



### **Cabinet Member for Jobs, Regeneration and Climate Change**

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#### **Time and Date**

3.00 pm on Monday, 13 May, 2024

#### **Place**

Committee Room 3 - Council House, Coventry

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#### **Public Business**

1. **Apologies**

2. **Declarations of Interest**

3. **Minutes** (Pages 3 - 6)

- a) To agree the Minutes of the meeting held on 12 March, 2024
- b) Any matters arising

4. **Exclusion of the Press and Public**

To consider whether to exclude the press and public for the item of private business for the reasons shown in the report.

5. **Progress House, Westwood Way Westwood Business Park Coventry - Lease Re-gear** (Pages 7 - 28)

Report of the Director of Property Services and Development

**NOTE:** In accordance with the Constitution, Councillor N Akhtar, Chair of the Scrutiny Co-ordination Committee, has been invited to attend the meeting for this item of business and the corresponding private report detailed in agenda item 8 below to agree the grounds for urgency such that call-in arrangements will not apply. The reason for urgency is that that, in order to meet the construction programme and complete the new development for the occupation by students before commencement of the academic year in September 2026, the legal agreement and commitment is required to be completed by the 20<sup>th</sup> May 2024. If this timescale is not achieved, then a delay of a further 12 months would be incurred, which would mean that the improved income for the Council is also delayed by a year.

6. **Outstanding Issues**

There are no outstanding issues.

7. **Any other items of public business which the Cabinet Member decides to take as matters of urgency because of the special circumstances involved.**

**Private Business**

8. **Progress House, Westwood Way Westwood Business Park Coventry - Lease Re- gear (Pages 29 - 50)**

Report of the Director of Property Services and Development

(Listing officer: P Beesley, e mail: [paul.beesley@coventry.gov.uk](mailto:paul.beesley@coventry.gov.uk))

9. **Any other items of private business which the Cabinet Member decides to take as matters of urgency because of the special circumstances involved.**

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

2 May, 2024

Note: The person to contact about the agenda and documents for this meeting is Suzanne Bennett, Governance Services, Email [Suzanne.bennett@coventry.gov.uk](mailto:Suzanne.bennett@coventry.gov.uk)

Membership: Cabinet Member for Jobs, Regeneration and Climate Change - Councillor J O'Boyle

**Public Access**

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**Suzanne Bennett, Governance Services, Email  
[Suzanne.bennett@coventry.gov.uk](mailto:Suzanne.bennett@coventry.gov.uk)**

**Coventry City Council**  
**Minutes of the Meeting of Cabinet Member for Jobs, Regeneration and Climate**  
**Change held at 12.00 pm on Tuesday, 12 March 2024**

Present:

Members: Councillor J O'Boyle (Cabinet Member)

Other Members: Councillor R Simpson (Shadow Cabinet Member)

Others Present: C Crane – Chief Executive, Coventry Chamber of Commerce (for Minute 22 below)

P Michael – Chair, Destination Coventry Board (for Minute 22 below)

Employees (by Service Area):

Law and Governance S Bennett, E Kirby, N Kapoor

Regeneration and Economy D Nuttall

## **Public Business**

### **20. Declarations of Interest**

There were no disclosable pecuniary interests.

### **21. Minutes**

The Minutes of the meeting held on 20 December, 2023 were agreed as a true record.

There were no matters arising.

### **22. Destination Coventry - Proof of Concept**

Further to Minute 9/21, the Cabinet Member considered a report of the Director of Regeneration and Economy which indicated that, in July 2021, approval was given for a collaboration between Coventry City Council and Coventry and Warwickshire Chamber of Commerce, to deliver a pilot Destination Management Organisation (DMO) for the City. A DMO is the umbrella term for arrangements established in a place to support co-ordination and collaboration across the tourism sector's many stakeholders.

The new pilot DMO, named Destination Coventry, was publicly launched in December 2021 as a proof-of-concept to test the long-term viability of a public and private sector funded entity to promote Coventry as a destination of distinction for both leisure and business tourism. The report outlined in detail the outputs and impact of Destination Coventry that have been achieved during the proof-of-

concept period, alongside consideration of the context and opportunities presented by recent changes to national and regional destination management structures.

The report sought the necessary approvals to extend the pilot period, in order to facilitate detailed exploration with the Destination Coventry Oversight Board and the Coventry and Warwickshire Chamber of Commerce of the next steps to establish a permanent public and private sector funded destination management operating model for the City.

Corin Crane, Chief Executive, Coventry Chamber of Commerce and Paul Michael Chair, Destination Coventry Board both attended the meeting for consideration of this item.

