scheme information should be detailed in a table and on drawings. The 200mm slices shall be shown on a detailed plans and cross section drawing/s, of existing and proposed ground levels (please ensure drawing scales are appropriate to show the slices on all drawings). Prior to the commencement of any level raising within the flood plain, flood compensation works must be completed in accordance with the designs submitted to and approved in writing by the Local Planning Authority. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

**Reason:** *To ensure there is no net loss in floodplain storage capacity within the site and to ensure there is no increase in flood risk to third parties*

16. Prior to use of the junction hereby approved, the existing bus stop / layby on the northern carriageway of the A45 shall be relocated in accordance with details to be submitted and approved in writing by the local planning authority.

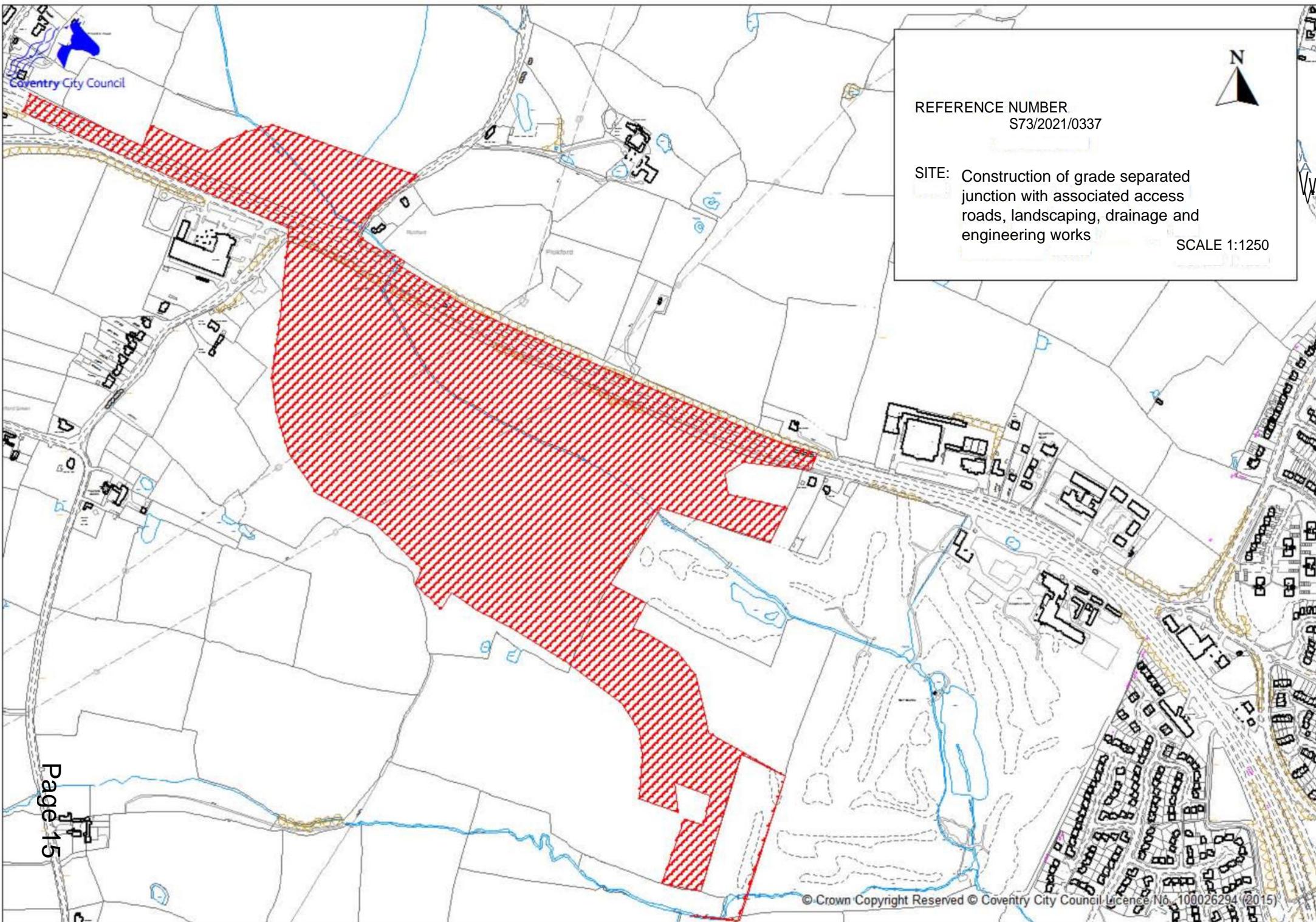
**Reason:** *To ensure access to public transport in accordance with Policy AC5 of the Coventry Local Plan 2016.*

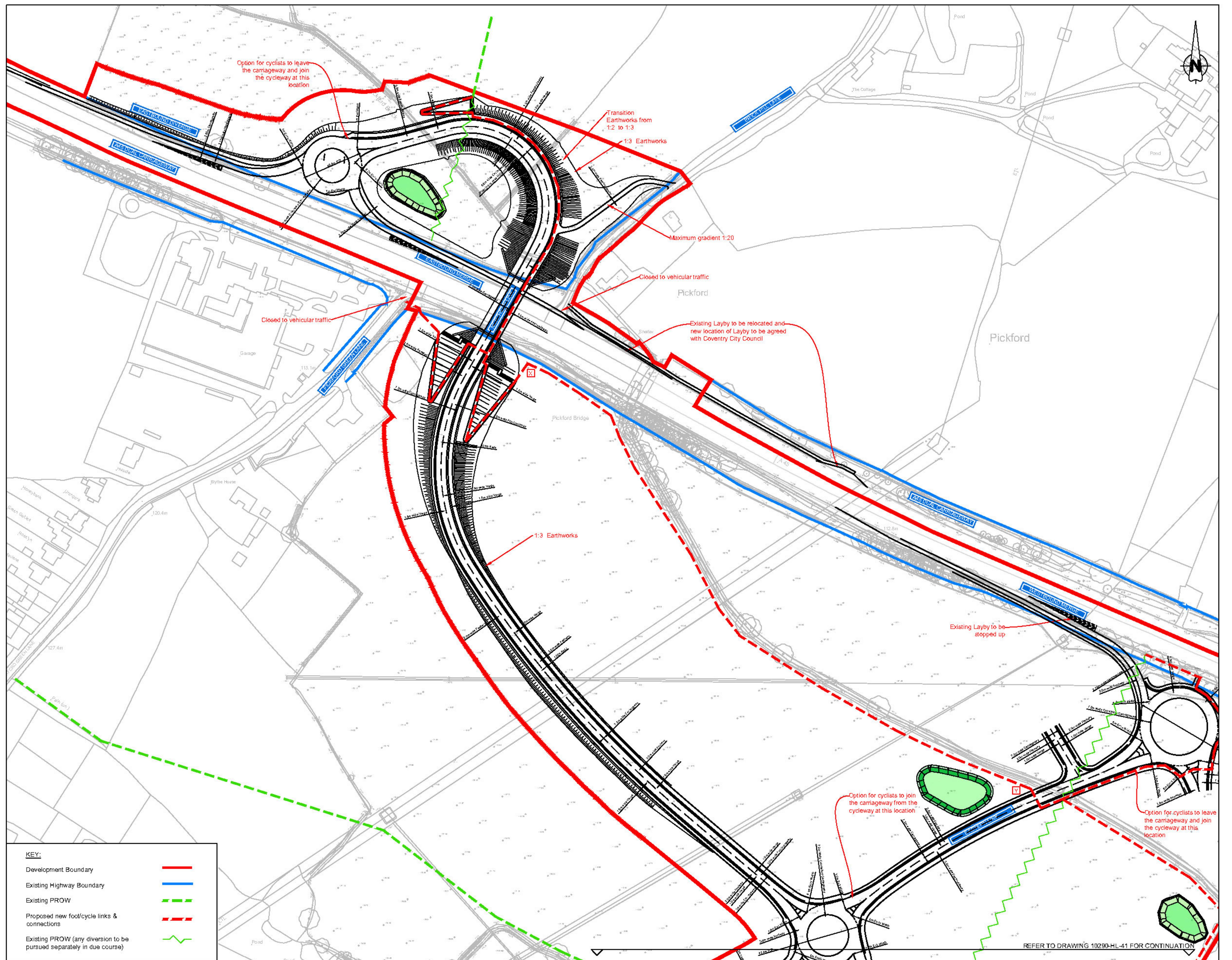
17. Prior to commencement of development, full engineering drawings of the: (i) carriageway; (ii) footpaths; and (iii) cycleways shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

**Reason:** *To ensure a satisfactory standard of development and to ensure highway safety, in accordance with Policies AC2 and AC4 of the Coventry Local Plan 2016.*

18. The proposed cycle / pedestrian link to Brick Hill Lane, from the new grade separated junction, will not be used by vehicular traffic.

**Reason:** *To ensure a satisfactory standard of development and to ensure highway safety, in accordance with Policies AC2 and AC4 of the Coventry Local Plan 2016.*





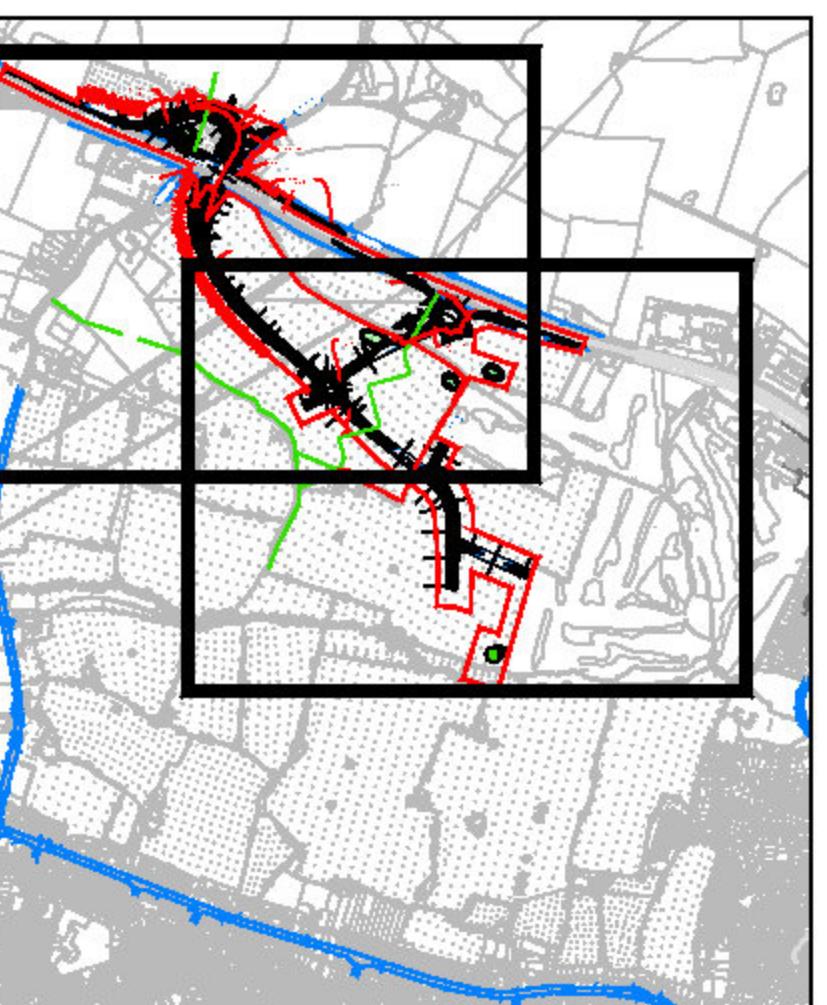
UNTIL TECHNICAL APPROVAL HAS BEEN OBTAINED FROM THE  
RELEVANT LOCAL AUTHORITIES, IT SHOULD BE UNDERSTOOD THAT  
ALL DRAWINGS ARE ISSUED AS PRELIMINARY AND NOT FOR  
CONSTRUCTION. SHOULD THE CONTRACTOR COMMENCE SITE WORK  
PRIOR TO APPROVAL BEING GIVEN, IT IS ENTIRELY AT HIS OWN RISK.

**Construction Design and Management (CDM)**  
**Key Residual Risks**  
Contractors entering the site should gain permission from the relevant land owners and/or principle contractor working on site at the time of entry. Contractors shall be responsible for carrying out their own risk assessments and for liaising with the relevant services companies and authorities. Listed below are Site Specific key risks associated with the project.

- 1) Overhead and underground services
- 2) Street Lighting Cables
- 3) Working adjacent to water courses and flood plain
- 4) Soft ground conditions
- 5) Working adjacent to live highways and railway line
- 6) Unchartered services
- 7) Existing buildings with potential asbestos hazards

**NOTES:**

1. Do not scale from this drawing.
2. This drawing has been based on survey data provided by a third party. Brookbanks Consulting Ltd cannot be held responsible for the accuracy of this information.
3. The junctions, roundabouts and links have been designed in accordance with the following DMRB standards:
  - TA 23/81: Junctions and Accesses - Determination of Size of Roundabouts and Major-Minor Junctions
  - TD 9/93: Highway Link Design
  - TD 16/07: Geometric Design of Roundabouts
  - TD 22/06: Layout of Grade Separated Junctions
  - Manual for Streets.
5. All highway layout and footway strategy information is subject to change following completion of the detailed design.



# Brookbanks

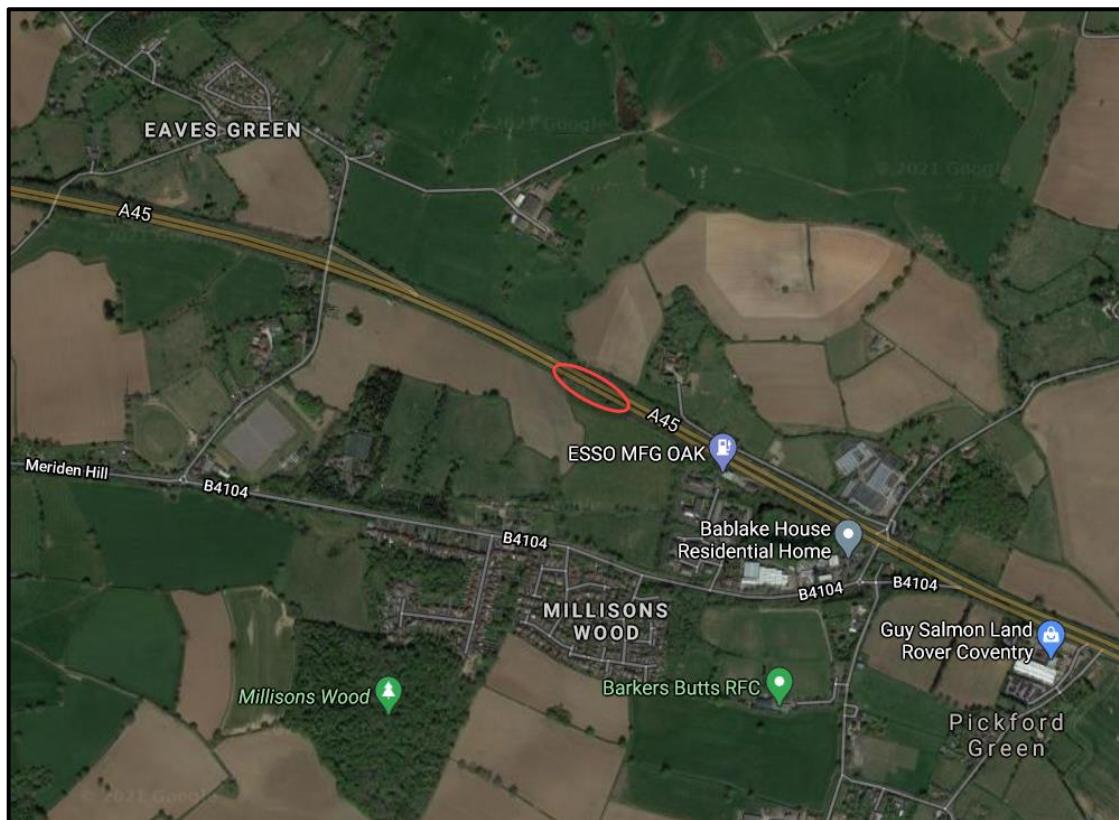
6150 Knights Court Solihull Parkway Birmingham B37 7WY  
Tel (0121) 329 4330 Fax (0121) 329 4331  
www.brookbanks.com

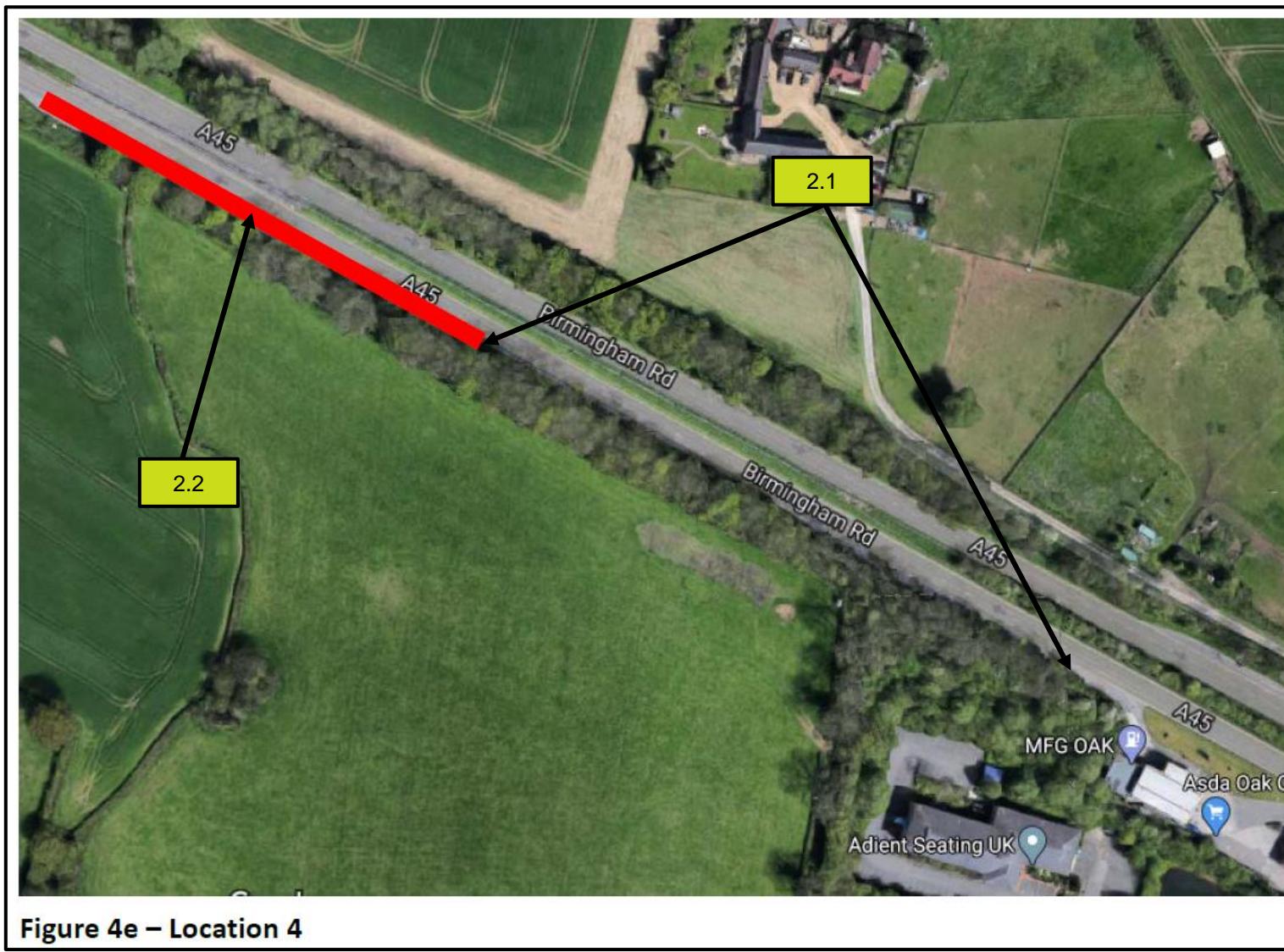
 Hallam Land Management

Land North of Eastern Green  
Coventry

A45 Pickford Green Interchange  
General Arrangement Sheet 1

Status	For Comment	Status Date
MDM	LW	05.01.2017
Scale	Number	Rev
1:1250	10290-HL-40	G
0 25 50 75 100 125		
METRES		





**Figure 4e – Location 4**

# Agenda Item 6

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2020/3127
<b>Site:</b>	6 – 7 Spencer Road
<b>Ward:</b>	Earlsdon
<b>Proposal:</b>	Proposed change of use of existing student accommodation ( <i>sui generis</i> ) to supported housing for homeless persons ( <i>sui generis</i> ), with no physical internal or external alterations to existing building.
<b>Case Officer:</b>	Darren Henry

## SUMMARY

The application seeks to change its current use to secure accommodation for homeless persons.

