

**Time and Date**

2.00 pm on Thursday, 20th March, 2025

**Place**

Committee Room 3 - Council House

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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. **Minutes of Previous Meeting held on 20 February 2023** (Pages 3 - 6)

5. **Late Representations**

To be circulated at the meeting.

6. **Application PL/2024/0002356/FULM - Land at Faseman Avenue** (Pages 7 - 40)

Report of the Strategic Lead for Planning

7. **Application PL/2024/0002542/FUL - 603-611 Stoney Stanton Road** (Pages 41 - 58)

Report of the Strategic Lead for Planning

8. **Application PL/2024/0001562/FUL - Mychai, 59 Corporation Street** (Pages 59 - 68)

Report of the Strategic Lead for Planning

9. **Application PL/2024/0002336/HHA - 21 Nutbrook Avenue** (Pages 69 - 78)

Report of the Strategic Lead for Planning

10. **Outstanding Issues**

There are no outstanding issues.

11. **Any other items of public business which the Chair 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

Wednesday, 12 March 2025

Note: The person to contact about the agenda and documents for this meeting is Carolyn Sinclair / Tom Robinson carolyn.sinclair@coventry.gov.uk / tom.robinson@coventry.gov.uk

Membership: Councillors N Akhtar (By Invitation), P Akhtar, R Bailey, J Gardiner, L Harvard (Chair), T Jandu, G Lewis, G Lloyd, K Maton, J McNicholas, C Mijs and D Toulson (Deputy Chair)

**Carolyn Sinclair / Tom Robinson**  
**carolyn.sinclair@coventry.gov.uk / tom.robinson@coventry.gov.uk**

**Coventry City Council**  
**Minutes of the Meeting of Planning Committee held at 2.00 pm on Thursday, 20**  
**February 2025**

Present:

Members: Councillor L Harvard (Chair)  
Councillor P Akhtar  
Councillor R Bailey  
Councillor J Gardiner  
Councillor T Jandu  
Councillor G Lloyd  
Councillor K Maton  
Councillor J McNicholas  
Councillor C Miks  
Councillor D Toulson

Employees (by Service Area):

Planning and Regulation R Back  
R Edgington  
G Goodman  
A Lynch

Highways and Transportation L Albrighton  
B Malin

Law and Governance O Aremu  
T Robinson  
S Teli  
A Veness

Apologies: Councillor G Lewis

## Public Business

### 69. Declarations of Interest

There were no declarations of interest.

### 70. Members Declarations of Contact on Planning Applications

The Members named declared contacts on the following application as indicated:

<b>Application No.</b>	<b>Councillor</b>	<b>From</b>
PL/2024/0001282/FULM - The New Haven, Dillotford Avenue	Councillors R Bailey	Applicant and local resident

71. **Minutes of Previous Meeting held on 12 December 2024**

The minutes of the meeting held on 12 December 2024 were agreed and signed as a true record, subject to the addition of Councillor D Toulson to the list of 'Apologies'.

72. **Late Representations**

The Committee noted a tabled report which summarised late representations and responses on the following:

<b>Application</b>	<b>Site</b>	<b>Minute</b>
PL/2024/0001282/FULM	The New Haven, Dillotford Avenue	73
PL/2024/0002336/HHA	21 Nutbrook Avenue	74

73. **Application PL/2024/0001282/FULM - The New Haven, Dillotford Avenue**

The Committee considered a report of the Strategic Lead for Planning, detailing the above application for Demolition of existing public house. Erection of new apartment block of 28 x 1 bed apartments with associated carparking and landscaping (Reduced from 31 no. units). The application was recommended for approval.

The Late Representation report contained minor updates on plans for clarity.

**RESOLVED that the grant of planning permission be delegated to the Strategic Lead for Planning subject to conditions and the completion of a S106 Legal Agreement to secure the contributions summarised in this report, and for the Strategic Lead for Planning to agree any necessary amendments to the S106 Legal Agreement and Planning Conditions following consultation with the Chair.**

74. **Application PL/2024/0002336/HHA - 21 Nutbrook Avenue**

The Committee considered a report of the Strategic Lead for Planning, detailing the above application for a single storey rear extension, which was recommended for refusal.

Woodlands Ward Councillor, J Lepoidevin, spoke in support of the application, also speaking in support was a registered public speaker and the applicants.