**RESOLVED that the Cabinet Member for Jobs, Regeneration and Climate Change:-**

- 1. Notes the outputs and impact of Destination Coventry that have been achieved during the proof-of-concept covering the period from 1 August 2021 up to March 2024.**
- 2. Notes the successes achieved by Destination Coventry in the delivery of the aims set out in the Destination Coventry Business Plan to March 2024 set out in paragraphs 1.5-1.12 of this report.**
- 3. Approves an extension of the Destination Coventry hosting arrangement with the Coventry and Warwickshire Chamber of Commerce to 31 March 2025, in order to facilitate detailed exploration with the Coventry and Warwickshire Chamber of Commerce for a permanent public / private funded destination management operating model for the city.**
- 4. Approves revenue funding totalling £332k for the period 1 April 2024 to 31 March 2025, funded from existing approved Council resources to be utilised towards the delivery of the destination management and tourism aims associated with the proof-of-concept set out in this report.**
- 5. Notes that the financial contribution to the collaboration will include payment for Council staff in relevant service areas which have been seconded to Coventry & Warwickshire Chamber of Commerce until the end of the agreement.**
- 6. Delegates authority to the Director of Regeneration and Economy, following consultation with the Director of Law & Governance, and the Director of Finance and Resources to negotiate and undertake all associated and ancillary actions (including the authority to finalise such legal documents) as are necessary to give full effect to the recommendations set out in this report.**

23. **Outstanding Issues**

There were no outstanding issues.

24. **Any Other Items of Urgent Public Business**

There were no items of urgent public business.

(Meeting closed at 12.30pm)

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**A separate report is submitted in the private part of the agenda in respect of this item, as it contains information required to be kept private in accordance with Schedule 12A of the Local Government Act 1972 as amended. The grounds for privacy are that it contains information relating to the financial and business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption under Schedule 12A outweighs the public interest in disclosing the information**

Cabinet Member for Jobs, Regeneration and Climate Change

13 May, 2024

**Name of Cabinet Member:**

**Cabinet Member for Jobs, Regeneration and Climate Change - Councillor J O'Boyle**

**Director Approving Submission of the report:**

Director of Property Services and Development

**Ward(s) affected:**

Westwood

**Title:**

**Progress House, Westwood Way Westwood Business Park Coventry – Lease Regear.**

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**Executive Summary:**

This report brings commercial terms to the Cabinet Member for consideration, requesting approval to the surrender of the current lease on Progress House and to the regrant of a new lease. This would enable the demolition of the existing building to be replaced with purpose built student accommodation and ancillary commercial accommodation.

Regeneration across the City continues to be a key priority of the Council. Westwood Business Park and its continued success as an evolving commercial asset for the Council, enabling economic opportunities for the City and delivering significant financial returns to support the delivery of services to the people of Coventry is strategically important.

Purpose built student accommodation supports the University of Warwick as a leading place of learning and research in the UK, providing businesses an opportunity to recruit its future skilled workforce and strengthen the wider City's economy.

A paper and an e petition, bearing a total of 405 signatures seeking assurances that the Council, acting as landowner, would not allow the demolition of Progress House "until a planning application for reasonable restoration of the site has been approved" was received.

At the time of the receipt of the petition, a planning application, seeking approval to redevelop the site for student housing, had been refused by the Planning Committee. The applicants had appealed the decision and were awaiting a determination by the Planning Inspectorate. This appeal decision, dated 8<sup>th</sup> March 2024, has been subsequently allowed, and grants planning for the demolition of the existing office building and erection of new building comprising student accommodation and commercial, business and service accommodation.

**Recommendations:**

The Cabinet Member for Jobs, Regeneration and Climate Change is recommended to:

1. Note the petition requesting that the Council does not allow the demolition of the building known as Progress House “until a planning application for reasonable restoration of the site has been approved”.
2. Accept the surrender of the existing lease across the former Progress House site at Westwood Business Park and grant a new 150 year lease to Barnwell Gate Limited or their nominated investment fund or investor, to facilitate the development of up to 544 bed Purpose Built Student Accommodation with a minimum initial ground rent as outlined in the private version of this report.
3. Delegate authority to the Director of Property Services and Development, following consultation with the Director of Finance and Resources and the Director of Law and Governance, to negotiate and finalise the terms of the grant of the new lease, to undertake the necessary due diligence and complete all necessary legal documentation to facilitate the completion of the transaction.
4. Delegate authority to the Director of Property Services and Development, following consultation with the Cabinet Members for Jobs, Regeneration and Climate Change and the Cabinet Member for Strategic Finance and Resources, for any subsequent variation in terms.

**List of Appendices included:**

Appendix 1 - : Site plan .