## BACKGROUND

The application site is currently used for student accommodation. The site is located in a sustainable location within the ward of Earlsdon where it is close to the City centre, local parks, amenities, public transportation and shops and services. The surrounding area is predominantly housing and opposite is King Henry the VIII School.

## KEY FACTS

<b>Reason for report to committee:</b>	The application Has received 123 objections, a petition with 8 signatories objecting to the proposal and 18 letters of support.
<b>Current use of site:</b>	Student Accommodation
<b>Proposed use of site:</b>	To change the use to supported housing for 27 homeless persons

## RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions listed within the report and the signing of a s106 agreement to ensure the use remains for the purposes of housing homeless persons.

## REASON FOR DECISION

The proposal is acceptable in principle.

The proposal will not adversely impact upon highway safety.

The proposal will not adversely impact upon the amenity of neighbours. The proposal will not be detrimental setting, character or appearance of Kenilworth Conservation Area or nearby Grade II King Henry the VIII Listed Building

Together with the aims of the NPPF, the proposal accords with Coventry Local Plan Policies:

AC1: Accessible Transport Network

AC3: Demand Management

AC4: Cycling and Walking

DE1: Ensuring High Quality Design

DS3: Sustainable Development Policy

H3: Provision of New Housing

H4: Securing a Mix of Housing

H8: Care Homes, Supported Housing, Nursing Homes and Older Persons accommodation

HE1: Conservation Areas

HE2: Conservation and Heritage Assets

## **APPLICATION PROPOSAL**

This planning application seeks permission for the change of use of 6-7 Spencer Road from student accommodation to a supported housing facility for homeless persons and persons at risk of homelessness. There will be no structural alterations to the building, either internally or externally. Currently there are 28 rooms across the three floors and the detached building to the rear. Whilst this configuration will remain, an existing bedroom on the ground floor will be used as office space. The proposed scheme will therefore provide 27 bedrooms.

Communal areas will continue to be provided for residents at the ground floor, including communal kitchen areas, a dining room, lounge and games area, as well as laundry room. Car parking will continue to be provided to the rear and front of the property for both staff and visitors (of a professional capacity), whilst there will be a cycle storage area to the rear for the residents and staff. Refuse storage will continue to the front of the premises.

## **SITE DESCRIPTION**

The site lies to the south of Coventry City Centre, in a predominantly residential area, with attractive detached and semi-detached properties, some of which are Victorian and Edwardian with ornate architectural detailing.

The application site is located on the south side of Spencer Road, with King Henry the VIII School playing fields across the road to the north. To the east of the site is Lyndon House, to the west is No.8 (dental practice) and to the south is 23 Bishops Walk. Approximately 100 metres to the west is Spencer Road Park and across the road from this is Spencer Road Recreational Ground. Both sides of Spencer Road are characterised by mature trees.

The building comprises a large 3-storey traditional redbrick property and is currently used for student accommodation. The main building is set back from Spencer Road behind a forecourt parking area with a mature tree and raised plant beds set within the parking area. A further parking area is provided to the rear of the property (accessed via a driveway off Davenport Road to the east), along with a communal lawned area for the residents.

The existing building provides 28 bedrooms in total, with 8 bedrooms on each of the three floors and a further 4 bedrooms within the outbuilding to the rear of the premises. Each individual bedroom is provided with toilet and wash facilities, including a sink and shower. The ground floor provides communal areas for the residents, including communal kitchen areas, a dining room, lounge and games area and laundry room. The accommodation within the outbuilding to the rear is self-contained.

## PLANNING HISTORY

Reference	Description	Decision
L/1998/0204	Change of use from residential to care home and single storey extension to rear	Approved 18/09/1998
R/2000/0026	Side extension to incorporate lift shaft	Approved 30/03/2000
R/2000/0373	Change of use from residential to care home and single storey extension to rear (variation of Condition 3 to increase number of residents from 19 to 22 and Condition 4 to relocate staff accommodation within second floor imposed on permission number 47501 granted on 18/9/98)	Approved 30/03/2000
FUL/2014/0195	Proposed alterations and additions to existing residential care home	Refused 07/05/2014
FUL/2014/4051	Change of use from a 21-bedroom care home to a 24-bedroom house and a further 4-bedroom house in multiple occupation for post-graduate students	Approved 07/01/2015

## POLICY

### National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

### Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policies relating to this application are:

AC1: Accessible Transport Network  
AC3: Demand Management  
AC4: Cycling and Walking  
DE1: Ensuring High Quality Design  
DS3: Sustainable Development Policy  
H3: Provision of New Housing  
H4: Securing a Mix of Housing  
H8: Care Homes, Supported Housing, Nursing Homes and Older Persons accommodation  
HE1: Conservation Areas  
HE2: Conservation and Heritage Assets

## **CONSULTATION**

No Objections received from:

Coventry City Council Environmental Protection

No objections subject to conditions received from:

Coventry City Council Highways

West Midlands Police

No Comments received from:

Coventry City Council Conservation

Neighbour notification was sent in accordance with the Communications Record and a site notice was posted on the 14<sup>th</sup> of January 2021.

There have been 123 letters of objection, a petition with 8 signatories objecting and 18 letters of support. Objections received raised the following material planning considerations:

- The building is very close to the local Spencer Park children's play area and King Henry the VIII School. Whilst not wishing to over generalise, the annual Shelter report points to the fact that most homeless hostel facility places are occupied by single men and people with severe and ensuing MH/substance abuse issues and long-term homelessness
- The shelter would be placed opposite both a school and around the corner from a nursery where there are vulnerable children in attendance. This would be completely irresponsible for housing of this sort to even be considered in this location. It poses a risk to their safety and children will be playing out on the field every day right opposite the shelter.
- Homelessness unfortunately attracts antisocial behaviour such as drinking and drugs. Children should not be around this type of behaviour. Furthermore, needles or glass bottles are likely to be left on the street. Spencer Park is a beautiful park where children play; it cannot be a place for these people to congregate.
- There is a need to provide services for the homeless. This location however should even be considered for this purpose. It is close to two schools and a popular park with a busy children's playground in the middle of a quiet residential area. This is a busy pick up/drop off area for the schools and some of the children wait on the street for their parents. Also, there are already 2 shelters on Spencer

Road/Spencer Avenue and there is also the Hylands Hotel nearby that serves this purpose. At the Cyrenian shelter, while it's mostly peaceful, there are regular outbursts of inappropriate language and some disruptive anti-social behaviour that can be heard and seen.

- The proposed change of use is unsuitable; it will bring the risk of antisocial behaviour and create a transitory population.
- This is an inappropriate location. There is a lot of new drug related activity nearby due to the Hylands Hotel. The drug dealing activity has been reported to the police. Unfortunately, reporting to the police on this occasion has seen little change. With a school nearby this is completely the wrong location.
- Although not every homeless person has a problem with drug and alcohol abuse, the levels of drug and alcohol abuse are much higher amongst the homeless population compared to the normal population.
- There is a clear association between the creation of a new homeless shelter and an increase in crime in the local area. The presence of a shelter appears to cause property crime to increase by 56% within 100m of that shelter, with thefts from vehicles, other types of theft, and vandalism increasing. This association has been well documented e.g. Crisis UK in its recent report stated 27% of its clients reported problematic drug/alcohol use due to the stress of living on the streets or being homeless. In shelters, even those that have 24-hour wardens, drug paraphernalia, criminal activity, noise nuisance and theft are a common occurrence.
- During the hours of 8am - 10am and 3pm -5pm traffic increases significantly on the corner of Spencer Avenue and any changes to use may result in more traffic causing additional risk.
- A supported housing complex for the homeless will create increased noise levels and general disturbance to nearby residents.

## **APPRAISAL**

The main issues relating to this application are the principle of the development, impact of the development on the impact on neighbouring amenities and the perception and fear on crime, the design, appearance and impact on the character of the Conservation Area and impact on highway safety.

### **Principle of development**

The site is in a residential area within a sustainable location close to the City Centre where there are excellent facilities and services within easy reach by foot and buses. The area is very serene, close to parks and open spaces to spend quality time and self-reflect, conducive to healthy living. Furthermore, the change of use would be supported by Policy H8. Indeed, the reasoned justification states supported housing should be located in areas close and easily accessible to a wide range of services and facilities. "As

*such*", the justification states "*sites within or adjacent to designated centres will be supported in order to facilitate such access*". Furthermore, paragraph 61 of the National Planning Policy Framework (NPPF) states that "*the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies . . .*".

Policy DS3, Sustainable Development Policy, states that When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework to secure development that improves the economic, social and environmental conditions in the area, including:

- a) access to a variety of high-quality green and blue infrastructure;
- b) access to job opportunities;
- c) use of low carbon, renewable and energy efficient technologies;
- d) the creation of mixed sustainable communities through a variety of dwelling types, sizes, tenures and range of community facilities
- e) increased health, wellbeing and quality of life;
- f) measures to adapt to the impacts of climate change;
- g) access to sustainable modes of transport;
- h) preservation and enhancement of the historic environment; and
- i) sustainable waste management.

Policy H4, Securing a Mix of Housing, states The Council will require proposals for residential development to include a mix of market housing which contributes towards a balance of house types and sizes across the city. The policy further states that schemes where it is not appropriate to provide the full range of housing types.

The proposal is in accordance with the above policies as the site is within a highly sustainable location, close to parks, job opportunities, sustainable transport modes and its use will not detract from the existing character and appearance of the Conservation Area or nearby heritage assets. Whilst the scheme itself provides only one type of housing and tenure within the building, the scheme will add to the mix of housing types in the area, providing a low-cost form of housing and thereby adding to the tenure type in the area. This will help to diversify the existing housing stock and ensure suitable housing pathways are created within the local community.

It is therefore considered that the principle of the development is acceptable, unless material matters prove otherwise.

### **The Impact on Neighbouring Amenity and the Perception and Fear of Crime**

#### *Impact on Neighbouring Amenity*

The way buildings relate to each other must provide and protect acceptable levels of amenity for both existing and future residents. Therefore, the orientation and separation distance must be holistically thought out, taking into account of front, rear and side facing windows to habitable rooms, as these will be protected from significant overlooking and overshadowing where such windows are the primary source of light.

The proposal does not propose any extensions so there will be no further impact with regards to causing any loss of light, privacy or aspect to any neighbouring properties. The

property will also continue to serve as a form of residential accommodation. Additionally, the detached nature of the building and spacing between surrounding properties means the proposed use will not transfer unacceptable noise or disturbance to adjoining uses. Furthermore, Environmental Protection were consulted and raised no objections regarding noise.

#### *Perception and Fear of Crime*

The NPPF states that "*Planning policies and decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience*" (paragraph 127).

Of the 123 objections almost all stated concerns that the proposed change of use to provide supported housing for the homeless would introduce varying types of anti-social behaviour, such as the use of drugs/alcohol, vandalism, inappropriate language and the perceived risk to children, amongst other anti-social activities, all of which has created a fear of crime associated with the proposal.

The applicant, Spring Housing, has made assurances that there will be staff on site 24hrs a day to manage the facility. This comprises two members of staff on weekdays and one member of staff at weekends. The site has a high-quality CCTV system which will be retained and the main door will be secured by an entry fob system. Internal rooms will all have individual locks. An external lighting system will be installed to include a sensor system. If the application

This scheme aims to provide supported housing provision for individuals aged 25 years or above. Referrals are received directly from Coventry City Council through a triage system, predominantly through the Temporary Accommodation Team. Officers will assess all referrals and discuss with Spring Housing where appropriate. The Agent states that in terms of who is placed at the facility, it is not prescriptive, but the proposed facility is for people with a range of support needs, which can include physical and mental ill-health. On average, residents usually stay for 12 months. Spring Housing work in conjunction with Coventry City Council who will also offer additional support to residents at Spencer Road.

Policy H8 refers to supported housing types and states that such schemes will be encouraged in areas that are accessible by a choice of means of transport and that are situated in close proximity to key local services. It further advises that proposals should be of a high quality and design and be compatible with the character of the surrounding area and that new homes brought forward under this policy need to be in close proximity and accessible to a wide range of services and facilities.

With this in mind and the security measures to be implemented, it is considered that reasonable measures have been put in place to prevent anti-social activities emanating from the property. If approved, a condition will be imposed requiring the applicant to provide an on-site management plan to include further safety and anti-social measures, as advised by West Midlands Police.

## **Impact on Visual Amenity and the Character of Kenilworth Road Conservation Area**

Section 12 of the National Planning Policy Framework 2019 (NPPF) outlines the Government's commitment to good design and attaches great importance to the design of the built environment, highlighting it as a key aspect of sustainable development. Consequently, decisions should aim to ensure that developments are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF further states that "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development". However, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents" (130).

Furthermore, Policy DE1: Ensuring High Quality Design, states: "All development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area". In reference to new housing Policy H3 states that new residential development must provide a high-quality residential environment to help urban regeneration and create sustainable communities with adequate amenity space and car parking provision and be safe from environmental pollutants, excessive noise and air quality issues.

Local Plan Policy HE2 reflects NPPF policy and states that development proposals involving heritage assets in general and listed buildings in particular, should acknowledge the significance of the existing building and the area by means of their siting, massing, form, scale, materials and detail.

The application site is located within Kenilworth Conservation Area and within close proximity to King Henry VIII School Grade II Listed Building. However, no external physical alterations are proposed to the building, only the change of use. It is therefore considered that the proposal will not harm the special architectural or historic interest or appearance of which the building was listed or appearance and character of the area conserved. The proposed change of use will ensure the building remains occupied and continue to contribute positively to the sense of place and existing character along Spencer Road, and within the wider Kenilworth Conservation Area.

The Conservation Officer was consulted and has no objection to the scheme.

## **Highway Safety**

Policy AC1 refers to developments which will create additional trips on the transport network, whilst AC3 requires safe and appropriate access to the highway system together with satisfactory on site arrangements for vehicle manoeuvring so as to ensure safety for all users and AC4 encourages walking and cycling.

The drawing P20-3198-04-001A shows seven car parking spaces and the provision of seven secure cycle spaces all provided on-site. Once the building is operational there will be two members of staff on-site at any given time during the week. The parking provision is sufficient for both members to have a car parking space and allow for any shift overlap. On weekends, there is one member of staff on-site.

In terms of residents, low-income groups and people who have are experiencing homelessness do not generally have access to or ownership of vehicles. According to the Agent, across all Spring Housing managed sites, vehicle ownership equates to 2%. At a comparable site in Birmingham (24hr Hostel in Edgbaston), 1% of customers residing on site have vehicles. Using the higher figure of 2% across the Group, that Agents states that the proposed development would generate less than one car. Therefore, in the worst-case scenario that four car parking spaces were occupied by staff (assuming two staff on-site and simultaneous shift change) and rounding the resident car ownership to 1 car, there remains spare capacity for two further cars.

In terms of visitor management, customer visitors are not permitted on-site and this forms part of the Spring Housing tenancy offer. Professional visitors, for example, repair contractors, health and other public/third-sector agencies, may visit periodically. As set out above, there is spare capacity to allow for these visitors to park on-site.

Coventry City Council Highways were consulted and raised no objection, subject to conditions relating to the details of the bicycle storage, stating "*In respect of this application the Highway Authority considers that the impacts of the development are not severe and has no objections to the current proposal*".

### **Developer Contributions**

The NPPF sets out that the planning obligations should be considered where otherwise unacceptable development could be made acceptable. However, paragraph 56 of the NPPF 2019 notes that these obligations should only be sought where they meet all of the following tests:

- a. necessary to make the development acceptable in planning terms;
- b. directly related to the development; and
- c. fairly and reasonably related in scale and kind to the development.

Paragraph 91 of the NPPF also outlines the need for planning to take account of and support local strategies to improve health, social and cultural well-being for all, and deliver sufficient community and cultural facilities and services to meet local needs.

Section 122 (2) of the CIL Regulations reiterates that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is compliant with these three tests. It is therefore necessary to have regard to these three tests when considering the acceptability of planning obligations.

Additionally, Policy IM1: Developer Contributions for Infrastructure of the CLP states that  
1. Development will be expected to provide, or contribute towards provision of:  
a) Measures to directly mitigate its impact and make it acceptable in planning terms; and  
b) Physical, social and green infrastructure to support the needs associated with the development

No developer contributions are required but the developer is required to enter into a s106 agreement to secure the tenure for homeless accommodation only as any alternative use would require affordable housing.

## **Equality Implications**

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

## **Conclusion**

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, character and visual appearance of the area or heritage assets, highway safety, or result in increased risk of flooding or contamination, subject to relevant conditions and the signing of a s106 agreement. Together with the aims of the NPPF, the reason for Coventry City Council granting planning permission is because the development is in accordance with the following Coventry Local Plan 2016 Policies: AC1, AC3, AC4, DS3, DE1, H3, H4, H8, HE1 and HE2.

## **CONDITIONS:/REASONS**

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

**Reasons:** *To conform with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan P20-1398-01-001; Existing Block Plan P20-1398-02-001; Existing Floor Plans P20-1398-03-001; Proposed Block Plan P20-1398-01-004-001a; Proposed Floor Plans P20-1398-05-001.

**Reasons:** *For the avoidance of doubt and in the interests of proper planning.*

3. The change of use of the building hereby permitted shall not be occupied unless and until cycle parking facilities have been provided in full accordance with the approved details. Thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.