Following consideration of the report, the presentation and representations made at the meeting, the Committee agreed that the application be deferred to a future meeting in order to allow officers to re-assess and renegotiate the application in order to reach a proposal that would be acceptable to all parties.

**RESOLVED that planning permission for Application PL/2024/0002336/HHA be deferred.**

75. **Outstanding Issues**



There were no outstanding issues.

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

There were no other items of public business.

(Meeting closed at 4.00 pm)

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<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	PL/2024/0002356/FULM
<b>Site:</b>	Land at Faseman Avenue, Coventry, CV4 9RB
<b>Ward:</b>	Woodlands
<b>Proposal:</b>	Erection of 50 apartments over 3 stories for supported housing with the creation of access, landscaping, retention of existing car park and the creation of a new 6-space car park and associated works
<b>Case Officer:</b>	Richard Edgington

## SUMMARY

The application seeks consent for the erection of 50 purpose-built apartments which are sought for use as supported accommodation with all associated works including access, car parking and landscaping. The application is sought for the re-development of a vacant brownfield site which formerly contained Faseman House which was demolished in 2019. The site extends to approximately 0.65 hectares and lies to the south of Faseman Avenue. Established trees and landscaping are present around the site boundary, whilst much of the site is laid to hardstanding in locations of the former building and associated parking.

It is understood that the site is coming forward to deliver a joint project by Citizen and the City Council to provide the units due to the existing supported housing facility at Frank Walsh House nearing the end of its usable life. The applicants have indicated that the purpose-built accommodation will provide a combination of flat types from 1-3 bedroom units with shared amenity spaces and facilities to the ground floor which will expand on the existing provision delivered at Frank Walsh House through the creation of larger, more suitable units to provide the services required for occupiers.

During the course of the application, minor amendments have been agreed to incorporate grasscrete to the east of the site along Gibbons Close for additional parking provision for existing residents, and to also amend the access arrangement.

## BACKGROUND

The application is understood to have been subject to pre-application engagement with local residents during the summer of 2024, in response to the consultation event whereby the plans were presented, two multi-signature letters/ petitions, of which are not sponsored have been received by the Council. The content of the petitions has duly been considered in the assessment of this application, and the application is referred to planning committee due to the number of signatures on the letters, the online petition has 65 signatures whilst the paper petition has 322 signatures.

## KEY FACTS

<b>Reason for report to committee:</b>	The application has been referred to planning committee due to the number of objections received
<b>Current use of site:</b>	Vacant
<b>Proposed use of site:</b>	Residential
<b>Proposed no of units</b>	50
<b>Housing mix</b>	32x 1-Bed; 10x 2-Bed; 8x 3-Bed
<b>Parking provision</b>	28 spaces
<b>Open space provision</b>	0.57 ha

## **RECOMMENDATION**

Planning Committee are recommended to delegate the grant of planning permission to the Strategic Lead for Planning subject to conditions and the completion of a s106 Legal Agreement to secure the contributions summarised in this report and for the Strategic Lead for Planning to agree any necessary amendments to the s106 Legal Agreement and Planning Conditions in consultation with the Chair.

## **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 makes provision for necessary developer contributions.
- The proposal accords with Policies: DS1, DS3, H1, H3, H4, H6, H9, GE1, GE3, GE4, JE7, DE1, HE2, AC1, AC2, AC3, AC4, EM1, EM2, EM3, EM4, EM5, EM7 and IM1 of the Coventry Local Plan 2017, and Policies DS1, DS3, H1, H3, H4, H6, H9, GE1, GE3, GE4, JE7, DE1, HE2, AC1, AC2, AC3, AC4, EM1, EM2, EM3, EM4, EM5, EM7 and IM1 of the emerging Local Plan, together with the aims of the NPPF.

## **SITE DESCRIPTION**

The application site lies within the Tile Hill area of the city, approximately 3.4 miles from the city centre. The locality is primarily residential in nature with a range of both two storey family dwellings and flatted accommodation within the immediate vicinity of the site. To the south lies a church and community centre, medical centre and just over to the south east lies the Jardine Crescent Local Centre providing a number of shops and local conveniences. To the east of the site lies a public house and an area of open space with playground equipment. A MUGA also lies immediately to the south which is understood to be in the ownership of a local charity organisation, although is being considered for transfer back to the Council. The site is also well served by a number of local schools and transport links.