Appendix 2 - The Planning Inspectorate Appeal Decision

**Other useful background papers:**

**No**

**Has it been or will it be considered by Scrutiny?**

**No**

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

**No**

**Will this report go to Council?**

**No**



**1. Context (or background)**

- 1.1 The subject property, built as office accommodation in the 1990's, is located on the southern side of the main atrial road through the estate, Westwood Way. It has been occupied by the RAS Examinations Boards since its construction however the organisation has decided to relocate to more modern and efficient office accommodation in Coventry's city centre.
- 1.2 The lease on the site, which extends to approximately 2.47 acres ( 1 Ha) was granted for a term of 125 years from 8<sup>th</sup> May 1990 expiring on the 7<sup>th</sup> May 2115. A capital premium payment was received by the Council when granting the original lease hence the current rent passing is a peppercorn. The lease currently restricts the use to that of offices.
- 1.3 Barnwell Gate Limited (guaranteed by their parent company Gilltown Limited), acting as the developer for the scheme, are proposing to construct a purpose built student housing development of up to 544 beds with some ground floor commercial retail.
- 1.4 They are seeking a new 150 year lease which allows the proposed development.
- 1.5 Barnwell Gate intend to forward sell the completed development to an investor of investment fund. As such the Council may be asked to grant the lease in the name of the fund or investor.
- 1.6 The Council has been professionally advised by independent property consultants Avison Young in the commercial negotiations around the terms of the new lease to ensure 'best consideration' is obtained.
- 1.7 The Business Park has already seen other sites on the estate redeveloped for high quality student housing and the advice provided by Avison Young is that due to the changing nature of the way offices are occupied, the demand for older second-hand space is low and does not show signs of improvement. Therefore finding suitable alternative uses for the land which supports the continued growth and improved experience of students attending the University of Warwick will play a part in the future economic and economy of Coventry.

Detail of the formal planning appeal decision is attached as Appendix 2

**Petition**

- 1.8 An e petition and paper petition bearing a total of 405 signatures , requested that the Council, acting as landowner, did not allow the demolition of Progress House to take place until a planning application for reasonable restoration of the site had been approved.
- 1.9 Council officers met representatives of the petitioners, including the petition sponsor, Councillor M Lapsa and confirmed the Councils position that, under the terms of the lease the Council had written to the tenant advising that they would not give approval to the demolition of buildings on the site prior to a planning consent having been obtained.

- 1.10 In light of the fact that planning permission has now been granted as the result of the appeal to the Planning Inspectorate, it is recommended that the petition be noted.

## **2. Options considered and Recommended Proposal**

### **Option 1 – Proceed with the grant of a new lease (Recommended)**

- 2.1 To accept the surrender of the existing lease with RSA Examination Board (current leaseholder) and grant a new 150 year lease to Barnwell Gate Limited or their nominated investment fund or investor (new leaseholder)
- 2.2 The lease to be granted on the basis of a new annual ground rent. The initial rent and terms of the lease are outlined in the private version of this report.

### **Option - 2 Not to proceed with the redevelopment**

- 2.3 To not accept the surrender and regrant of a new lease will mean that the current property owners will have to review their move and or continue to try and let the vacant offices
- 2.4 During this period the Council would not benefit from any improvement to its income from the site.
- 2.5 It is anticipated that due to the limited demand for second hand offices, the leaseholder would need to seek other alternative uses and would need to come back to the Council as landowner

## **3. Results of consultation undertaken**

No public consultation has been undertaken

## **4. Timetable for implementing this decision**

- 4.1 Subject to the approval of the recommendations contained in this report, it is advised that the lease agreements are in a form which can be completed and would be ready for signature within 4 weeks. The agreement for lease would be conditional on securing planning consent and entering into the building contract for the delivery of the works.
- 4.2 Having secure planning consent the developer is seeking to commence development as soon as possible to try and deliver the development to be ready for students to occupy the building at the start of the 2026 academic year. To achieve this, the developer is looking to complete agreements by the 20<sup>th</sup> May, 2024. If this timescale is not achieved, then a delay of a further 12 months would be incurred which would mean that the improved income for the Council is also delayed by a year. In light of the timescale, the Chair of the Scrutiny Co-ordination Committee, Councillor N Akhtar, has been invited to attend the meeting to agree the grounds of urgency such that call-in will not apply to this decision.

## **5. Comments from the Director of Finance and Resources and the Director of Law and Governance**

### **5.1 Financial implications**

- 5.1.1 The proposal will see a positive improvement the current ground rent income from the land increase from a peppercorn to a commercial ground rent.
- 5.1.2 There is an interim rent to be charged during the construction phase which again improves the Council financial position by granting the new lease.
- 5.1.3 Financial due diligence on the named party seeking to take the new lease will be undertaken to ensure that they have the financial ability to complete the development.

### **5.2 Legal implications**

- 5.2.1 The proposed lease includes the standard clause in a long lease which protects the Council interest. Specifically, the rent would become payable even if the development hasn't been completed after 24 months from entering the agreement. This incentivises the developer to complete the development granting the new lease. This helps to ensure that the developer doesn't get value in a new longer lease and then not deliver the changes proposed.
- 5.2.2 Section 123 (2) of the Local Government Act 1972 enables the Council to dispose of land or property for the best consideration reasonably obtainable. An independent valuation has been obtained which supports this transaction as meeting it legal duty.
- 5.2.3 Acting on the recommendations is within the Councils powers as set out in the above statutory provisions.

## **6. Other implications**

### **6.1 How will this contribute to achievement of the One Coventry Plan?**

Facilitating the redevelopment of the property will support the economic development of the City but also provide additional long term revenue which can be allocated to support the delivery of Council services into the future.

### **6.2 How is risk being managed?**

The risks around the delivery of the development are mitigated with the developer already having secured planning consent for the scheme. In addition, with the rent commencing within 24 months of the commencement of the lease this incentivises the developer to complete the scheme.

### **6.3 What is the impact on the organisation?**

The impact to the organisation is limited to the reduction of commercial income generated by the land into the future.

## **6.4 Equality Impact Assessment (EIA)**

6.4.1 An Equality Impact Assessment has not been undertaken as the proposal concerns the disposal of land for redevelopment and no Council service or group will be impacted.