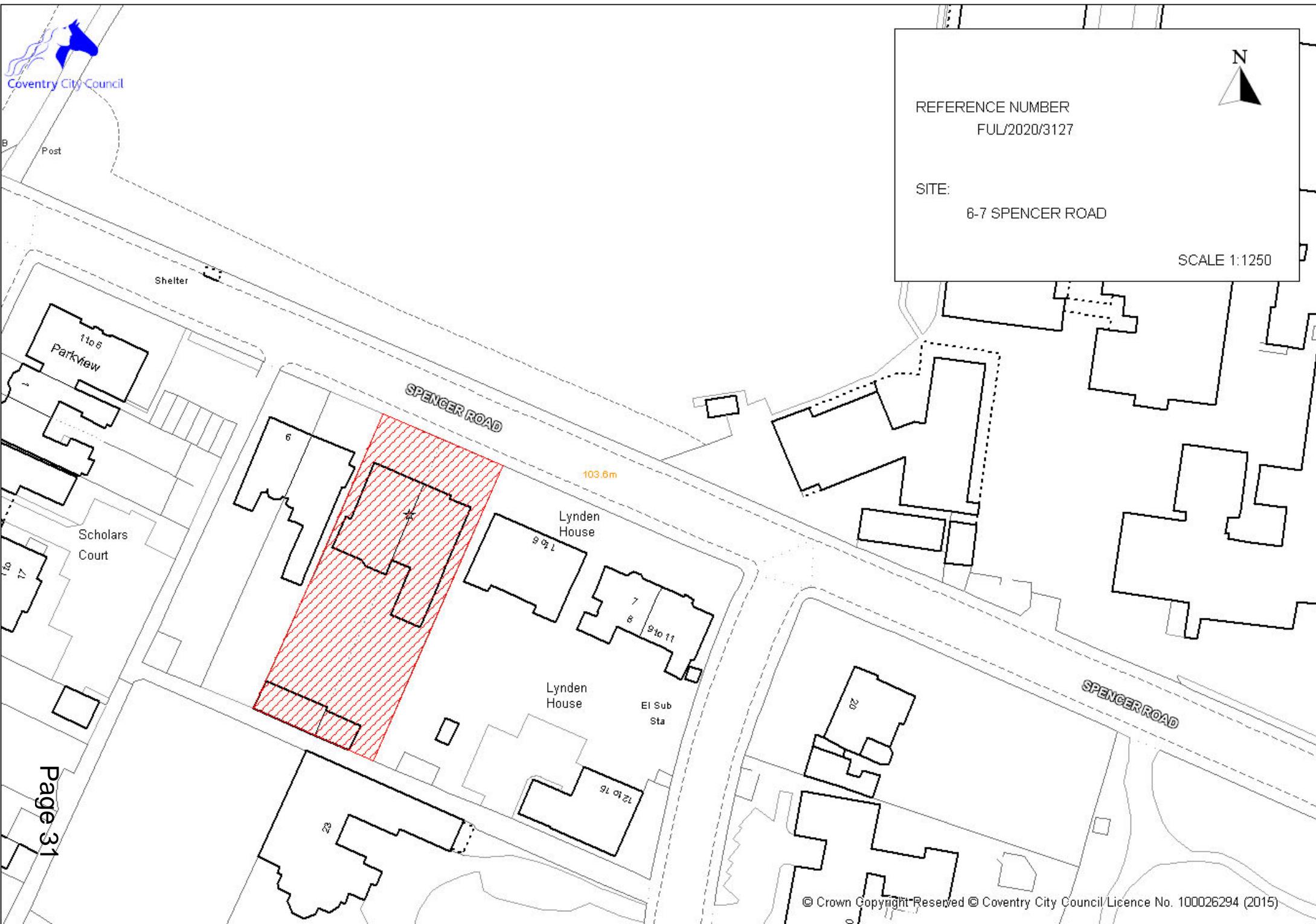
**Reasons:** *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DS3, AC3 and AC4 of the Coventry Local 2016.*

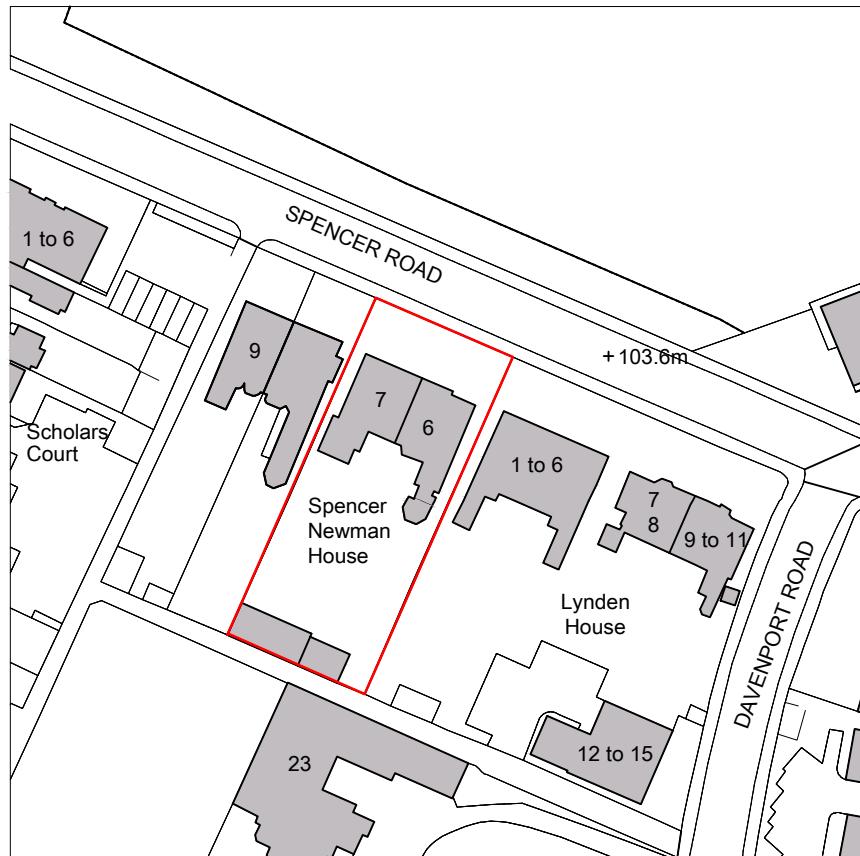
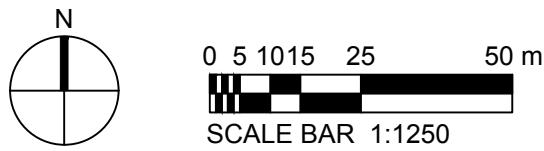
4. Prior to their incorporation into the development hereby permitted, an on-site Management Plan to include Secured By Design security measures in accordance with details to be submitted to and approved by the local planning authority.

Within the On-site Management Plan we would like to see: CCTV; vandal proof lighting and access control systems; a suitable key fob operated access control system; internal doors to resident's bedrooms be fitted with anti-barricade doors, which can be opened outwards as well as in; that all first floor opening windows be fitted with robust limiters to reduce the potential for a resident jumping, or falling, out; staff only offices/areas must be protected by a lockable door of solid construction and capable of withstanding bodily attack and to LPS 1175 SR 2; panic attack alarms shall be made available to staff members and also implemented in all office areas; details of a security lighting scheme with movement-monitored sensors to be located to the rear yard/garden area; details of the bin storage area showing that they capable of being locked and secured; the cycle parking area shall be located in a secure unit and must be capable of being lit at night using vandal resistant, dedicated energy efficient light fittings and energy efficient lamps; shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be installed in full accordance with the approved details prior to the first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

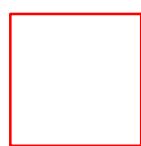
**Reasons:** *To ensure Secured by Design standards are met, in the interests of safety and security and the health and wellbeing of future occupiers of the development in accordance with Policies DS3, H3 and DE1 of the Coventry Local Plan 2016.*

This page is intentionally left blank





## KEY



### LOCATION PLAN

0.15 Hectares

0.37 Acres

SPENCER ROAD, COVENTRY

SITE LOCATION PLAN



## KEY



Site Location  
0.15 Hectares  
0.37 Acres



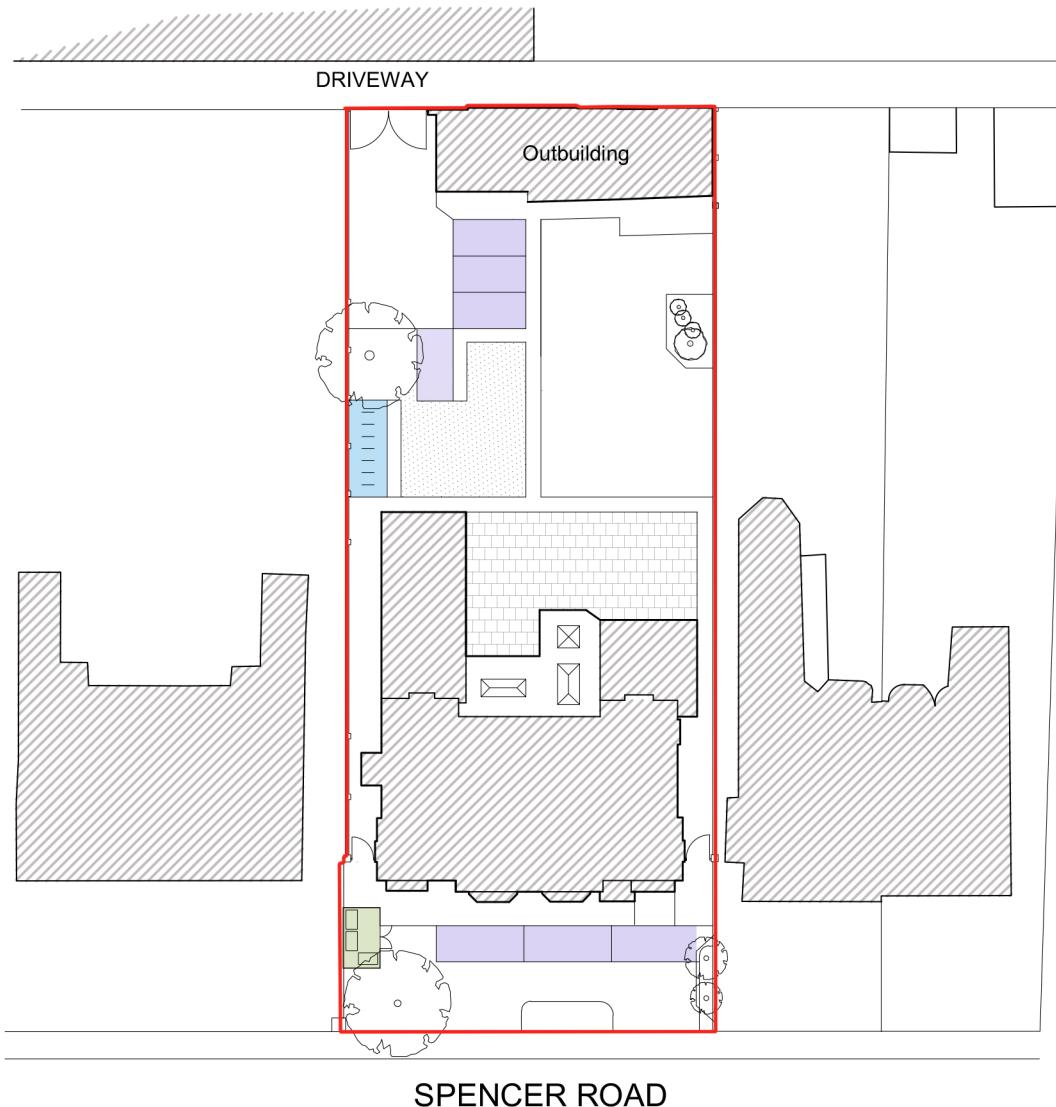
Bin Stores



Cycle  
Shelter



Car  
Parking



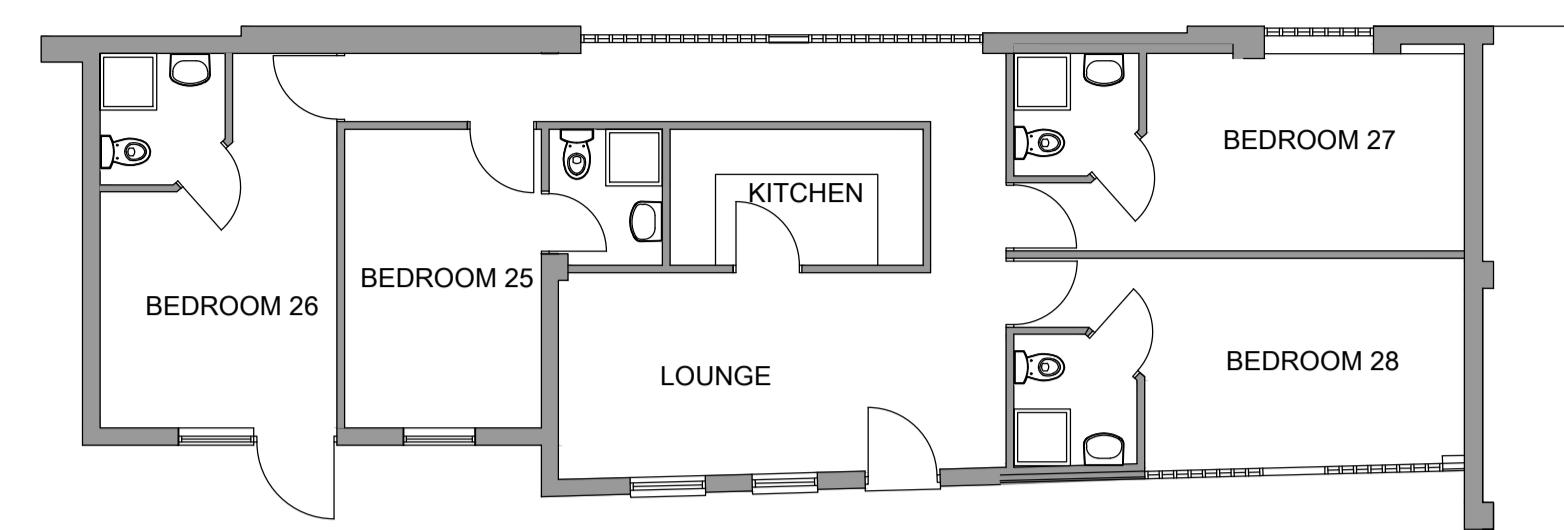
0 2.5 5 10 15 25 m  
SCALE BAR 1:500

SPENCER ROAD, COVENTRY

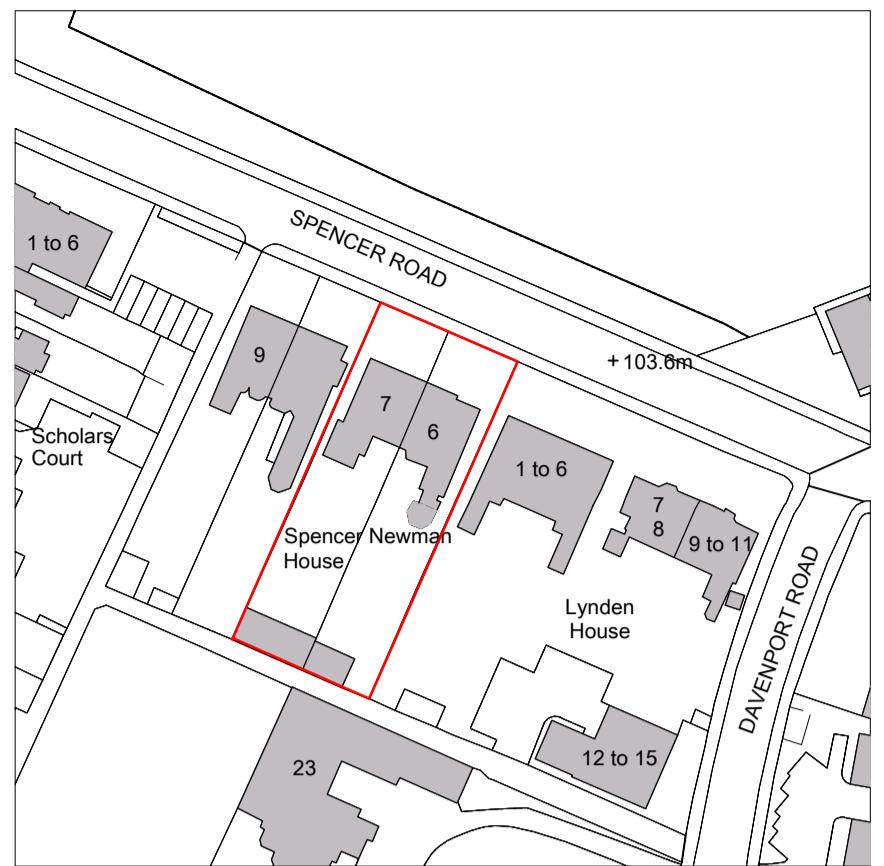
**Pegasus**  
Group

PLEASE NOTE THERE ARE NO CHANGES TO LAYOUT FOR CHANGE OF USE

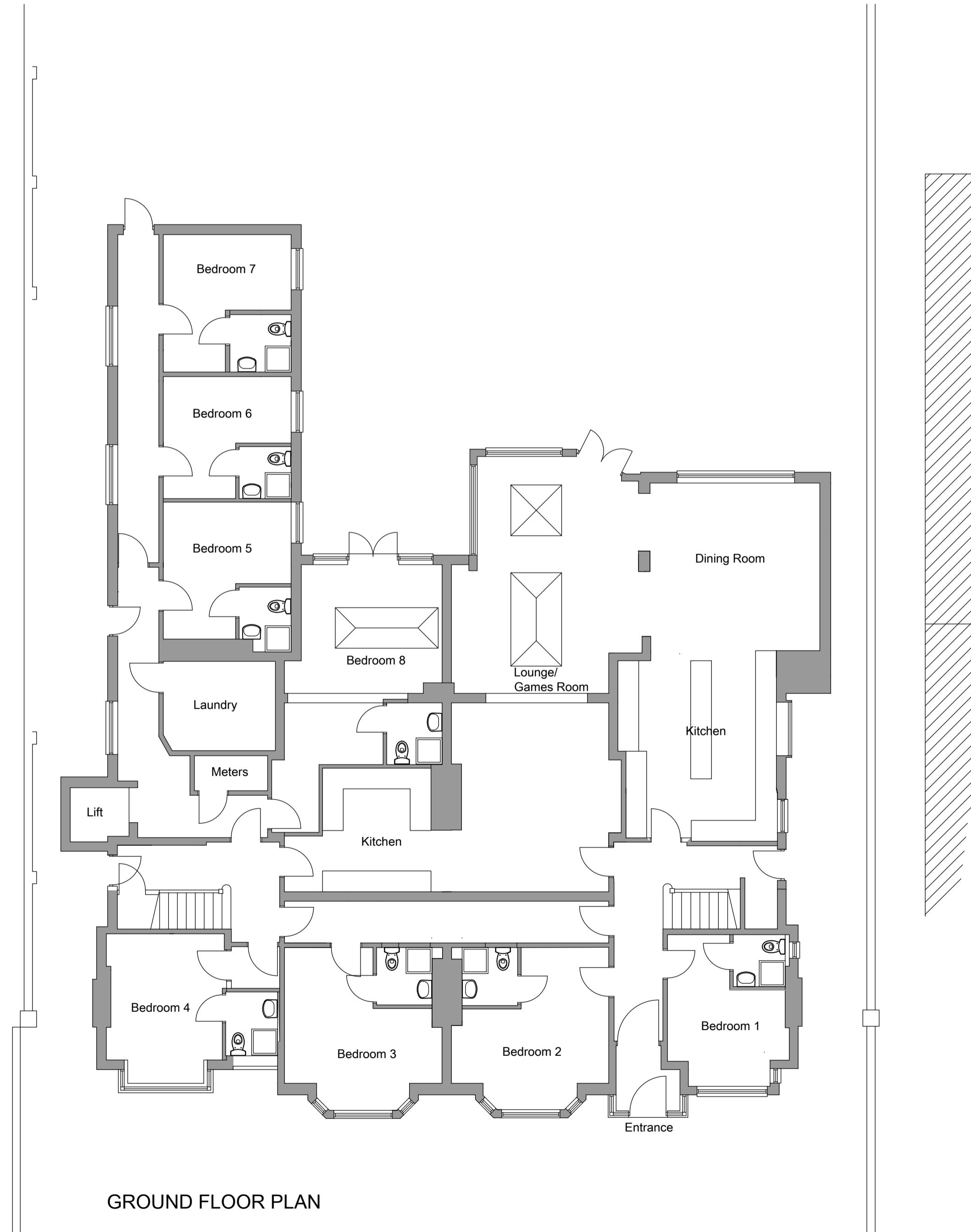
**PROPOSED BLOCK PLAN** Page 33



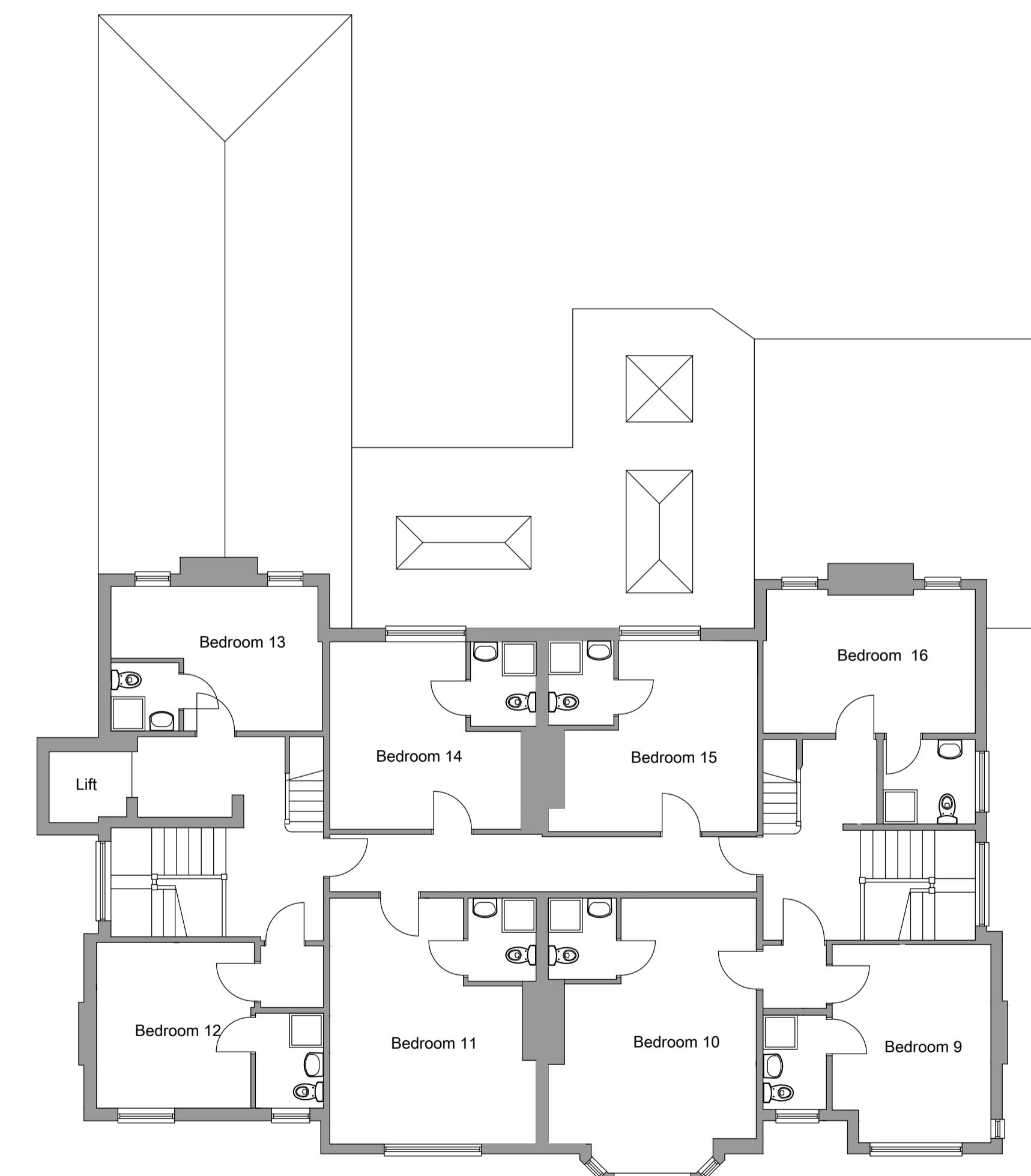
FLOOR PLAN  
CONVERTED OUTBUILDINGS



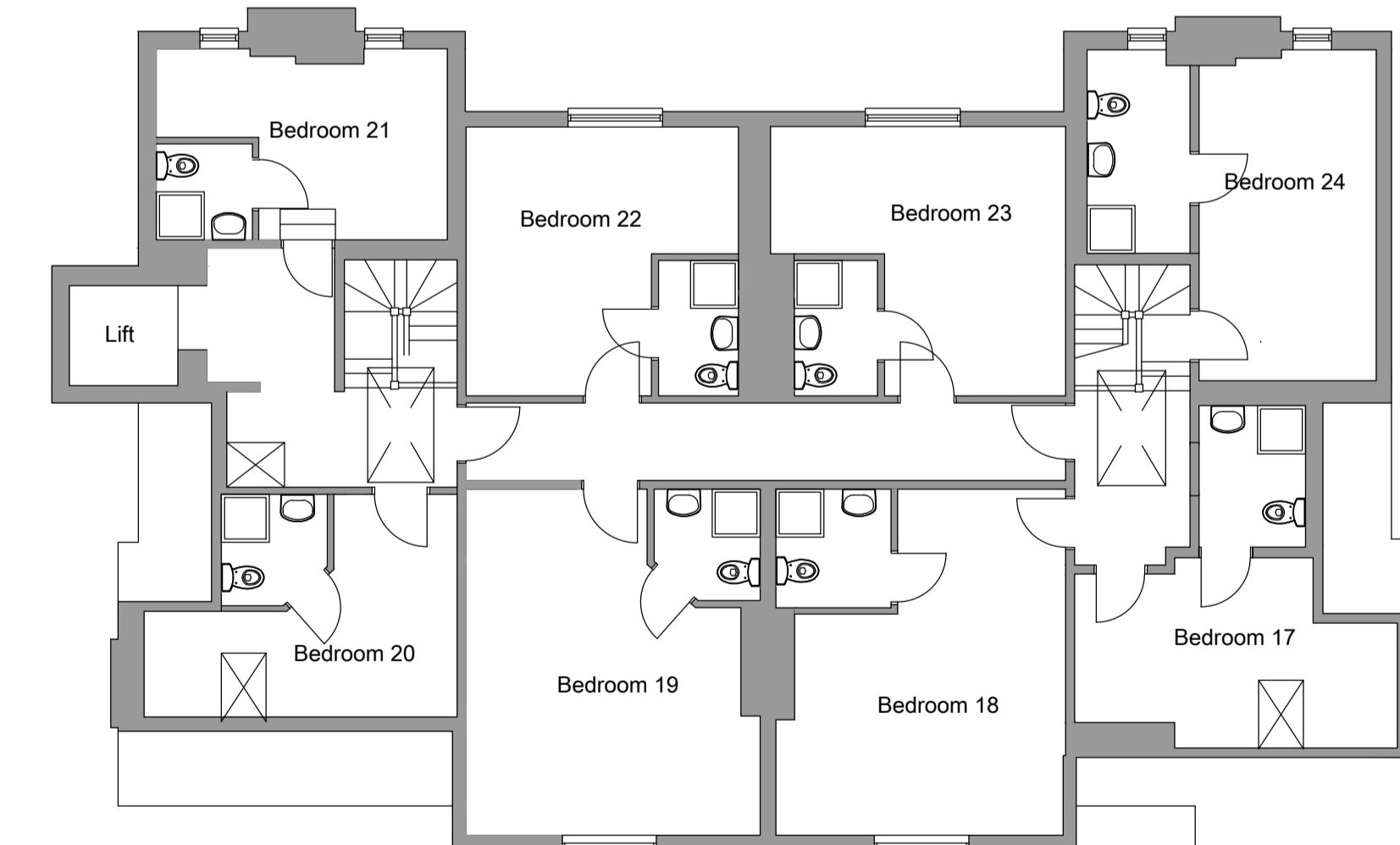
LOCATION PLAN



GROUND FLOOR PLAN



FIRST FLOOR PLAN



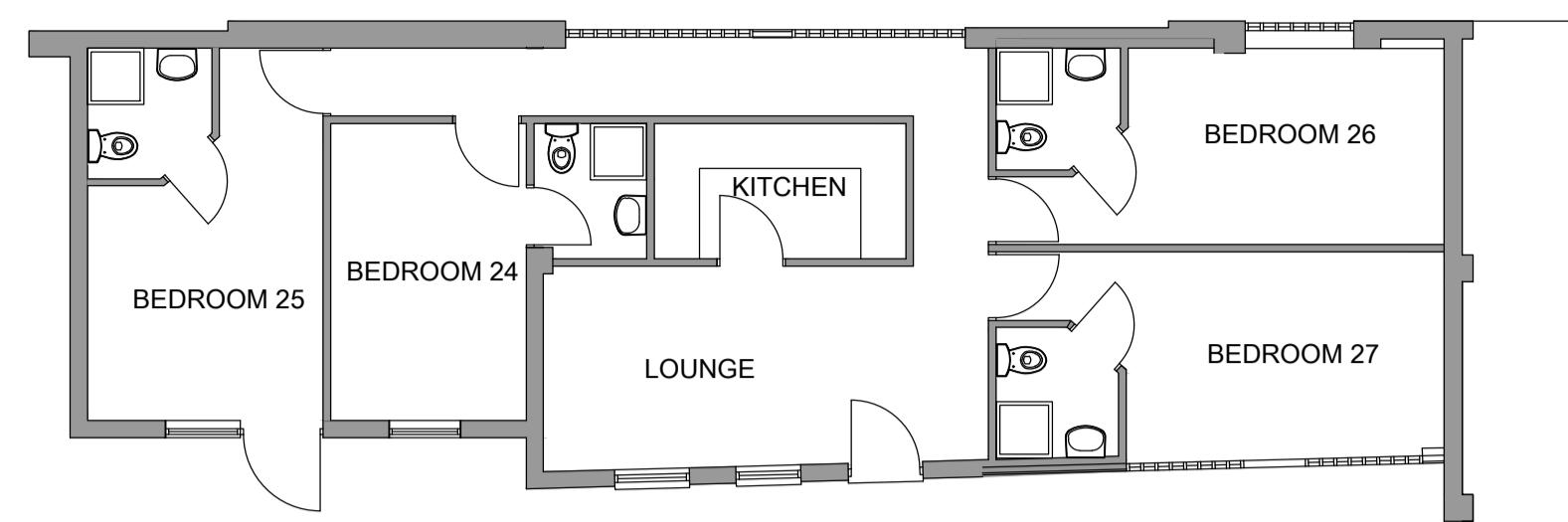
SECOND FLOOR PLAN

Rev	Description	Date	Drawn	Chkd
-----	-------------	------	-------	------

## SPENCER NEWMAN HOUSE, 6 &amp; 7 SPENCER ROAD, COVENTRY

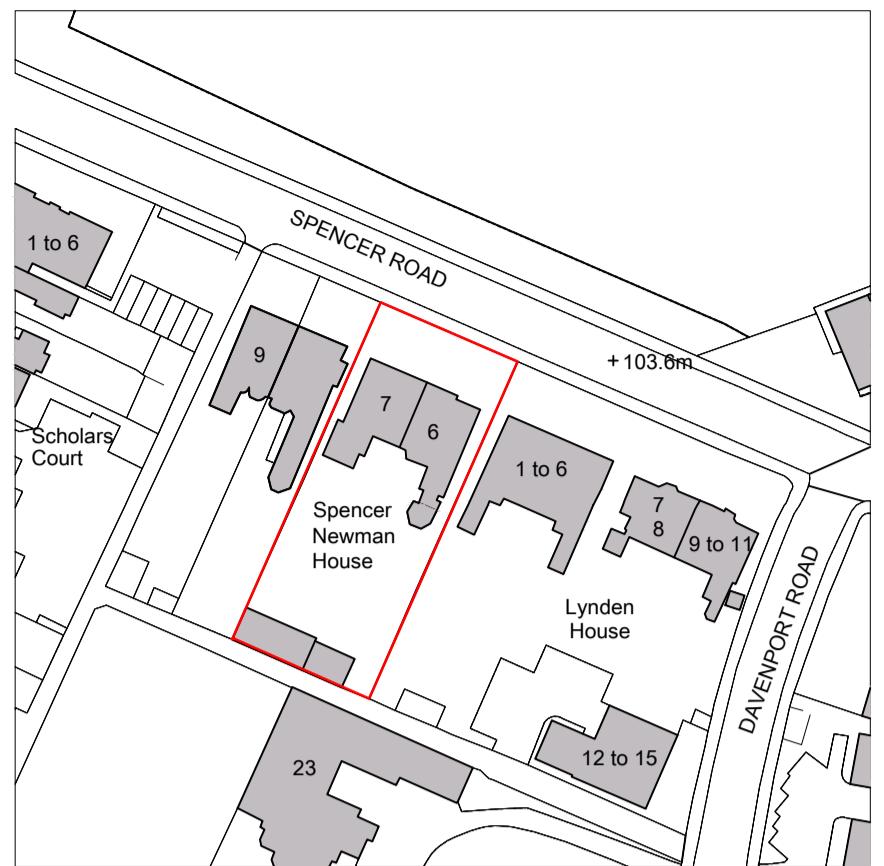
## EXISTING FLOOR PLANS



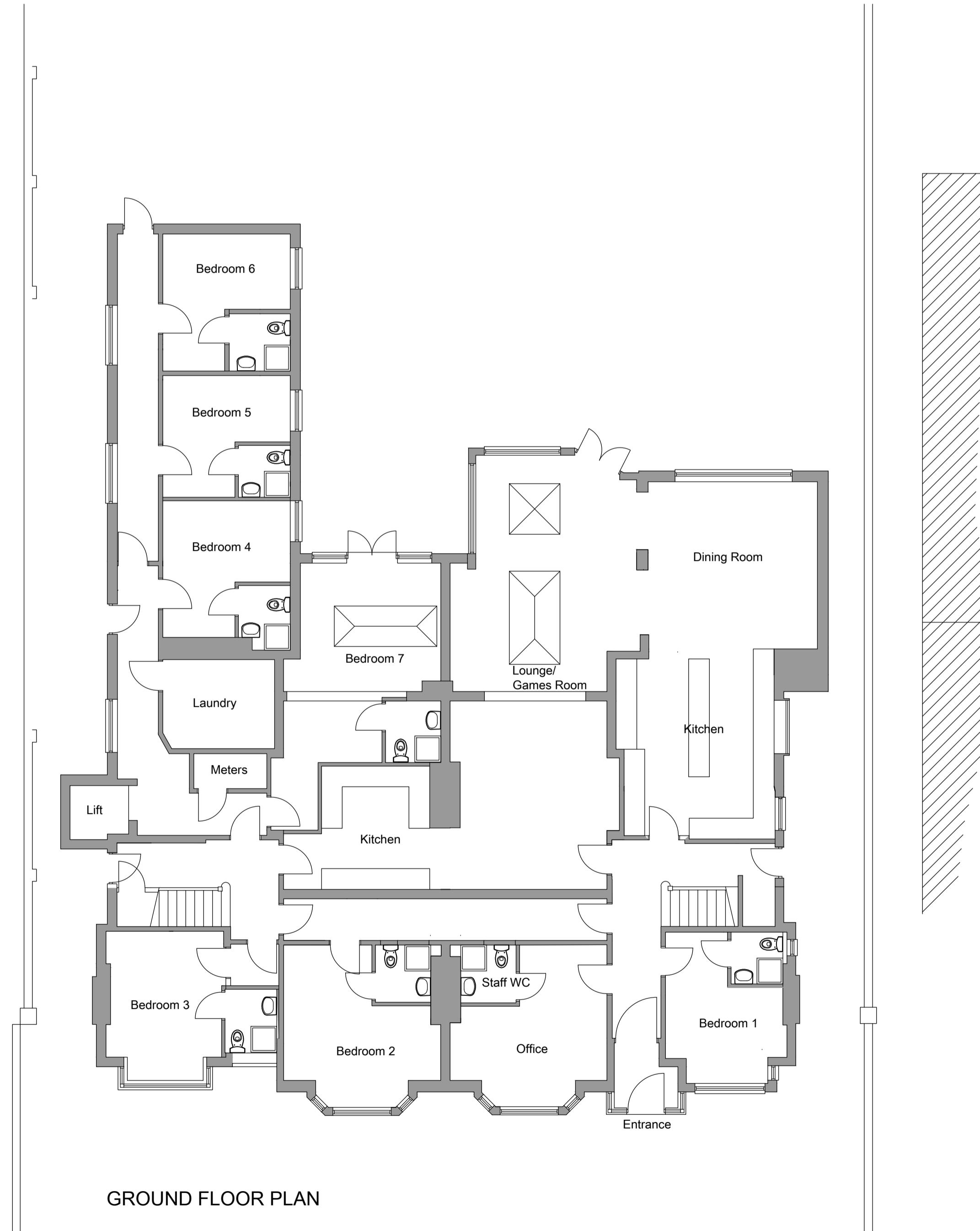


FLOOR PLAN

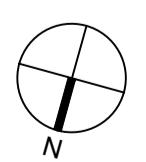
OUTBUILDINGS



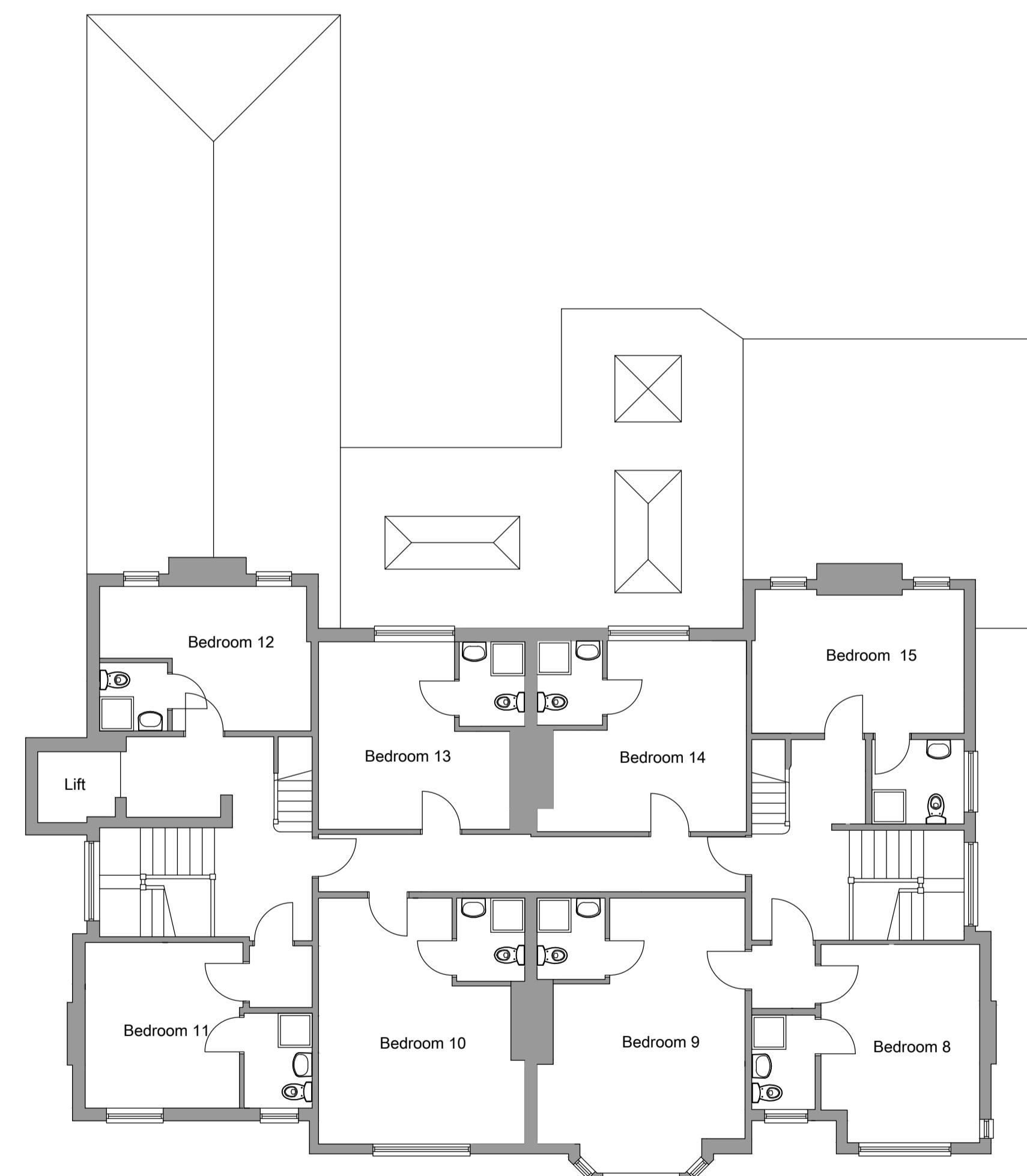
LOCATION PLAN



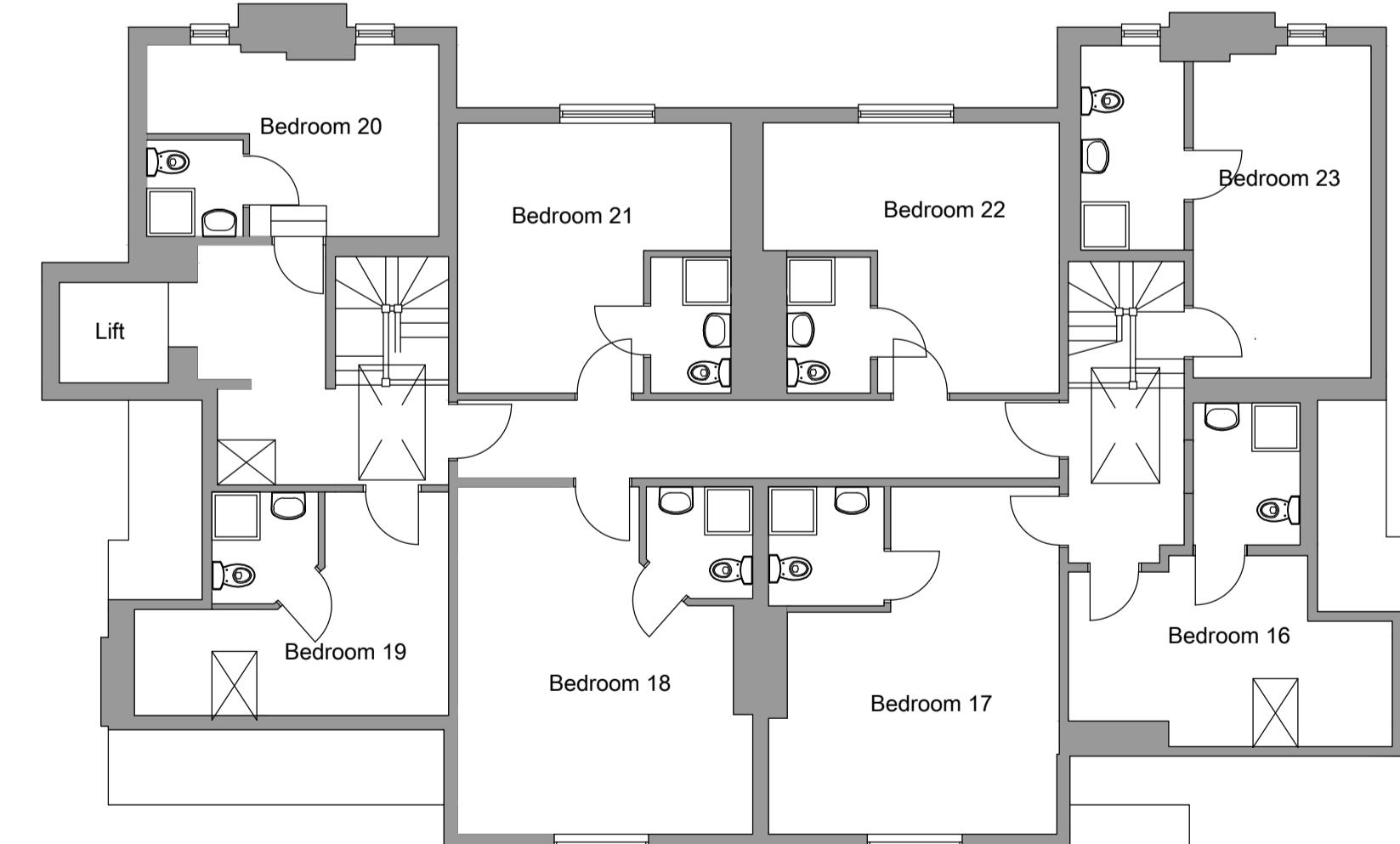
GROUND FLOOR PLAN



0 1 2 3 4 5 m  
SCALE BAR 1:100



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Rev	Description	Date	Drawn	Chkd
-----	-------------	------	-------	------