6.4.2 An equality impact assessment is a process designed to ensure that a policy project or service does not discriminate against any disadvantaged or vulnerable people. Section 149 of the Equality Act 2010 imposes an obligation on Local Authorities to carry out an equality impact assessment when the local authority is exercising a public function.

## **6.5 Implications for (or impact on) climate change and the environment**

The newly completed development will deliver an environmentally more efficient building helping the city de carbonise by reducing its energy consumption.

## **6.6 Implications for partner organisations?**

There are no implications for any partner organisations.

**Report author(s):**

**Name and job title:**

**Paul Beesley, Head of Property Development, Disposal & Acquisitions**

**Directorate:**

**Place Directorate**

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Enquiries should be directed to the above person(s).

<b>Contributor/approver name</b>	<b>Title</b>	<b>Service Area</b>	<b>Date doc sent out</b>	<b>Date response received or approved</b>
<b>Contributors:</b>				
Suzanne Bennett	Governance Services Co-ordinator	Law and Governance	29 <sup>th</sup> April 2024	29 <sup>th</sup> April 2024
<b>Names of approvers for submission: (officers and members)</b>				
Finance: Helen Williamson	Finance Manager	Finance	29 <sup>th</sup> April 2024	29 <sup>th</sup> April 2024
Legal: Emma Kirby	Major Projects Lead Lawyer	Law and Governance	29 <sup>th</sup> April 2024	29 <sup>th</sup> April 2024
Director: Richard Moon	Director of Property Services and Development	Property Services and Development	29 <sup>th</sup> April 2024	29 <sup>th</sup> April 2024
Members: Cllr J O'Boyle	Cabinet Member for Jobs, Regeneration and Climate Change		29 <sup>th</sup> April 2024	2nd May 2024

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# Appeal Decision

Site visit made on 6 February 2024

**by Benjamin Clarke BA (Hons.) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 March 2024**

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## 1 Appeal Ref: APP/U4610/W/23/3328984

### Progress House, Westwood Way, Coventry CV4 8JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Gilltown Limited against the decision of Coventry City Council.
  - The application Ref is PL/2023/0000654/FULM, dated 29 March 2023, was refused by notice dated 21 July 2023.
  - The development proposed is the demolition of existing office building and erection of new building comprising student accommodation (Use Class Sui Generis) and commercial, business and service accommodation (Use Class E), amenity spaces, car parking, landscaping and associated works.
- 

## 2 Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing office building and erection of new building comprising student accommodation (Use Class Sui Generis) and commercial, business and service accommodation (Use Class E), amenity spaces, car parking, landscaping and associated works at Progress House, Westwood Way, Coventry CV4 8JQ in accordance with the terms of the application, Ref PL/2023/0000654/FULM, dated 29 March 2023, and subject to the attached schedule of conditions.

## 3 Main Issues

2. The main issues relevant to this appeal are:
  - the effect of the proposed development upon the character and appearance of the area; and
  - the effect of the proposed development upon the living conditions of the occupiers of neighbouring residential properties, with particular reference to outlook.

## 4 Reasons

### *Character and appearance*

3. The existing building within the appeal site, as well as the immediately neighbouring commercial properties, currently feature relatively limited heights, when compared to other buildings in the commercial area. Although building designs differ, a unifying trend is the presence of pitched roofs. There is a thick band of trees, which contains a footpath, beyond the rear boundary of the site. These factors, when combined, give the area a unified and verdant character.

4. The proposed development, at its highest point, would be of six storeys and is described as 20m in the Council's Statement of Case. Although the sixth storey would be recessed, the degree of setback is relatively small. Whilst the sixth storey would not occupy all of the building's footprint, a large proportion of the remainder of the building would be five storeys. This is a height significantly greater than several of the neighbouring buildings. Therefore, the side elevations of the proposed development would be readily perceptible. Given that the proposed development would have a large footprint, a long front elevation with little variety in height and a flat-roof design, the building would have a substantial bulk and mass.
5. These elements would give the proposed development a monolithic appearance. The proposal would be readily viewed alongside immediately neighbouring buildings that have lower heights, pitched roofs and, in some instances, smaller footprints. Therefore, the proposed development's bulky design would result in it appearing unusually prominent and thus incongruous. As this would be combined with a proximity to the side boundaries of the site, the appeal scheme would result in an erosion of the area's consistent and open character.
6. Turning to the visual impacts of the proposed development, the appellant has submitted a Townscape and Visual Amenity Statement, which has considered the effects of the development from various representative viewpoints. I have had regard to this document and have viewed the site from these locations. The Council have not objected to the methodology used in this Statement or the locations selected.
7. In respect of viewpoints 1, 2, 3, 9, 10 and 16 the proposed development would not be visible. This is due to the presence of other buildings and landscaping in the surrounding area and the general road layout. Therefore, there would be no adverse effect upon these locations.
8. Views of the development would be apparent from viewpoints 4, 5 and 6 as it would have a greater height than other buildings. Although some screening would be offered by neighbouring buildings, this effect would be relatively limited given the greater height of the appeal scheme. However, as views would be over a relatively large distance, only parts of the development would be visible. Therefore, the development would give rise to a limited adverse visual effect when viewed from these locations.
9. At viewpoints 7, 8, 11, 12 and 13, the proposed development would be readily perceptible owing to the overall height of the proposed building and the relatively long frontage, when compared to the near neighbouring buildings. However, such views would be localised. In addition, the existing landscaping would soften views of the building.
10. Whilst any new landscaping would reduce some views, it would not completely overcome the effect arising from the scale and mass of the proposed development upon Westwood Way. In addition, there are limited other physical structures that might screen the development. Therefore, the contrasting scale and mass would result in an inharmonious visual impact. However, as discussed, such views would be for a relatively short stretch of Westwood Way meaning that there would be a moderate adverse effect upon the character of the area.