SPENCER ROAD, COVENTRY

**Pegasus**  
Group

PLEASE NOTE NO CHANGES REQUIRED TO LAYOUT FOR CHANGE OF USE

This page is intentionally left blank

# Agenda Item 7

<b>Planning Ref:</b>	FUL/2020/2781
<b>Site:</b>	300 Kingfield Road, Coventry, CV1 4EP
<b>Ward:</b>	Foleshill
<b>Existing Floor Space:</b>	297.5 sq m (3,202 sq ft)
<b>Proposed Floor Space:</b>	297.5 sq m
<b>Net Floor Space:</b>	297.5 sq m
<b>Proposed Number of Units:</b>	N/A
<b>Proposed Number of Affordable Housing Units:</b>	N/A
<b>Proposal:</b>	Change of use of premises from Use Class B2 'general industry' to use as a fitness centre falling within Use Class E 'Commercial, Business and Service'
<b>Case Officer:</b>	Fiona Runacre

## SUMMARY

This proposal is for the change of use of an existing industrial unit currently in use as a car repair and paint shop (Use Class B2) to an indoor fitness centre (Use Class E(d)). The existing occupants are due to vacate shortly and relocate to an alternative site. Fitness365 propose to operate their existing business from the unit. No external changes are proposed; this application relates solely to the change of use of the unit.

## KEY FACTS

<b>Reason for report to committee:</b>	More than 5 representations in support of the application
<b>Current use of site:</b>	Use Class B2 (General Industrial) Car repair & paint shop
<b>Proposed use of site:</b>	Fitness centre Use Class E (Commercial, Business and Service)

## RECOMMENDATION

Planning committee are recommended to refuse planning permission for the reasons set out in this report.

## **REASON FOR DECISION**

- The proposal is not acceptable in principle due to the loss of B2 floorspace, conflicting with policies JE1 and JE3 of the Coventry Local Plan, and would not provide for safe access for pedestrians and cyclists due to its location within the industrial estate, contrary to policies CO1 and AC4 of the Coventry Local Plan.

## BACKGROUND

## APPLICATION PROPOSAL

It is proposed to change the use of the unit to provide a fitness centre for Fit365, an established business, which has been running fitness classes from Jubilee Crescent Community Centre in Radford. Although presently due to Covid19 restrictions classes have been continuing online, Fit365 provide four classes per week at the following times:

1. Monday 0615 to 0715 hours
2. Tuesday and Thursday 1730 to 1830 hours
3. Saturday 0845

It is intended that the same early morning and early evening classes will be run at the new premises, with typical attendance of around 15 per class. In addition, 'one to one' sessions with personal trainers would be held during the daytime, as well as nutrition, mental health and wellness workshops. Two full time posts would be provided, and in addition the use of the premises will support the employment of specialist consultants on a freelance basis.

Hours of use sought are:

4. 0600 to 2200 hours Monday to Friday
5. 0800 to 2000 hours Saturday and Sunday

The site plan shows that parking provision for up to six cars would be available immediately outside the unit, with additional provision for up to thirteen cars available outside the adjoining units, which would typically be available outside of the hours of 0900 and 1700 hours, for use by Fit365.

No external changes are proposed to the building.

### **SITE DESCRIPTION**

The industrial unit is located in the far north corner of this part of the Kingfield Industrial Estate, at the end of a block of three units. The external space immediately outside the unit is currently used for the storage of cars awaiting either repair or collection. The adjacent unit, No. 302 is occupied by Independent Peugeot Specialists and No. 304, the larger of the units is occupied by Frames Express. All three units are under the same ownership. To the rear of the site is the railway line and adjacent to the north is the Amtico site. Opposite are other industrial units. The largest unit on this part of the estate, the former Bablake Wines unit, to the south has recently been granted planning permission for use as a gymnasium (Use Class E(d)), by Phoenix Gymnastics. (Application reference FUL/2020/2502). The unit has been vacant since early 2020.

Sole access to the site is via the vehicular access from Kingfield Road, shared with all other units. There is no dedicated pedestrian access to this part of the estate.

The existing single storey unit offers 297.5 sq m of floorspace and has a roller shutter door and separate pedestrian/customer access at the front.

### **PLANNING HISTORY**

There has been one previous application on this site, (which also included the adjacent unit No. 302), as detailed below:

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
FUL/2014/0901	Continued Use of Units for Industrial (Class B2)	Approved 12/05/2014

## **POLICY**

### **National Policy Guidance**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so, and identifies that the purpose of planning is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental objective which are interdependent and need to be pursued in mutually supportive ways. Of specific relevance are part 6: Building a strong, competitive economy; part 7: Ensuring the vitality of town centres and part 8: Promoting healthy and safe communities.

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

### **Local Policy Guidance**

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy DS3: Sustainable Development Policy

Policy CO1: New or improved Social Community and Leisure Premises

Policy R3: The Network of Centres

Policy R4: Out of Centre Proposals

Policy JE1: Overall Economy and Employment Strategy

Policy JE3: Non-Employment Uses on Employment Land

Policy DE1 Ensuring High Quality Design

Policy AC1: Accessible Transport Network

Policy AC2: Road Network

Policy AC3: Demand Management

Policy AC4: Walking and Cycling

Policy EM7: Air Quality

Policy HW1: Health Impact Assessments (HIA)

### **Supplementary Planning Guidance/ Documents (SPG/ SPD):**

SPD Delivering a More Sustainable City

SPD Coventry Connected

Appendix 5 – Car parking and cycle parking standards

SPD Air Quality Supplementary Planning Document

## **CONSULTATION**

No objections subject to conditions received from:

- Environmental Protection (18/12/2020)
- Highways (04/03/2021).

Objections received from:

- Planning Policy.

Immediate neighbours and local councillors have been notified; a site notice was displayed on 16/12/2020. A press notice was published in the Coventry Telegraph on 24/12/2020.

33 letters of support have been received, raising the following material planning considerations:

- Promotes physical and mental wellbeing
- An asset to the local community
- Hours of use would not conflict with existing businesses
- Proposal will support Coventry City Council's Health and Wellbeing Strategy 2019-2023
- Existing facility is constrained by available hours and restricted space
- Larger space and improved facilities would be an asset not just to the club but the city
- A suitable and larger premise is required to allow the business to be viable
- Not all members will travel by car

A letter of support has been received from Coventry and Warwickshire Local Enterprise Partnership (CWLEP) raising the following material planning considerations:

- The proposal accords with key national and local policy initiatives
- It is a growing new venture that provides an important local community service
- Proposal will lead to a net gain in local employment opportunities, noting that existing jobs based at the site are to be relocated

Cllr Kaur has advised that she is fully in support of the proposal.

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issues in determining this application are:

- Whether an out of centre location is acceptable for the proposed use;
- Whether the principle of the change of use to a non-employment use on an established industrial estate is acceptable; and
- Whether the site provides adequate parking and access.

## **Principle of development**

### **Out of centre location**

The NPPF identifies that main town centre uses include retail, leisure, entertainment and more intensive sport and recreation uses, including health and fitness centres, and states that a sequential test is to be applied for such uses. Whilst 'more intensive' is not defined, the use is, irrespective of its scale, one that would fall within the scope of Policy CO1 of the Local Plan.

Policy CO1 supports new or improved social community and leisure facilities, setting out a sequential approach, with the focus first on designated centres. The preamble to the policy identifies sporting uses and venues, under the wider scope of cultural and

community buildings. Therefore, policy CO1 is applicable which states firstly, that proposals for social, community and leisure facilities will be considered through the following sequential approach:

- a) Designated centres to support the centres hierarchy;
- b) Where no suitable sites are available in a designated centre, an edge of-centre location;
- c) Where no edge of centre sites are available, a site adjacent to other associated facilities including existing schools and educational facilities;
- d) Only where no suitable site can be identified having regard to points 1- 3, will stand alone sites be supported, subject to:
  - i. The proposal addressing an unmet need within a local community;
  - ii. There being no significant adverse impact upon the role of a defined Centre; and
  - iii. There being no material impact on neighbouring amenity;

Designated centres are identified on the proposals map of the local plan, and policy R3 sets out the hierarchy of the centres: Major District Centres, District Centres and Local Centres.

The site is not within a designated centre; edge of centre location (that is within 300m of a centre boundary); or adjacent to other associated facilities including existing schools and educational facilities. (Parts a to c). The supporting text to policy CO1 recognises that there may be occasions where a proposal is not suitable for an in-centre use. This may be due to a number of factors including space requirements, neighbouring uses or local amenity.

The application is supported by a sequential assessment which identifies that the applicants have reviewed the potential availability of sites within the two District Centres closest to the catchment area of their members and to the Kingfield Road site, specifically Jubilee Crescent District Centre (approx. 2.5km from the site) and Foleshill District Centre (approx. 1.1km from the site).

The assessment concluded that there were no suitable, alternative premises available within these centres. In both centres, the assessment identifies that there were no 'to let' boards identifying available premises, and that the nature of the smaller retail units would not provide a suitable open plan arrangement for the club. A premises in the Radford District Centre (approx. 1.5 km from the site) was also considered, but this also was identified as unsuitable due to the lack of parking and L-shaped layout.

In this case, it is accepted that the applicant has demonstrated that no suitable sites are available within appropriate local centres within a reasonable catchment of the site to suit the specific space requirements of the club. Part d of policy CO1 requires that stand-alone proposals meet all three of the identified criteria. It is accepted in this case that (1) there is a need for the provision in the local community, and that the existing provision at the Jubilee Crescent Community Centre is constrained by hours of opening and size, limiting scope for future growth of an established business; (2) there would be no significant impact on the role of a defined centre, such that locating the use outside of a defined centre would not undermine the role that defined centres play

at the heart of local communities; and (3) there would be no material impact on residential amenity. Policy CO1 part 1 is therefore satisfied.

The second part of policy CO1 requires that proposals are considered on the basis of:

- a) The appropriateness of their proposed location in relation to their scale and intended catchment;
- b) Compatibility with nearby uses;
- c) Accessibility by a choice of means of transport; and
- d) Compatibility with other Plan Policies.

The location and size of the unit is appropriate to the scale of the club and the Radford/Foleshill/north Coventry catchment. The site is also well served by public transport. [www.nxbus.co.uk](http://www.nxbus.co.uk) plan your journey identifies that the nearest bus stop is on Foleshill Road between Edmund Road and Honeyfield Road, approx. 0.5 km distance to the site. The Coventry Connected SPD identifies that the maximum desirable walking distance to bus services in continuously built up residential areas is 400m distance/700 m distance (for residential developments). Whilst no specific distance is specified for leisure uses, the Kingfield Industrial Estate is accessible by public transport, walking and cycling, and thus in a sustainable location.

However, due to the siting of the unit not having a direct frontage with Kingfield Road, members arriving on foot or by bicycle will need to navigate their way to the end of the estate, where there is no separate or delineated pedestrian route. Whilst adequate parking can be provided, there remain concerns regarding pedestrian safety, given vehicle movements including large good vehicles associated with the wider employment use of the area and the location of the site at the end of a cul-de-sac. Therefore, the use would be incompatible with adjacent employment uses, particularly given the number of persons attending the club, throughout the day, where individual 'comings and goings' associated with the proposed fitness club would likely be greater than those associated with the existing B2 use.

In summary, whilst there would be no conflict with part 1 of policy CO1, and the objectives of part 7 (Ensuring the vitality of town centres) of the NPPF, the proposed use would fail to satisfy part 2 of Policies CO1 and NPPF paragraph 127 (e) due to concerns relating to safe pedestrian and cycle access, such that the use would be incompatible with existing employment uses on this part of the Industrial Estate. Compatibility with other local plan policies is discussed below.

### **Loss of employment space**

The site provides employment space under use class B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Paragraph 20 of the NPPF requires Local Authorities to make sufficient provision for housing, employment, retail, leisure and other commercial development.

The NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Policy JE1 sets out the overall economy and employment strategy, encouraging positive and proactive work with the business community in the city to promote sustainable economic growth and job creation. As part of this, policy JE1 part d, identifies that the Council will safeguard existing employment sites and premises from

being lost to non-employment uses unless certain exceptional circumstances are demonstrated. These circumstances are set out in Policy JE3.

Policy JE3 of the Local Plan relates to non-employment uses. The policy preamble identifies that references to 'employment land', 'employment uses' and 'employment purposes' relate only to development falling within Use Classes B1, B2 and B8 of the Town and Country Planning Use Classes Order 1987 (as amended). These comprise business offices (Use Class B1a), research and development activities (Use Class B1b), light and general industrial uses (Use Classes B1c and B2) and uses within the storage/distribution sector (Use Class B8). There has been recent change to the use classes order such that use class B1 no longer falls within this use class. This is discussed further in the report.

It is essential that a sufficient amount and range of employment land is maintained throughout the City to ensure that the city's economy continues to grow, and residents have access to job opportunities. This objective is achieved in part through the allocation of land for employment. The application site is an existing non-allocated employment site on part of the wider Kingfield Estate. It is also important to ensure that such sites are also retained for employment use wherever possible.

Policy JE3 (part 1) sets out that at least one of the following specific criteria must be satisfied where there would be a loss of an employment sites, whether as a result of redevelopment or change of use.

Proposals for the redevelopment in whole or in part of employment land for non-employment purposes will not be permitted unless it can be demonstrated that the part(s) of the site where non-employment development is proposed are:

- a) No longer suitable for employment use bearing in mind their physical characteristics, access arrangements and/or relationship to neighbouring land-uses and there is evidence of unsuccessful active and substantial marketing of the site for employment use using a variety of media which supports this; or
- b) It would not be financially viable to re-use or re-develop the land or buildings on the land in whole or in part for employment purposes; or
- c) The non-employment development proposed would be used for purposes which are clearly ancillary to and will support the operations of a primary employment use on the land; or
- d) The non-employment development would generate significant employment gains which are of sufficient weight to justify the loss of employment land.

This application is sought on the basis of part (d), that the non-employment development would generate significant employment gains, which are of sufficient weight to justify the loss of employment land.

Regarding employment generation, the proposed use would support two FTE posts, in addition to the part-time employment of several free lance trainers/consultants, which the applicants have confirmed would equate to four FTE posts. Currently, it is understood that the existing business employs 1 FTE person, which is at the lowest end of the capacity of the site. Employment gains are not solely restricted to the

number of employees, but can also take account of ongoing employment generation, such as a training school for a vocational course, which would generate skilled employees as well provide employment for trainers.

The CWLEP in their representation express their support for the proposal stating that it will lead to a net gain in local employment opportunities noting that existing jobs currently based at the site are to be relocated and this will produce a range of new jobs at the fitness centre. The Policy does not define 'significant employment gains', but applying the ordinary meaning of 'significant' and taking account of other examples where the loss of employment uses have been accepted in the city, an increase from 1 to 4 FTE posts would fail to satisfy this, particularly as the site offers capacity for increased employment provision than that currently provided.

Whilst the health and well-being benefits of the use are not disputed, these benefits would not generate significant employment gains to satisfy this specific policy requirement. The application therefore fails to satisfy part 1 of the policy JE3. Turning to the second part of the policy, there is the following requirement:

In addition to at least one of the above criteria being satisfied, part 2 of policy JE3 requires that it must be demonstrated that:

- a) The potential of the site to contribute to the employment land requirements of the city over the plan period is not significant; and
- b) The proposal would not significantly compromise the viability or deliverability of other adjacent employment land or land allocated in this Plan for employment development; and
- c) The proposal will not have an unacceptable adverse impact on the continuing operation of any nearby existing businesses.

Whilst it may be concluded that the change of use would not conflict with parts b and c, the existing unit does contribute to the employment land provision. The loss of this unit, on the Kingfield Industrial Estate would harm the ability of the area to meet the wider employment needs of the city, contrary to part a. Whilst such individual losses may not be significant, incrementally such losses could have a significant impact on the employment needs of the city being met. Therefore, it is important to ensure that existing non-allocated employment sites are also retained for employment use wherever possible.

Over the past twelve months (March 2020 – March 2021) Coventry City Council's Economic Development Service has received 27 enquiries from clients seeking industrial premises measuring 2800-3200 sq ft; and during the same period has received 39 enquiries from clients seeking 2000-3200 sq ft. This is an indication that there is an interest in this size of industrial unit. Due to the nature of a B2 use, which can cause environmental conflict if located outside of allocated or established employment sites such as Kingfield Road industrial estate, the retention of existing B2 premises on established estates is vital to meet demand.

Recent changes to the Use Classes order are of relevance. As from 1<sup>st</sup> September 2020, changes to the use classes order were introduced, which included the creation of a new use class E (Commercial, Business and Service), which brings together a wide range of uses that previously fell within other classes, under one larger class. Of relevance to this case is that Use Class B1 (Light industrial) and Use Class D2 (Assembly and Leisure) now fall within this new use Class E. The changes maintain

Use Class B2, which this proposal seeks to remove. Therefore, Policy JE3 remains fully applicable and carries full weight.

Whilst it is accepted that a change of use from B2 (general industrial) to B1(c) (light industrial) could take place without the need for planning permission, and that until 31 July 2021 a further change of use to a fitness club would be permitted development, this is not the proposal under consideration. The current use as a car repair business and paint spraying is not such that it would fall within Use Class B1, as it would unlikely be a use that can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

This proposal has been sought on the basis of generating a 'significant employment gain', an increase from 1 to 4 FTE jobs if the business grows in accordance with expectations. A unit of this size has greater employment capacity than is currently provided, dependent of course on the occupant, and is of a size for which there is evidence of a demand within the city. It is therefore not accepted that the proposal would satisfy part (d) of policy JE3. No other evidence has been submitted to demonstrate that the proposals accord with parts 1a, 1b or 1c of Policy JE3, and it has not been evidenced that the proposal would satisfy all the exceptions criteria of policy JE3, part 2. Both parts of the policy are required to be met. Therefore, the loss of the B2 floorspace on an established industrial estate is not supported.

### **Highway and access considerations**

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high-quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene.

Proposals for the provision of car parking associated with new development is assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure. The standards require 1 space per 15 sq m floorspace public area for gyms and fitness centres, which based on 216 sq m public area would equate to 14 car parking spaces. The original plans submitted showed 6 spaces, with reference in the Planning Statement to additional spaces outside of the adjacent units available for use outside of normal working hours.