11. Views of the development would also be possible from the footpath to the rear of the appeal site (viewpoints 14 and 15). However, the design of the development is such that the tallest elements of the proposed building would be located a significant distance away from these viewpoints. This would reduce the prominence of the development at these locations. In addition, such views would be for a limited distance of the path and would also be significantly diffused due to the presence of landscaping that is present within this area. This screening effect would be supplemented by the new landscaping that would be included near to the development's rear boundary. This means that the development would have a limited adverse effect upon the character and appearance of these viewpoints.
12. Therefore, given the localised impact of the greatest adverse effect and the lower effect that would be experienced in locations within the wider area, cumulatively the building would have a moderate adverse effect upon the character and appearance of the surrounding area.
13. I therefore conclude that the proposed development would have a moderate adverse effect upon the character and appearance of the area. The development, in this regard, would conflict with the requirements of Policies DE1 and H10 of the Coventry City Local Plan (2017) (the Local Plan). Amongst other matters, these require that development proposals respect and enhance their surroundings and positively contribute towards the local identity and character of an area; and reflect and support or enhance the appearance and character of the area.

#### *Living conditions*

14. The appeal site is in a commercial area. There is a landscaped area containing many trees beyond the site's rear boundary. Adjacent to this landscaped space is a residential area. The nearest streets are Sandringham Close and Highgrove. Of those, four houses (Nos. 14-20 Sandringham Close) have rear elevations that are orientated towards the appeal site. A further two houses (15 Sandringham Close and 24 Highgrove) have a side elevation that faces the appeal site. There are gardens adjacent to these elevations.
15. Although the proposed building would have a maximum height of six stories, the design that has been utilised includes various setbacks in the rear elevation. Therefore, the section nearest to the rear boundary of the site has a height consistent with the existing building. This element of the proposed building would be approximately 39.4m from the nearest house.
16. The section of the building that would have five storeys is approximately 47.5m away from the nearest home, with the six-storey section being approximately 85.3m away. Therefore, there would be a significant distance between the proposed building and the existing homes and their gardens. The development also includes new evergreen tree planting to the rear of the site, which would provide further screening.
17. The Design Guidance for New Residential Development and householder Design Guide Supplementary Planning Document (the SPD) is relevant to this appeal. Amongst other matters, this seeks to ensure that a minimum distance of at least a 20m window to window separation distance should be achieved and that a minimum of 12m is required between the rear of one property and the side, blank gable of another property. The development would comply with these

distances. However, the SPD is also clear that in case specific circumstances, the minimum distance can be increased.

18. In this instance, views would be interrupted by various landscaping and the tallest elements would be a large distance away. The topography of the vicinity means that the development would not be perceived as having a greater height than designed. This means that there is no reason to insist upon a larger separate distance above that specified in the SPD.
19. The proposed development would be set in from the rear boundary of the appeal site by a greater distance than the existing building. The scale of the building is such that it would be visible from the upper storey windows of the nearby houses and their gardens. However, such views would be filtered by the landscaped area between these neighbouring properties and the appeal site and therefore the proposal would not appear dominant.
20. Therefore, although the development would be visible, any such views would be in the context of significant separation distances and a verdant, undeveloped, foreground. In consequence, the resultant building would not be imposing or have an enclosing effect upon the windows or gardens of the nearest domestic properties.
21. I therefore conclude that the proposed development would not have an adverse effect upon the living conditions of the occupiers of neighbouring properties. The development, in this regard, would comply with the requirements of Policy H10 of the Local Plan. This seeks to ensure that developments do not materially harm the amenities of occupiers of nearby properties.

## **5 Other Considerations**

22. The current level of housing land supply is indicated, in the appellant's Statement of Case, as being 1.83 years. There is no other evidence before me that indicates that the housing supply is any different to this figure and the Council has not disputed this figure. In result, the current housing land supply falls significantly below the minimum five-year provision specified in the Framework.
23. As a result of this supply level, the provisions of Paragraph 11(d) of the National Planning Policy Framework (the Framework) apply. This states that planning permission should be granted unless the adverse effects of doing so significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
24. In assessing the needed housing land supply, the Framework requires that the needs, size, type and tenure of different groups in the community should be considered. The Framework identifies students as being one of the groups that should be included in an assessment of housing need in an area.
25. The evidence before me indicates that there is limited purpose-built student accommodation within easy reach of Warwick University. In addition, the Council's emerging Homes in Multiple Occupation (HMO) Development Plan Document highlights issues that have occurred owing to the number of HMOs in the city and identifies that a large proportion of HMOs are occupied by students. Therefore, the development would seek to address these points. In consequence, I am persuaded that there is sufficient need for the appeal scheme.

26. Although this appeal has followed the written representations procedure, a Statement of Common Ground (SoCG) has been prepared by the appellant and Council. This document agrees that the proposed development, which would accommodate 544 students, would contribute the equivalent of 361 new homes to the Council's housing land supply. The SoCG also confirms that, even when applying significant flexibility, there are no suitable and available alternative sites that might accommodate the development.
27. Owing to the absence of alternative sites for the development and given the equivalent number of homes that would be created, the benefits to the local housing land supply can be attributed a significant amount of weight, particularly as if the development does not come forward, the opportunity to provide these new homes would be lost.
28. In addition, the Framework states, at Paragraph 124, that planning decisions give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. The development would aid in the delivery of additional homes in Coventry. In consequence, the reuse of previously developed land carries significant weight.
29. The development would include cycle storage, electric charging points and the building would be constructed to BREEAM 'very good' standard. However, some of these points are required to comply with planning policies and to ensure compliance with building regulations. Therefore, these matters carried a limited amount of weight.
30. The proposed development would generate some economic benefits through the construction and operation of the development. Although some of these would be time-limited in duration, the number of occupiers means that there would be large amounts of support for businesses and facilities in the surrounding area. In consequence, this carries a moderate amount of weight.
31. The development, in this regard, would conflict with the Framework where, at Paragraph 131, it states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. In addition, Paragraph 139 states that development that is not well designed should be refused planning permission. However, the adverse effects would be experienced in a geographically small area. Therefore, they can be attributed a moderate amount of weight.
32. In result, the benefits of the development cumulatively carry a significant amount of weight. Conversely, the moderate adverse effect arising from the erosion of the character and appearance of the surrounding area carries a moderate amount of weight. Therefore, the adverse effects of granting planning permission would not significantly and demonstrably outweigh the benefits. This is a material consideration that strongly indicates the proposal should be determined otherwise than in accordance with the development plan.

## **6 Other Matters**

33. The development would result in the loss of a business premises, but the site is not allocated for a specific purpose. This is reflective of the wider business area. Therefore, there is no substantive evidence there would be a net negative effect on the local economy, particularly as local planning policies seek to direct office developments into the city centre.

34. Although the development would result in a change of use of the appeal site, the evidence before me, in the form of the appellant's Transport Assessment (the TA) indicates that the proposed development would generate less trips being made to and from the appeal site when compared to the existing use. In addition, as discussed in the TA, there are appropriate networks of pavements and cycle routes to ensure that future occupiers are not reliant upon private cars as a means of travel owing to the availability of safe and convenient alternatives. Having viewed these on my site visit, I have no reason to disagree with the findings of the TA and there are no objections from the Local Highway Authority.
35. By reason of the separation distances that exist between the proposed building and the neighbouring properties, the development would not result in a reduction in the levels of light experienced by existing occupiers. This can be evidenced through the findings in the submitted daylight and sunlight assessment, to which the Council does not object. Although internal lights would be used in the building, the separation distances are such that there would not be disturbance to existing occupiers. These separation distances also prevent a loss of privacy from arising.
36. The development may result in increased usage of the footpath to the rear of the site. However, as this is already accessible to the public and owing to the presence of boundary treatments, the usage of the path would not erode privacy levels for the occupiers of existing properties.

## **7 Legal Agreement**

37. A completed legal agreement has been submitted. This has been signed by the developer, land owners and the Council. This agreement secures the provision of financial contributions for the provision of footway improvements; works to the highway, such as alterations to parking restrictions; an extension of a cycle hire scheme; an electric bicycle charging station; and travel plan monitoring.
38. Such financial contributions are necessary and reasonable for they would ensure that the occupiers of the development are not reliant upon private cars as a means of travel. In addition, they would ensure that access to the development is of a safe nature. Such planning obligations would also be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

## **8 Conditions**

39. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision.
40. To minimise the effect upon the character and appearance of the surrounding area, conditions regarding the materials from which the building is constructed from and the provision of landscaping are necessary.
41. Given the presence of nearby homes, conditions in respect of noise, external lighting and site management are appropriate to maintain the living conditions of nearby residents. For similar reasons, a condition requiring the agreement of a Construction Management Plan is necessary. However, I have amended the wording suggested by the Council in order to remove what is required in this plan as the contents would be agreed by the Council before works start.