Initial concerns were raised by Highways as it was considered that the transport impacts of the proposed change of use had not been demonstrated. Further to a meeting with the applicant and agent, an amended site location plan and site plan showing an adequate level of parking for the use was received. Six spaces would be provided directly outside the site and an additional 13 spaces would also be available fronting the adjoining units, outside of their hours of business. On this basis no objection is raised by Highways subject to a condition requiring parking and turning areas to be clearly marked out on site.

Policy AC4 requires that development proposals should incorporate safe and convenient access to the walking and cycling routes that should be proportionate to the scale, use and location of the site.

As discussed above, the site is considered to be in a sustainable location being served by public transport within a 500m walking distance as well as being accessible by foot and bicycle. Provision can be made for bicycle storage within the site. However, due to the location of the site in the far corner of this part of the estate, unlike the nearby former Bablake Wines premises recently granted planning permission, there does not appear to be an opportunity for safe pedestrian and cycle access to be provided. The marking out of spaces on this part of the site would improve accessibility within the site. However, improvements would not extend to the units opposite and there would remain the potential for conflict between vehicles and pedestrians/cyclists during the operational hours of other units.

The proposal would satisfy the requirements of policy AC3 and appendix 5, and Coventry Connected SPD and sustainable transport objectives of the NPPF, to provide adequate and improved parking. However, the lack of safe pedestrian access would be contrary to Policy AC4 and CO1 part 2.

### **Health and Wellbeing**

There is no doubt that the proposal will allow the club to continue to deliver health and wellbeing benefits and provide new opportunities in enhancing the health and fitness of the city's communities. As the representations attest, Fit365 is an established business that has maintained its classes via online platforms through lockdown restrictions helping many members with physical and mental wellbeing.

The use would be compatible with the objectives of the Coventry Health and Wellbeing Strategy plan 2019 – 2023, policy HW1 of the Local Plan and part 8 of the NPPF that promotes healthy and safe communities, and such benefits have some weight in the consideration of this specific use which requires a premises offering open plan space, for a well-established club, and for which it has been evidenced is not available with an existing centre or edge of centre location.

However, the health and wellbeing benefits do not outweigh the need to ensure that suitable employment space (Use Class B2) on established industrial estates is retained for such use, particularly where there is evidence of a demand for such units. With the introduction of the new Use Class E, the retention of such units for industrial use has become more acute, increasing the need to retain B2 employment use on the site which in this case outweighs the health and wellbeing benefits.

### **Other matters**

#### **Air quality**

With the city being declared an Air Quality Management Area since 2009 for nitrogen dioxide, primarily as a result of traffic related emissions, and the more recent Ministerial Direction that requires the city council to implement a package of measures to reduce nitrogen dioxide emissions to legal levels within the 'shortest possible time', policy (AC1) and Coventry Connected SPD requires the infrastructure for electric vehicles to be installed through planning condition; in this case one space per 10 parking spaces. The policies reflect paragraph 181 of the NPPF.

Had the proposal been acceptable, it would be necessary to impose a pre-commencement condition requiring electric vehicle charging points to be provided, (at ratio of 10% of spaces) such that the proposal accords with Policies AC1 and EM7 of

the Local Plan, Coventry Connected SPD, Air Quality SPD and the objectives of the NPPF.

### **Residential amenity**

The site is surrounded by other employment uses, with the railway line to the west, and the nearest residential properties the opposite side of the Kingfield Road. The hours of use proposed are typically later than those on the industrial estate. The Environmental Protection team have requested a condition restricting the fitting of amplification equipment and the playing of any amplified music or voice, and operating hours to reflect those stated in the application. No external plant is proposed. These conditions would satisfy the conditions tests and would be put forward, had the proposal been acceptable, such that the proposal would not give rise to any harm to residential amenity in accordance with policy DE1 of the Local Plan and paragraph 127 of the NPPF.

### **Streetscene and visual amenity**

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area. Part 12 of the NPPF highlights the need to secure high-quality development.

There are no external changes to the building, such that there would be no change to the street scene, which in this case is limited to the confines of the industrial estate screened from Kingfield Road by other industrial buildings. The proposal would accord with policy DE1.

### **Flood Risk**

No matters arise in respect of flood risk.

### **Contaminated land**

No matters arise in relation to contaminated land due there being no groundworks.

### **Ecology**

No matters arise in respect of ecology and biodiversity.

### **Equality Implications**

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - a) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - b) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

### **Conclusion**

On balance, whilst the proposal would deliver health and wellbeing benefits that weigh in favour of the proposal, they would not outweigh the harm that would arise as a result of the loss of B2 floorspace on an established industrial estate, the retention of which has become more acute since the introduction of Use Class E. The increase in employment provision from 1 FTE to 4FTE is not considered to amount to a 'significant employment gain' such that it would satisfy the exceptions in policy JE3, particularly when there is evidence of a demand for this size of unit which is of a size that could potentially accommodate a larger workforce, of a B2 (general industrial) nature. Further, whilst the use would satisfy part 1 of the sequential approach in policy CO1, and no alternative suitable sites have been identified within or at the edge of an existing centre, the proposal would fail to satisfy policies JE1, CO1 (part 2) and AC4, being incompatible with other uses on the industrial estate due to the lack of safe pedestrian access.

### **REASONS FOR REFUSAL**

The proposal is therefore unacceptable for the following reasons:

1. The proposed use would be contrary to policies JE1 and JE3 of the Coventry Local Plan 2016, by reason of its failing to satisfy one of the specified exceptions criteria that safeguards existing employment sites and premises from being lost to non-employment uses. The basis on which this change of use is sought, namely the proposed increase in the provision of equivalent full-time jobs from one to four, is not considered to represent 'significant employment gains' required by policy JE3, part 1, (d), on an established industrial estate, where there is a demand for this size of unit. No other evidence has been provided to demonstrate that the proposal would satisfy any other of the exceptions. The loss of B2 floorspace would also harm the ability of the Kingfield industrial estate to meet the wider employment needs of the city, contrary to part 2 of policy JE3. The harm arising is not outweighed by the health and wellbeing benefits in this case such that the principle of the change of use is unacceptable in this location.
  
2. The use would fail to satisfy policies CO1 (part 2) and AC4, and the objectives of the National Planning Policy Framework to deliver safe and accessible developments. The proposed fitness centre would be incompatible with other uses on the industrial estate due to the lack of safe access for members arriving by modes of transport other than the private car. Notwithstanding the provision of marked parking bays and the shared parking provision which will result in improvements to the parking on this part of the estate, the introduction of the fitness centre would give rise to the potential for conflict between pedestrians and cyclists accessing the site, particularly during the hours when adjacent businesses are operational, thereby detrimental to the safety of those arriving on foot or by bicycle.



This page is intentionally left blank



REFERENCE NUMBER  
FUL/2020/2781

SITE:  
300 KINGFIELD ROAD

SCALE 1:1250

300 to 304

Silos

KINGFIELD ROAD

97.2m

WB

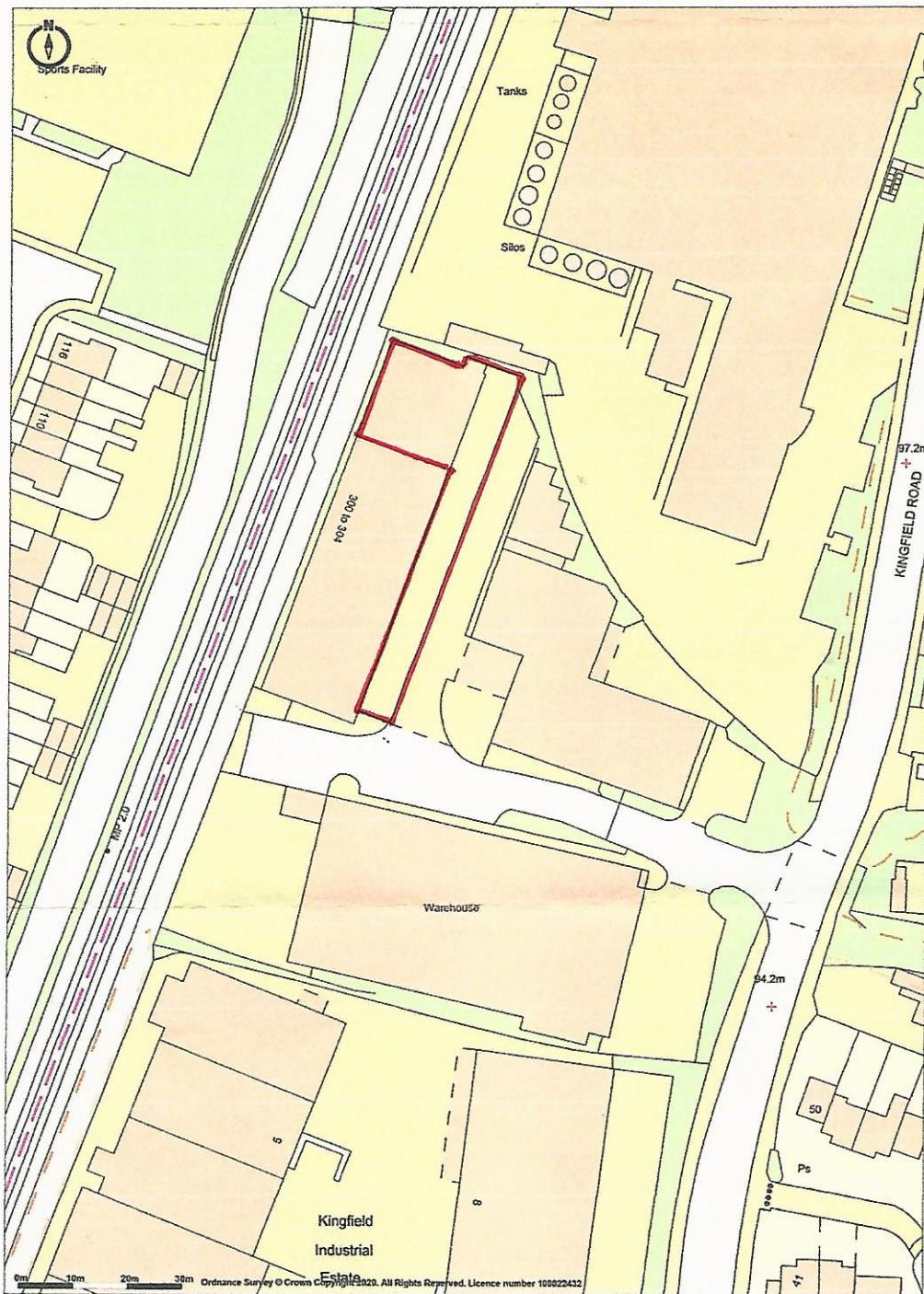
© Crown Copyright Reserved © Coventry City Council Licence No. 100026294 (2015)

94.2m

Depot

Tanks

Tank



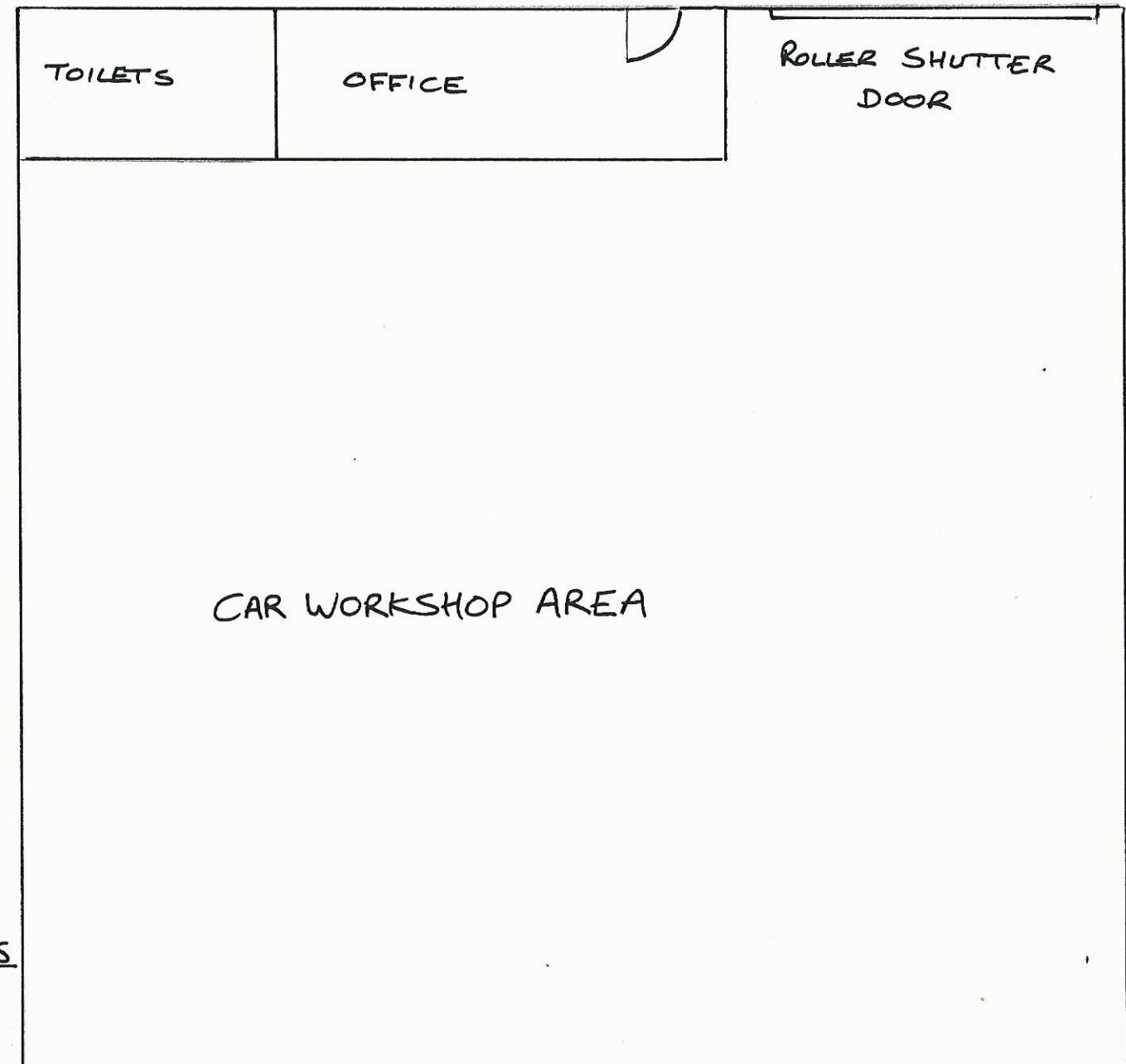
SCALE : 1:100 at A4

  
0 1 2 3 4 5 metres

300 KINGFIELD RD  
COVENTRY, CV1 4EP

CHANGE OF USE TO FITNESS  
CENTRE

EXISTING GROUND FLOOR  
LAYOUT



17.5 m

17m

Approx 31 sq.m

ENTRANCE

TOILETS

RECEPTION

ROLLER SHUTTER  
DOOR (TO BE  
KEPT SHUT)

SCA  
LE 1:100 at A4

0 1 2 3 4 5 metres

163  
31  
22

216 m<sup>2</sup>

KITCHEN

Gym floor

STORAGE

163 sq.m

14.2m

OFFICE

22 sq.m

CONSULTATION  
ROOM

17m

↓

17.5m

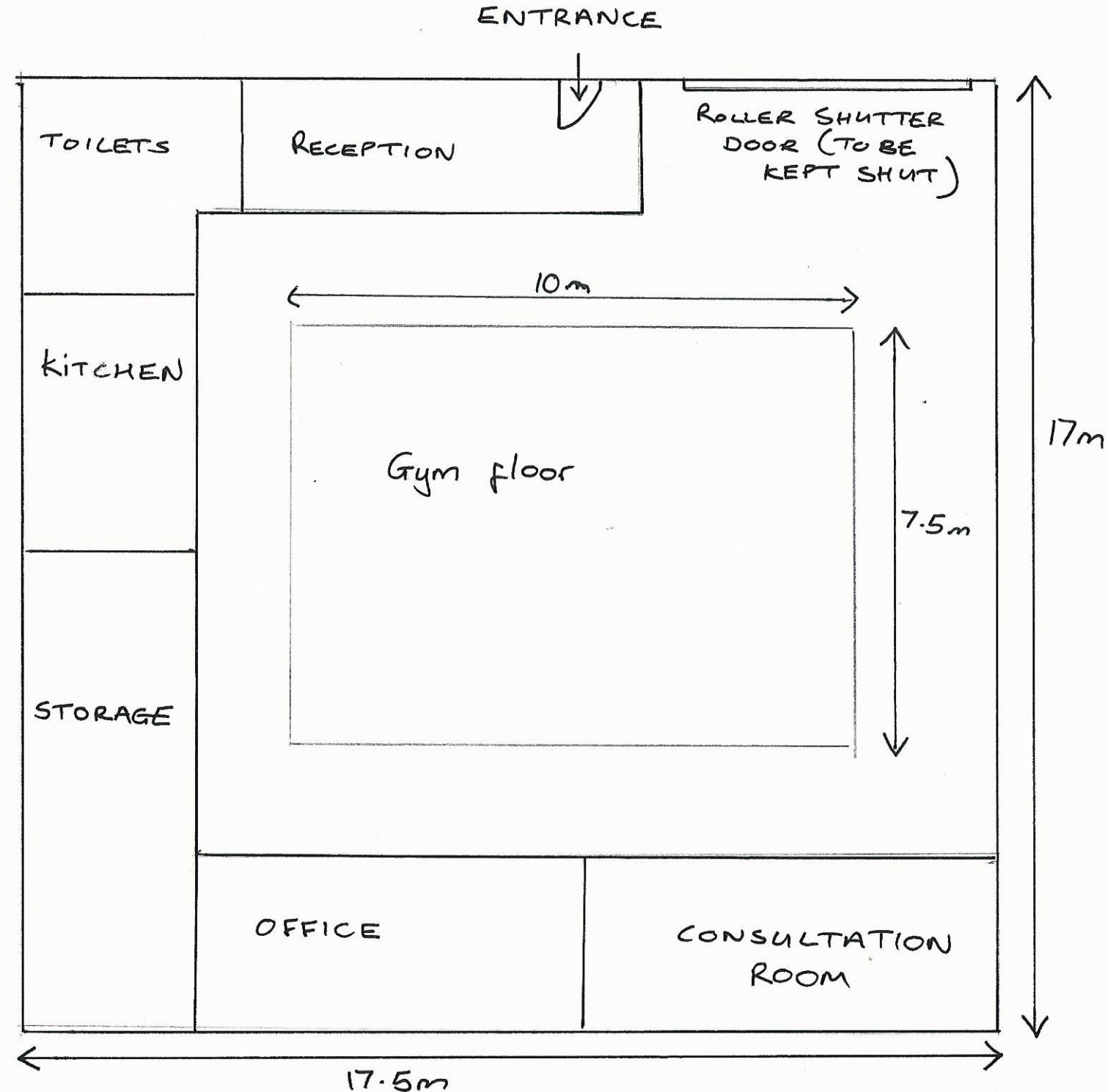
300 Kingfield Road  
Coventry, CV1 4EP

CHANGE OF USE TO FITNESS  
CENTRE

PROPOSED GROUND FLOOR  
LAYOUT

SCALE 1:100 at A4

0 1 2 3 4 5 metres



This page is intentionally left blank

# Agenda Item 8

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	ADV/2020/2765
<b>Site:</b>	377a Green Lane
<b>Ward:</b>	Finham
<b>Proposal:</b>	Display of new fascia board with illuminated signage to the front and non-illuminated signage to the side.
<b>Case Officer:</b>	Darren Henry

## SUMMARY

The application seeks to new signage to the front and side of the premises.

## BACKGROUND

The application site is located within a predominantly residential area within a parade of shops that serve the local area and is opposite Finham Primary School.

The single storey building which is part of the application proposal was granted planning permission by the Planning Committee in September 2014 (Ref. FUL/2014/2223) and again in 2019 (Ref. FUL/2019/1087) for the retention of the single storey building on the site in modified form (separate from 377 which was approved in 2014) and to be used as a standalone hot food takeaway. This extended element, 377a, is now considered as a lawfully separate planning unit

A recent application (Ref. FUL/2020/2738) to change the use of the hot food takeaway to a restaurant was withdrawn on the 11<sup>th</sup> February 2021.