42. As it is necessary to ensure that the future occupiers of the development have appropriate living conditions, conditions in respect of contamination, land remediation, unexpected contamination and refuse storage are necessary. To avoid an adverse effect upon highway safety and to provide alternatives for car usage, conditions regarding the provision of the car parking space and cycle storage, in addition to the provision of the site's access are also necessary.
43. The Framework requires that developments do not have an adverse effect upon flood risk on site or elsewhere. This means that conditions regarding the provision of the Sustainable Urban Drainage System and its maintenance are necessary. Given the importance of ecology and delivering the biodiversity improvements, conditions in respect of these matters are necessary. In addition, a condition regarding an updated bat survey is required.
44. Policy JE7 of the Local Plan requires that developments demonstrate how job opportunities will be made accessible to the city's residents. Given this policy support, a condition requiring the agreement of a strategy to deliver this is appropriate.
45. Where applicable, some of these conditions require details to be agreed prior to the commencement of development to ensure the provision of the works at an appropriate stage in the development process. Furthermore, I have omitted mechanisms from the conditions that might allow for the agreement of alternative details outside of the planning process.
46. The Council has suggested a condition that would limit the usage of the development to student accommodation. However, given that the proposal is a sui generis use, a fresh application for planning permission would be required if there was an intention to change the use of the resultant building to another purpose. In addition, the usage of the development in line with a previously submitted management strategy would be secured. Therefore, this condition is unnecessary.
47. The Council has suggested conditions regarding the provision of electric car charging points. However, it has not been demonstrated that this matter would not be addressed through Building Regulations. Therefore, such a condition is unnecessary. A condition removing permitted development rights for the future installation of plant and equipment would be unreasonable as the Framework is clear that permitted development rights should only be removed in exceptional circumstances. There is no evidence before me indicative that such circumstances apply to the appeal scheme.

## **9 Planning Balance and Conclusion**

48. The development would not harm living conditions but would generate moderate harm to the character and appearance of the area. It would therefore be at odds with the Development Plan taken as a whole. However, material considerations, namely the Framework, indicate that in this instance the proposal should be determined otherwise than in accordance with the Development Plan. Accordingly, I conclude that the appeal should be allowed; and planning permission granted subject to conditions.

*Benjamin Clarke*  
INSPECTOR

## 10 Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans 21021-GDL-A1-00-DR-A-0100-S; 21021-GDL-A1-00- DR-A-0100-S3 5; 21021-GDL-A1-XX-DR-A-2200-S3 2; 21021-GDL-A1-XX-DR-A-2201-S3 2; 21021-GDL-A1-XX-DR-A-2202-S3 2; 21021-GDL-A1-XX-DR-A-2203-S3 2; 21021-GDL-A1-00-DR-A-2100-S3 8; 21021-GDL-A1-01-DR-A-2100-S3 7; 21021-GDL-A1-02-DR-A-2100-S3 6; 21021-GDL-A1-03-DR-A-2100-S3 8; 21021-GDL-A1-04-DR-A-2100-S3 6; 21021-GDL-A1-05-DR-A-2100-S3 8; 21021-GDL-A1-R-DR-A-2100-S3 2; 21021-GDL-A1-XX-DR-A-2300-S3 2; 21021-GDL-A1-XX-DR-A-2301-S3 2; 21021-GDL-A1-XX-DR-A-2302-S3 2; 21021-GDL-A1-XX-DR-A-2303-S3 2; PRO-UBU-XX-XX-DR-L-1000 F; WL\_2114\_013 P1; and PRO-UBU-XX-XX-DR-L-1000 C.
3. Prior to any above ground works taking place, full details of all external materials shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.
4. Prior to the first occupation of the development hereby permitted, details of both hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the type of bricks and colour of the railings and gates; footpaths; and hard surfacing (which shall be made of porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area). The hard landscaping works shall be completed in strict accordance with the approved details within three months of the first occupation of the student accommodation hereby permitted; details of soft landscaping works shall include:
  - a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment i.e. depth of topsoil, mulch etc),
  - b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
  - c) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and steps.
  - d) programme for implementation.

All planting shall be carried out in accordance with the approved details within the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes; in the opinion of the Local Planning

Authority; seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. 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.

5. An investigation and risk assessment (in addition to any assessment provided with the planning application), must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site; whether or not it originates on the site; and any report of the findings must be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding any above ground demolition, site clearance or other preparatory works). The report of the findings, to be conducted in accordance with Environment Agency Guidance Land Contamination: Risk Management (2021) and must include (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risk to; human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments; (iii) an appraisal of remedial options and proposal of the preferred option(s).
6. The development (excluding any above ground demolition, site clearance or other preparatory works) shall only be undertaken in accordance with a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, which shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
7. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.
8. Prior to occupation of the development hereby permitted and following completion of the measures identified within the remediation scheme approved under condition No. 6, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority for approval in writing.
9. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7 which shall be submitted to and approved in writing by the Local Planning Authority. Following

completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

10. Prior to the installation of any plant equipment, including any screening, a plant noise assessment to the methodology of BS4142 and details of any screening will be submitted to and approved in writing by the Local Planning Authority. The details will provide full details of external plant requirements to demonstrate that the cumulative noise rating level from all plant does not exceed the limits specified in table 4 of the submitted Noise Impact Assessment (ref. 9814.1 Rev. A, dated 6th April 2022). Once approved, such details shall be fully implemented prior to the first occupation of the development and retained thereafter.
11. Prior to the commencement of development (excluding any demolition, site clearance or other preparatory works), a scheme for targeting and utilising local people for construction and employment shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details.
12. Prior to any above ground works taking place, full engineering and constructional details for the alterations to the vehicular access to provide pedestrian and cyclist priority shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.
13. The demolition of the Site shall be completed in accordance with the Demolition Management Plan, referenced 'December 2023' and prepared by Ridge & Partners, approved as part of the prior approval for demolition consent (ref: PL/2023/0002547/PAPD). No development (excluding any demolition, site clearance or other preparatory works) shall take place unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved details within the CMP shall be strictly adhered to throughout the construction period.
14. Prior to the first occupation of the development hereby permitted, a revised plan detailing the provision of seven accessible car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.
15. Prior to the commencement of any above ground works, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority for the provision of a Sustainable Urban Drainage System (SuDS). The submission shall include all relevant details and calculations to enable a full evaluation to be undertaken, and clear and accountable consideration shall be given to the following features:
  - General below ground attenuation, aimed solely at managing the quantity of water on site.



- The deployment of green roof technology on suitable roof structures within the development.
- An appropriately scaled intrusive ground investigation report must be provided to establish the depth and type of strata, including percolation results in accordance with BRE 365 and identifying the presence and risk associated with migrant or soluble contaminants. Please provide evidence of existing groundwater levels and seasonal variation, in order to inform the drainage design.
- Evidence must be provided to show the management of overland flow routes in the event of exceedance or blockage of the drainage system. Details should include demonstration of how the building will be protected in such an event.

Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted and shall be retained thereafter.

16. Prior to the first occupation of the development hereby permitted. A detailed strategy document must be submitted to, and approved in writing by, the Local Planning Authority for the long-term inspection and maintenance of the SuDS and other surface water drainage elements on site. (It should also mention any notable Health and Safety or specialist training, and special equipment required as part of the routine maintenance.) The drainage systems shall be maintained in full accordance with the approved details thereafter.
17. The stormwater discharge rates from the development shall be managed in order to reduce flood risk to surrounding sites, downstream areas or the wider environment by means of a flow control mechanism (or mechanisms) limiting the total site discharge offsite to  $Q_{bar}$  greenfield rates or 5 l/s, whichever is greater.
18. Prior to the first occupation of the development hereby permitted details of bat enhancement measures, including bat boxes and planting to encourage night flying insects shall be submitted to and approved in writing by the Local Planning Authority. The bat enhancement measures shall be fully installed prior to the first occupation of the development and retained thereafter.
19. No development (including any demolition or preparatory works) shall commence unless and until a scheme for the retention of the bat roost(s) and the retention of the existing entry/emergence routes, or the provision of alternative roost space and new entry/emergence routes, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for the implementation of the development which avoids any building or other operations likely to affect the bat roost being undertaken between 1st March to 31st August (inclusive), whilst also ensuring that at no time provision for roosting bats is lost from the site. The development shall be carried out in accordance with the approved scheme.
20. Prior to the first occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP plan shall be implemented in accordance with the approved details within three months of the first occupation of the development and retained thereafter.

21. No development or other operations (including any demolition, site clearance or other preparatory works) shall commence unless and until tree protection measures have been submitted to and approved in writing by the Local Planning Authority. The tree protection measures shall safeguard against damage or injury during construction works (in accordance with Clause 7 of British Standard BS5837) all trees on the site, or those trees whose root structure may extend within the site and which are the subject of the City of Coventry (Westwood Way No. 1) Tree Preservation Order 14th February 2013. The approved mitigation and / or protection measures shall be put in place prior to the commencement of any works and shall remain in place during all construction work.
22. Before any development commences on site (including any demolition, site clearance or other preparatory works) the following shall be submitted to and approved in writing by the Local Planning Authority: a) Tree Survey - a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, crown overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres; b) a schedule of the trees surveyed as specified in chapter 4.1-4.5 of BS 5837 : 2012 Trees in Relation to Design, Demolition and Construction - Recommendations; c) a Tree Constraints Plan (5.1-5.3); d) Arboricultural Impact Assessment (5.4) to assess the direct and indirect implications of trees upon the proposal and visa-versa, including locations for under-ground/ over- ground services, level changes within RPA's etc.; e) Arboricultural Method Statement (6.1); and f) a Dimensioned Tree Protection Plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with 5.5/ Table B.1), site monitoring (6.3) of British Standard BS5837:2012 - Trees in relation to design demolition and construction - Recommendations, which shall also include any proposal for pruning or other preventative works. The approved mitigation and / or protection measures shall be put into place prior to the commencement of any works and shall remain in place during all construction work.
23. Prior to the first occupation of the building hereby permitted, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in accordance with the approved details prior to the first occupation of the building and retained thereafter.
24. No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.
25. The development hereby permitted shall not be occupied unless and until the bin storage area(s) have been laid out and provided in full accordance with the approved details and shall be retained thereafter.

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26. Prior to any above ground works taking place, details of a scheme which sets out where and how 'Secured by Design' standards will be incorporated into the development, shall be submitted to and approved in writing by the Local Planning Authority. These measures should be installed in accordance with the approved details prior to first occupation of the development and retained thereafter.
  27. The development hereby permitted shall only operate in full accordance with the Student Management Plan submitted with the application.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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