## KEY FACTS

<b>Reason for report to committee:</b>	The land is owned by an Elected Member.
<b>Current use of site:</b>	Existing hot food takeaway
<b>Proposed use of site:</b>	Display of new fascia board with illuminated signage to the front and non-illuminated signage to the side.

## RECOMMENDATION

Planning committee are recommended to grant advertisement consent subject to conditions listed within the report.

## REASON FOR DECISION

- a) The proposal is acceptable in principle.
- b) The proposal will not adversely impact upon highway safety.
- c) The proposal will not adversely impact upon the amenity of neighbours.
- d) Together with the aims of the NPPF, the proposal accords with Coventry Local Plan Policies:

DE1: Ensuring High Quality Design

## APPLICATION PROPOSAL

The applicant proposes to install advertisements, one to the front and one to the side, facing Daleway Road.

*The front signage will have the following dimensions:*

Height from the ground to the base of the advertisement is 2.6 metres.

Height of sign is 0.85 metres.

Width of sign is 6 metres.

Depth is 0.25 metres

Maximum height of any individual letter is 0.65

Size in square metres 5.1 sqm

Maximum illuminance is 600cd/m<sup>2</sup> and will be static

Proposed materials are acrylic/plastic

*The signage to the side will have the following dimensions:*

Height from the ground to the base of the advertisement is 1.6 metres.

Height of sign is 0.90 metres.

Width of sign is 17.9 metres.

Depth is 0.25 metres

Maximum height of any individual letter is 0.21

Size in square metres 5.1 sqm

Proposed materials are acrylic/plastic

## **SITE DESCRIPTION**

The application site was originally part of No. 377 Green Lane but it is now a separate planning unit. The site is located at the end of a small parade of shops and is part of the Green Lane Local Centre. To the frontage is some vehicular parking on street, and the site is located opposite Finham Primary School and near to Finham Park Secondary School. The area is predominantly residential in character.

In addition to the hardstanding immediately to the front of the site, there is a parking lay-by in front of the parade providing 3-4 parking spaces and a further larger parking lay-by on the opposite side of the road, adjacent to Finham Primary School.

## **PLANNING HISTORY**

There have been a number of historic planning applications on this site, as set out below:

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
R/2008/0687	Change of use from retail (Use Class A1) to hot food takeaway (Use Class A5)	Approved, 03/07/2008
S73/2011/0133	Variation of condition 4 imposed on planning permission ref 26448/E granted on 3rd July 2008 for change of use from retail (use class A1) to hot food take away (use class A5) to allow the following hours of operation: 12:00 - 22:30 Monday to Thursday and 12:00 - 23:30 Friday & Saturday and 12:00 -	Approved, 24/03/2011

	22:00 on Sundays (re-submission of S73/2010/1783)	
FUL/2014/2223	Single storey side and rear extension	Approved, 11/09/2014
FUL/2018/3048	Retention of the single storey building and to be used as a hot food takeaway (use class A5) and associated external flue	Withdrawn, 09/04/2019
FUL/2019/1087	Retention of the single storey building to be used as a hot food takeaway (use class A5) and associated external flue	Approved 2019

## POLICY

### National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

### Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policies relating to this application are:

DE1: Ensuring High Quality Design

## CONSULTATION

No Objection received from:

a) Coventry City Council Highways

Without counting duplicated comments, there have been 3 letters of objection raising the following material planning considerations:

- The sign on the side will not be in-keeping with the area.
- The proposed illuminated sign on the side of the building is inappropriate to the residential nature of Daleway Road.

## CONTEXTUAL INFORMATION

### Advertisement Types

There are 3 types of advertisements. Firstly there are many advertisements which are outside any control. Secondly, the Regulations automatically support a second group of advertisements as 'deemed consent' under Part 2. These advertisements do not require the LPA's consent. This is subject to a compliance with specified 'Conditions and Limitations' which include some illuminated signs. Thirdly where such advertisements

cannot be installed as 'deemed consent' these signs will require the 'express consent' of the LPA. This particular application requires express consent.

### **Planning Limitations in Assessing Adverts**

Within Planning, control is limited to the following considerations: Amenity and Public Safety.

#### **Amenity**

This addresses the relationship of the advertisement with the prevailing environment, as referred to by the definitions. The LPA's assessment may include very sensitive environments such as conservation areas, the setting of listed buildings, ancient monuments, Areas of Outstanding Natural Beauty and national parks. It is common for these to coincide with designated Areas of Special Control of advertisements, which preclude the display of some advertisements normally allowed under 'deemed consent'.

#### **Public Safety**

Public safety refers to implications around road, railway, air, transport and crime prevention. Illuminated signs (flashing or static lighting), brightness and colour are identified as key in assessing the structure to maintain public safety

#### **Illuminance**

Illuminance is measured in candelas per square metre. Candelas per square metre is a recognised measure of brightness. It measures the amount of light emitted in a given direction for a given unit area of the surface of the sign. Amongst other things the brightness of a sign is dependent on the luminance, its size, contrast and the observer. Overly bright signage should be resisted if it harms amenity or safety. This is usually a consequence of light spill, light pollution, glare etc. Halo lighting can be used to effectively reduce the extent of illumination by limiting the brightness to the lettering or logo rather than the whole sign.

#### **Principle of development**

The shop is within Green Lane Local Centre within a parade of shops where it is acceptable to have illuminated fascia signage. Therefore, the principle of the proposal is considered acceptable, unless material considerations prove otherwise.

#### **APPRAISAL**

Paragraph 132 of the NPPF states the "*The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts*".

Policy DE1 of the CLP states that "*All development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area*".

#### **Impact on Amenity**

The application site is located within an area which is predominantly residential within the Green Lane Local Centre. The parade of shops all include advertisements, including

illuminated fascia. As such, business advertisements are part of the characteristic of the area of the local centre.

The proposed front fascia signage is fairly modest in size and will be limited to maximum illuminance levels of 600cd/m<sup>2</sup>. This is considered acceptable in a local centre in a suburban area and is in accordance with the Institution of Lighting Professionals Guidance on illumination levels.

However, with regards to the signage to the side facing Daleway Road the original proposal was for this to also be illuminated. However, it was considered that any illumination to the side elevation is not acceptable as it would have significant adverse impact to the amenity of the occupants directly facing the signage. Consequently, the applicant has submitted amendments for non-illuminated signage to the side, which is considered acceptable in a residential area, regardless of the application site being in a local centre.

### **Highway Safety**

Coventry City Council Highways Officers have been consulted and consider that the impacts of the development are not severe therefore have no objection to the current proposal provided light levels do not exceed the Institute of Lighting Professionals guidance.

### **Equality Implications**

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

### **Conclusion**

The proposed signage is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity or highway safety. Together with the aims of the NPPF, the reason for Coventry City Council granting planning permission is

because the development is in accordance with the following Coventry Local Plan 2016 Policy: DE1: Ensuring High Quality Design.

## **REASONS:\CONDITIONS**

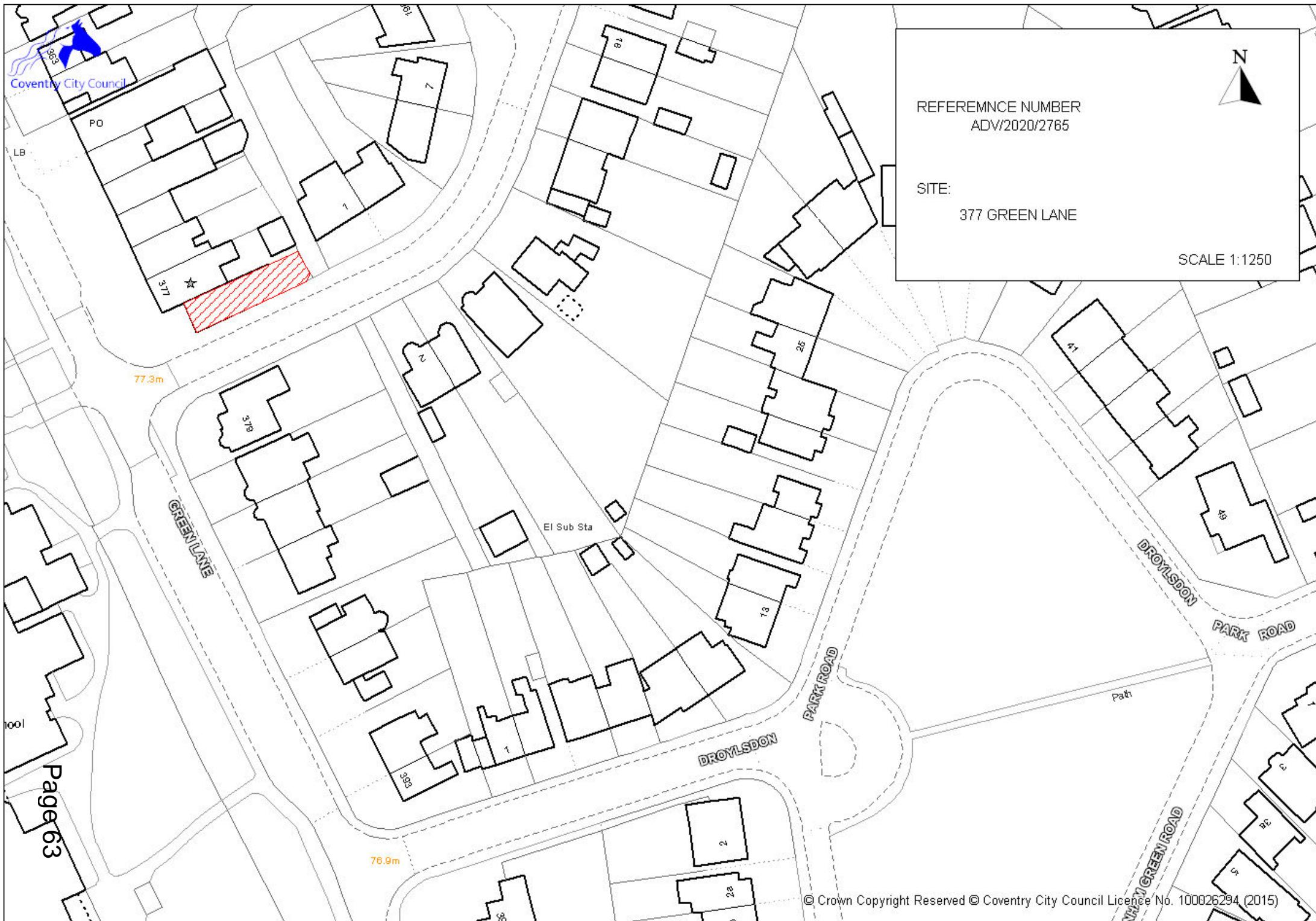
1. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Plans 01; Existing Elevations 02; Proposed Ground Floor Plans 03; Proposed Elevations 04.

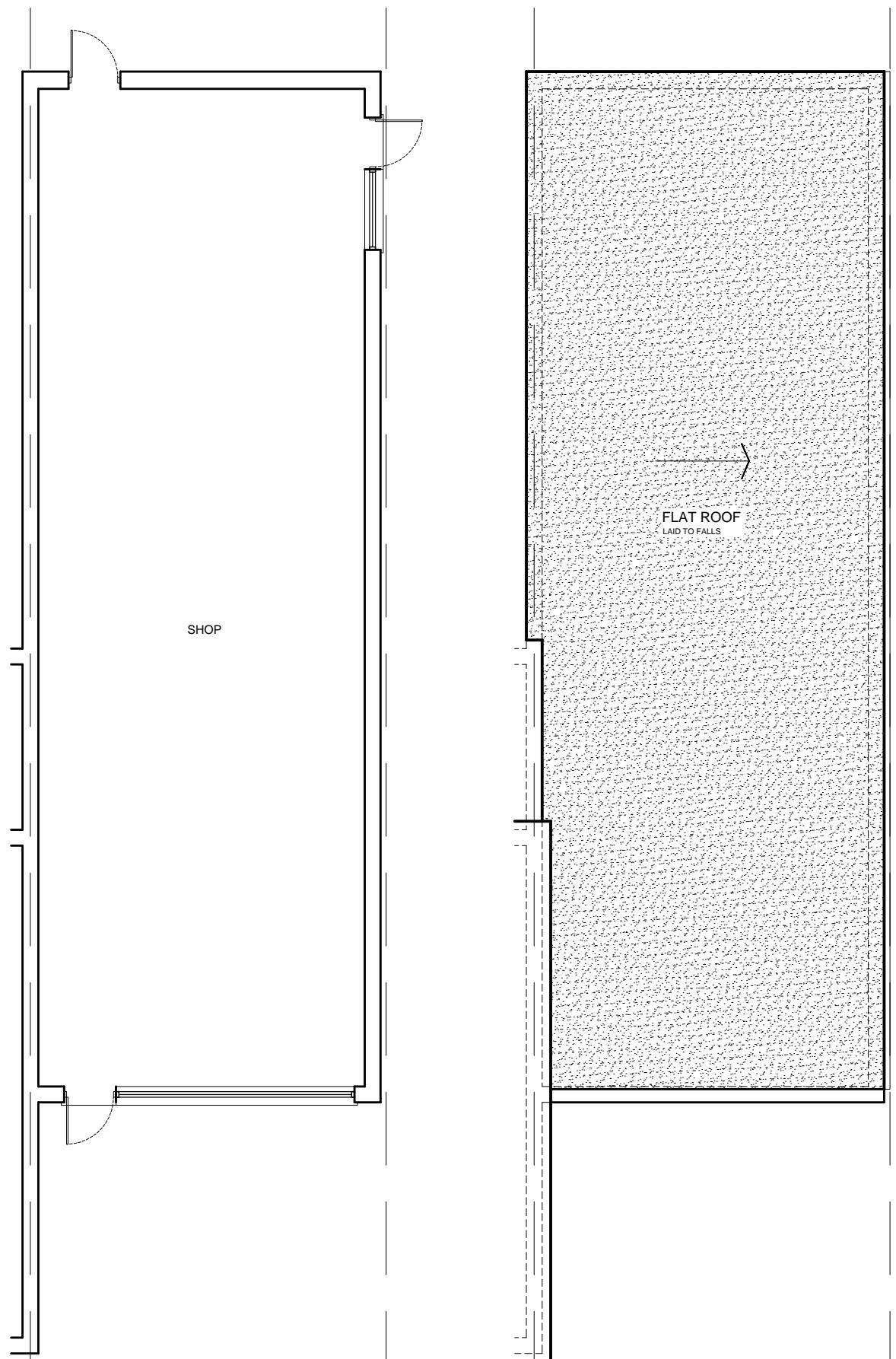
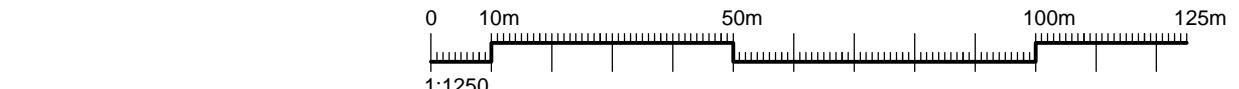
**Reasons:** *For the avoidance of doubt and in the interests of proper planning.*

2. With regards to its size and location, the intensity of illumination emitted from the fascia sign to the front elevation shall not exceed the maximum illumination of 600cd/m<sup>2</sup> as outlined within the Institution of Lighting Engineers Technical Report No.5 (Third Edition - 2001) and shall not be illuminated by intermittent or flashing lighting.

No illuminated signage shall be allowed to the side elevation fronting Daleway Road.

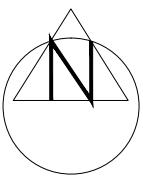
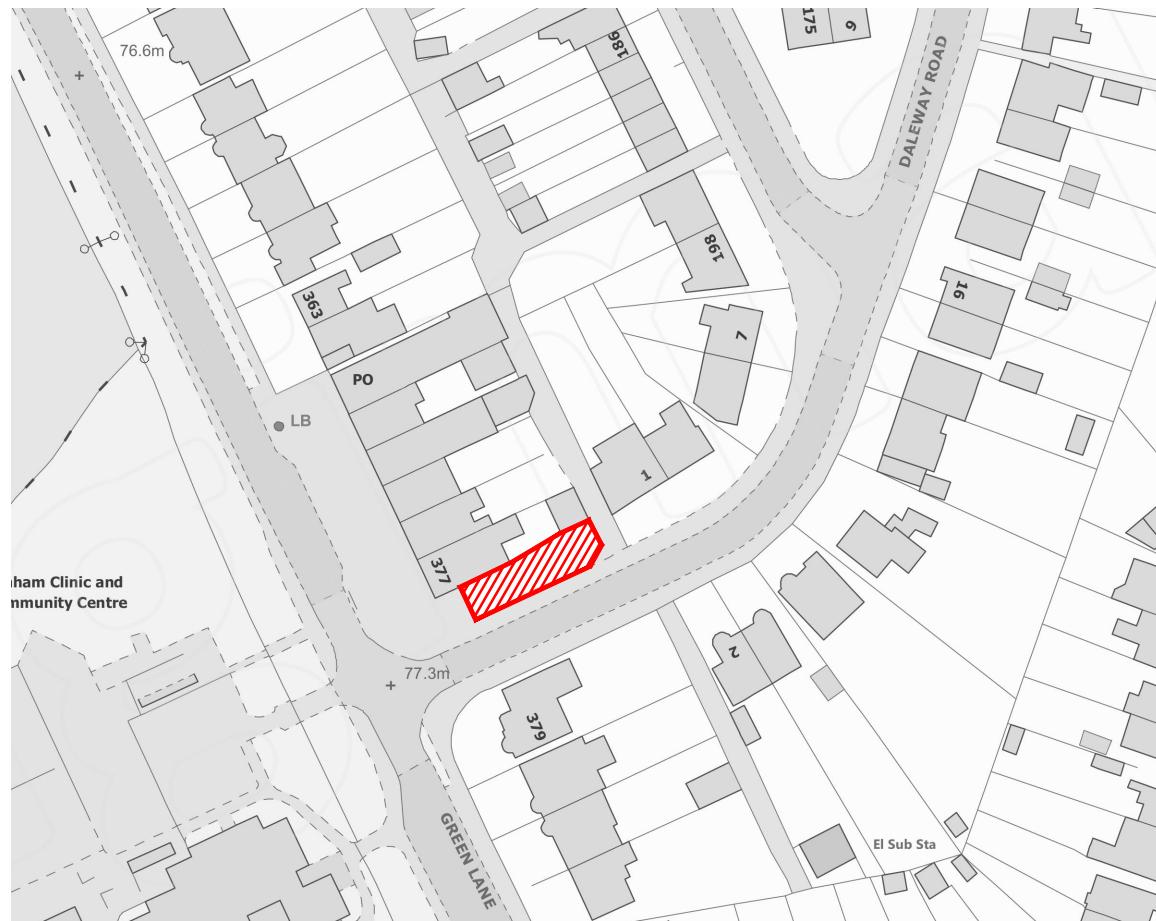
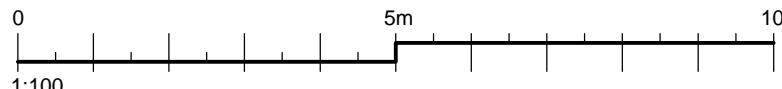
**Reasons:** *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policy DE1 of the Coventry Local Plan 2016.*



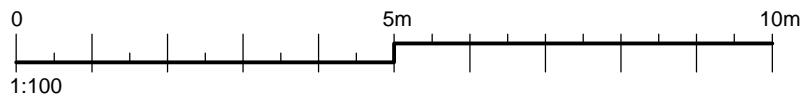


EXISTING GROUND FLOOR PLAN

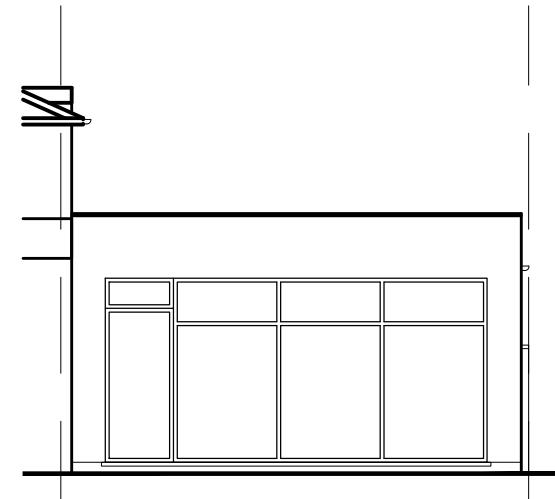
EXISTING ROOF PLAN



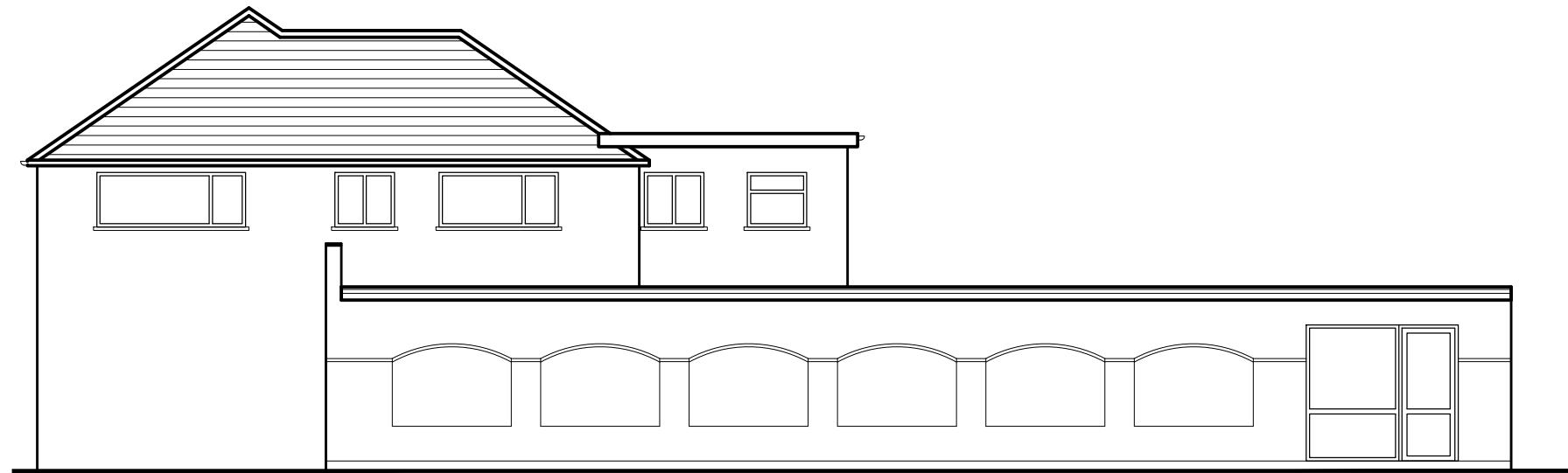
rev.	description	date	chkd.
	14 Leechcroft Avenue Sidcup Kent DA15 8RS 020 3004 9238 07931 931 035 s.nagpal@dapconsultants.co.uk www.dapconsultants.co.uk		
<b>project :</b> 377B Green Lane Coventry			
<b>drawing title :</b>			
<b>Existing Plans</b>			
<b>drawn:</b> SN <b>chkd:</b> SS <b>date:</b> 21.10.2020			
<b>status:</b> Planning <b>scale:</b> 1:100@A3			
<b>proj no:</b> 1316 <b>drg no:</b> 01 <b>rev no:</b>			



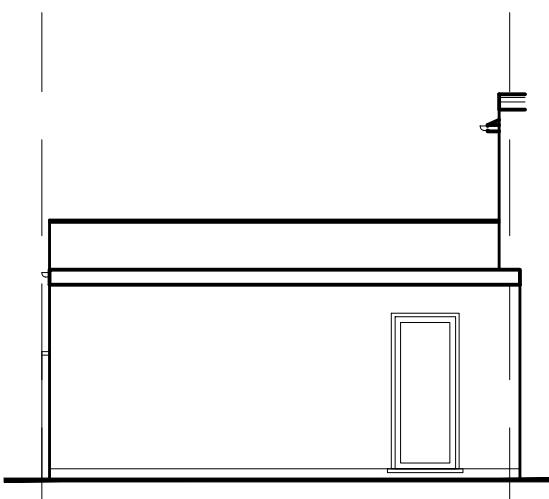
The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. Dimensions are not to be scaled from this drawing.



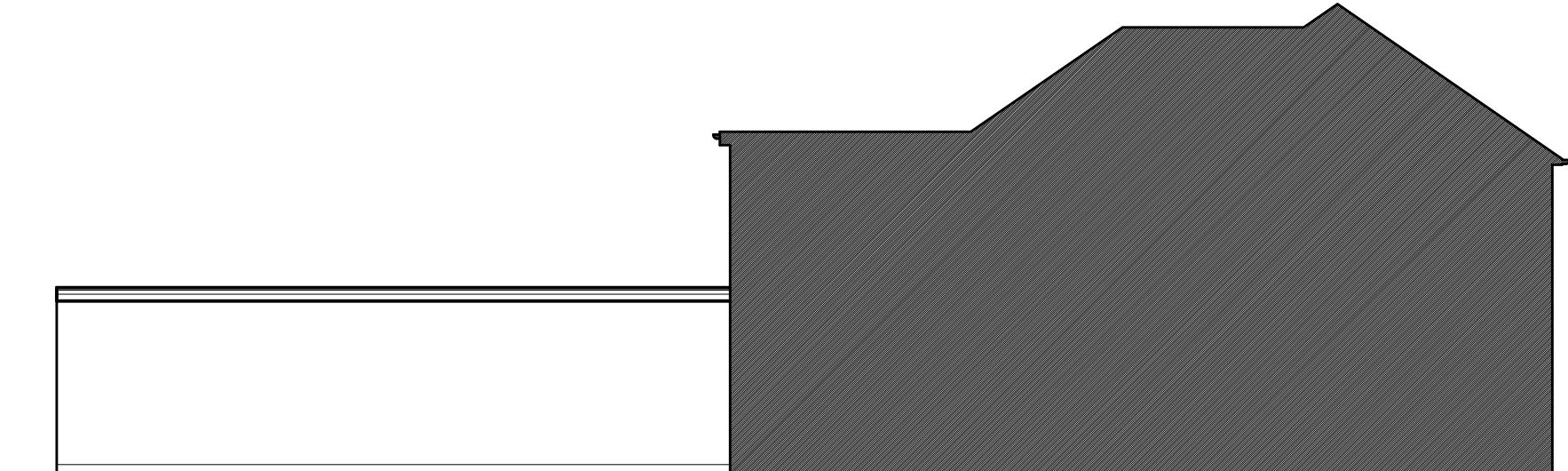
EXISTING FRONT ELEVATION



EXISTING SIDE ELEVATION



EXISTING REAR ELEVATION



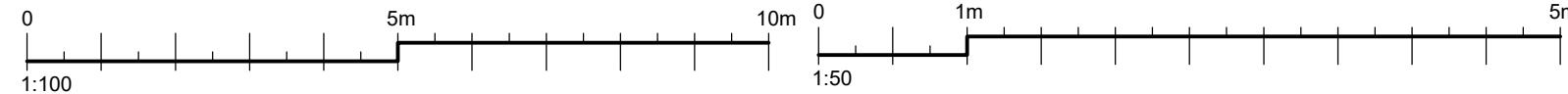
EXISTING REAR ELEVATION

rev.	description	date	chkd.
	14 Leechcroft Avenue Sidcup Kent DA15 8RS 020 3004 9238 07931 931 035 s.nagpal@dapconsultants.co.uk www.dapconsultants.co.uk		

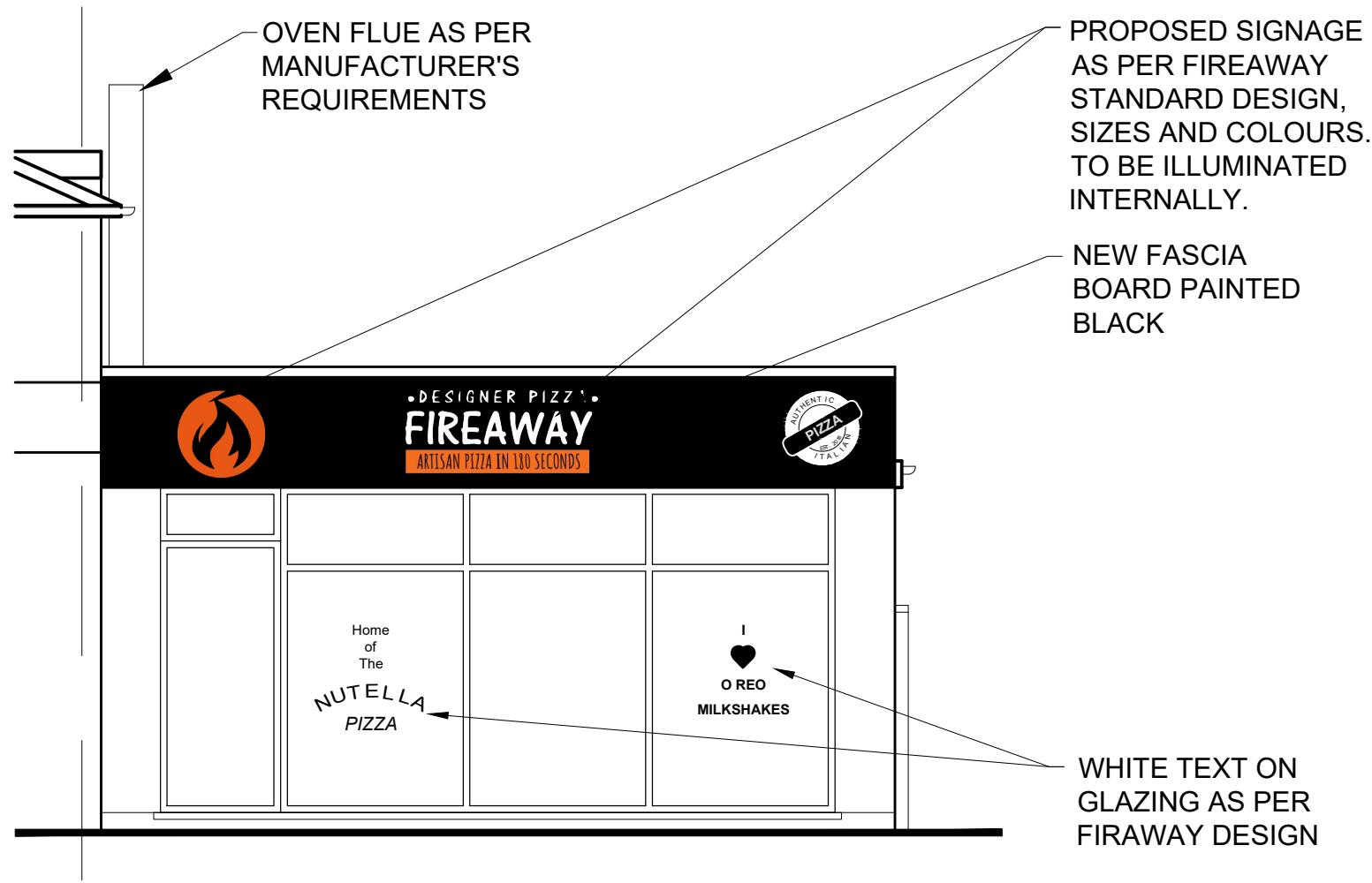
project : 377B Green Lane  
Coventry

drawing title : Existing Elevations

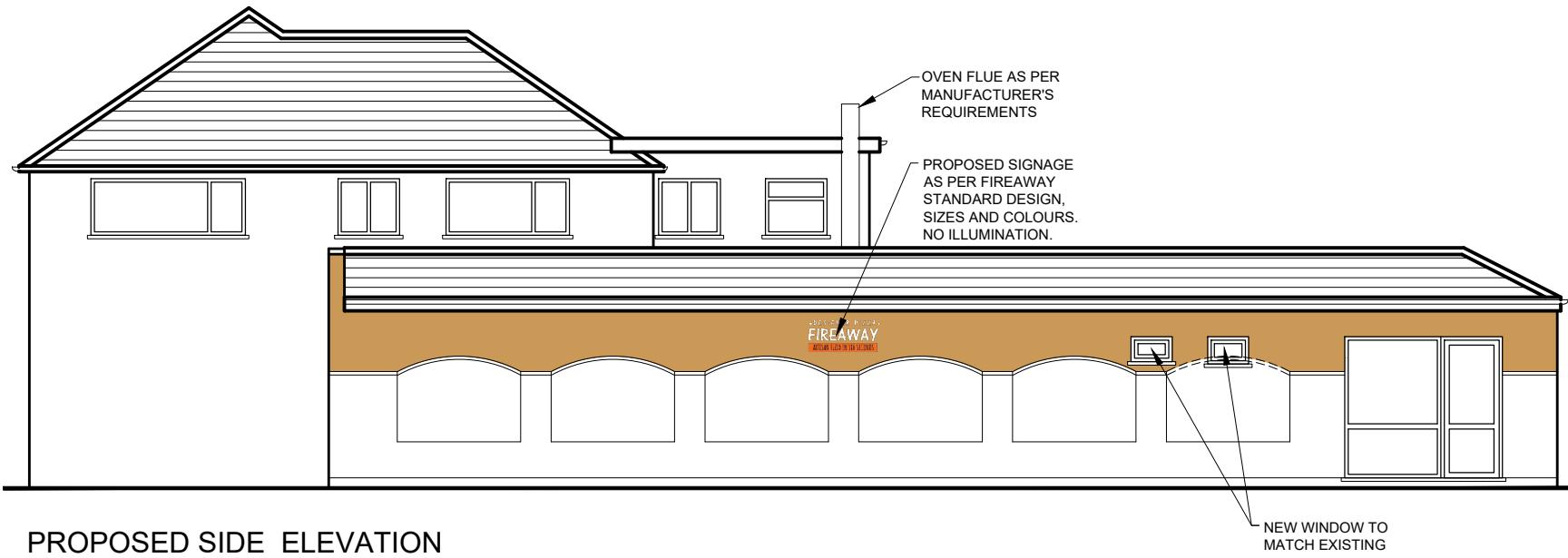
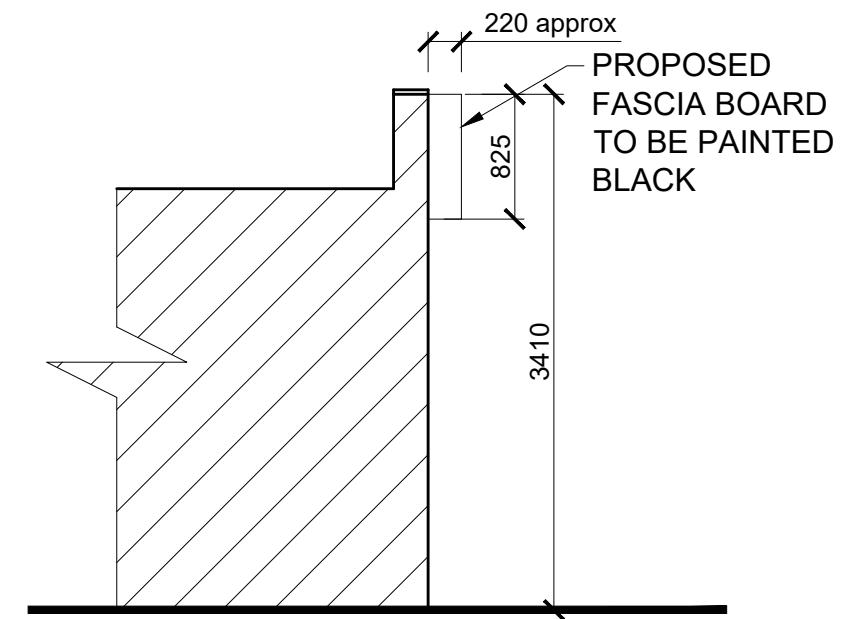
drawn:	SN	chkd:	SS	date:	21.10.2020
status:	<b>Planning</b>				
proj no:	1316	drg no:	02	rev no:	



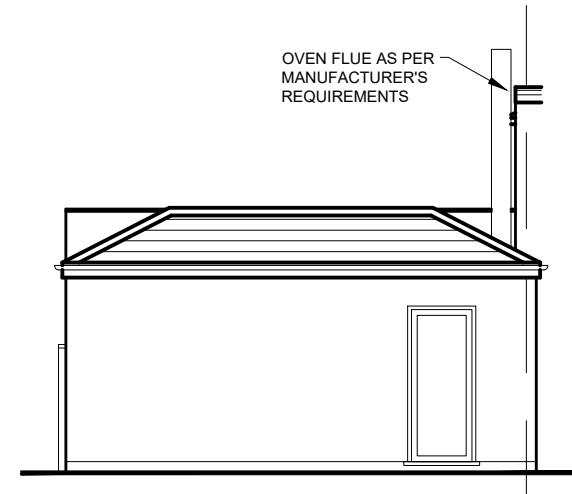
The Contractor is to check all dimensions on site and report any discrepancies to the Contract Administrator. This drawing is to be read in conjunction with all other standard documentation. Dimensions are not to be scaled from this drawing.



PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION

rev.	description	date	chkd.
	14 Leechcroft Avenue Sidcup Kent DA15 8RS 020 3004 9238 07931 931 035 s.nagpal@dapconsultants.co.uk www.dapconsultants.co.uk		
<b>DAP</b> <b>Design And Plan</b> CONSULTANTS			
project : 377B Green Lane Coventry			
drawing title : Proposed Elevations			
drawn:	SN	chkd:	SS
date:	23.12.2020		
status:	Planning	scale:	1:50@A3
proj no:	1316	drg no:	04
rev no:	B		

## Late Representations Planning Committee 8 April 2021

Item No. 6	<p><b>Application No. - FUL/2020/3127</b></p> <p>Description of Development - Proposed change of use of existing student accommodation (<i>sui generis</i>) to supported housing for homeless persons (<i>sui generis</i>), with no physical internal or external alterations to existing building.</p> <p><b>Site Address</b> - 6-7 Spencer Road</p> <p><b>Introduction</b> Further neighbour comments have been received.</p> <p><b>Consultation</b> A further objection has been received raising the following issues:-</p> <ul style="list-style-type: none"><li>• This type of accommodation will undoubtably and as proved and witnessed with the Hylands Hotel arrangements, attract drinking and drug taking.</li><li>• It is not an 'if anti-social behaviour will happen' as it is already occurring with the Hylands Hotel and the police seem uninterested or unable to respond.</li><li>• By converting the property into homeless accommodation, it will substantially change the nature of what is a stable, family-orientated mainly residential community within Earlsdon.</li><li>• There will inevitably be a significant increase in noise level, both day and night.</li></ul> <p>A further letter of support has been received with the following summarised comments:</p> <ul style="list-style-type: none"><li>• People should have the freedom to live in any area, regardless of their status.</li><li>• How does one know the character of anyone living next to any school?</li><li>• Trust should be placed in those who will manage the property.</li><li>• For several years 2 Davenport Road was used to house homeless people with mental health problems. It was well managed and there were no problems.</li><li>• Nor have they experienced any problems from the Hylands Hotel, which also houses homeless people.</li><li>• There is a lack of suitable supported housing for those facing homelessness in the city. This site is ideally situated for such accommodation thanks to its safety, good public transport links and proximity to key services and open public spaces.</li><li>• It is pleasing to see Coventry council provide support and housing solutions for vulnerable communities and the homeless.</li><li>• Homelessness is a severe problem and people need to be housed and supported in their attempts to turn their lives around.</li><li>• There is no reason why homeless people should not be equally housed in pleasant surrounding as students are.</li></ul>
------------	---

	<ul style="list-style-type: none"> <li>The proposal makes excellent use of an existing property, retaining its character whilst ensuring accommodation for vulnerable people.</li> <li>As a student about to graduate it is reasonable to say that an unmonitored household of 21 university students will have been considerably more disruptive, with the property neglected and left to ruin. More so than a proposal for the homeless.</li> </ul>
Item No. 8	<p><b>Application No. - ADV/2020/2765</b></p> <p>Description of Development - Display of new fascia board with illuminated signage.</p> <p><b>Site Address -</b> 377 Green Lane</p> <p><b>Introduction</b> Amended plans have now been received to show a pitched roof in accordance with the previously approved permission. The drawings condition has been updated to reflect this revision.</p> <p><b>Additional/Amended Conditions</b> Drawings condition amended to include Proposed Elevations 04 REV C and 05 REV C</p>



This page is intentionally left blank