The application site comprises land that contained Faseman House, which was demolished in 2019. The site has an area of 0.65ha and contains a number of trees and landscape features and is currently bound by secure boundary treatments. Due to the passage of time since the demolition a number of self-set trees and scrub are now present within areas which formerly accommodated the building and car park. Two accesses off Faseman Avenue at the north served the site previously as an in/out arrangement, a secondary access to the southern part of the site was previously situated within Gibbons Close to the west, which has been closed off, with the rest of the site and not used since the building was demolished and site vacated.

The site lies within flood zone 1 and is therefore deemed to be at the lowest risk of flooding. There is a very slight level change across the site from north east to south west. Within the vicinity of the site lies two heritage assets, St. Oswald's Church of which is 100m to the south of the site, whilst Limbrick Wood School lies approximately 200m to the north.

## **APPLICATION PROPOSAL**

The application seeks consent for the erection of 50 apartments over 3 stories for supported housing with the creation of access, landscaping, car parking and other associated works.

The site seeks to replace and expand on the provision of supported accommodation currently provided within Frank Walsh House which is understood to be nearing the end of its usable life, and primarily contains one bedroom units. The applicants have indicated that the intention of the proposed development is to provide supported living for residents for an interim period until permanent accommodation becomes available. As part of the supported living, the site is to be staffed 24 hours per day, with two staff on site between 0800 - 2000 and one member of staff available on the reception desk overnight. Part time employees will also be on site during the day providing support for residents.

It is intended that vulnerable residents will stay on site for up to 18 months, though this is dependent on availability of other suitable accommodation as and when it becomes available. The larger 2-3 bedroom family units are envisaged, based on current wait times to occupy the units for a longer period.

The accommodation as proposed will be accommodated over three levels, with a number of the ground floor units benefitting from private amenity space, albeit with shared access to a purpose-built shared amenity space area to the rear of the site. The ground floor will also provide a reception area, meeting rooms and communal areas for future occupiers. Parking areas will be provided to the north and south of the site, the northern car park with access off Faseman Avenue will provide 6 spaces, whilst 22 further spaces will be provided to the rear off Gibbons Close. As part of the re-development improvements are being sought for pedestrian movements along Gibbons Close through the existing landscaping, much of the landscaping is to be retained around

the boundaries of the site, with enhanced landscaping provided through the re-design of the site, purpose designed and built refuse and cycle storage is also to be provided.

## PLANNING HISTORY

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

Application Number	Description of Development	Decision and Date
FUL/2018/1908	Erection of temporary 2m high steel palisade fence and gates to secure the site following the demolition of the building	Granted 15.10.2018
DEM/2018/0938	Prior Approval for demolition	Prior approval required and approved 11.06.2018
R/2007/0322	Formation of car park and erection of fencing and gates	Refused 23.04.2007
S/1971/0620	Erection of day care centre	Granted 19.05.1971

## POLICY

### National Policy Guidance

National Planning Policy Framework (NPPF) December 2024. 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 2017, which was adopted by Coventry City Council on 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy DS1: Overall Development Needs

Policy DS3: Sustainable Development Policy

Policy H1: Housing Land Requirements

Policy H3: Provision of New Housing

Policy H4: Securing a Mix of Housing

Policy H6: Affordable Housing

Policy H9: Residential Density

Policy GE1 Green Infrastructure

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection

Policy JE7: Accessibility to Employment Opportunities

Policy DE1 Ensuring High Quality Design

Policy HE2: Conservation and Heritage Assets

Policy AC1: Accessible Transport Network

Policy AC2: Road Network

Policy AC3: Demand Management

Policy AC4: Walking and Cycling

Policy AC5: Bus and Rapid Transit  
Policy EM1: Planning for Climate Change Adaptation  
Policy EM2: Building Standards  
Policy EM3 Renewable Energy Generation  
Policy EM4 Flood Risk Management  
Policy EM5 Sustainable Drainage Systems (SuDS)  
Policy EM7 Air Quality  
Policy IM1: Developer Contributions for Infrastructure

### **Emerging Local Policy Guidance – Local Plan Review Reg 19 Consultation**

Local Plan review is currently at Reg 19 consultation. Relevant emerging policy relating to this application is:

Policy DS1: Overall Development Needs  
Policy DS3: Sustainable Development Policy  
Policy DS4: (Part A) – General Masterplan Principles  
Policy H1: Housing Land Requirements  
Policy H2: Housing Allocations  
Policy H3: Provision of New Housing  
Policy H4: Securing a Mix of Housing  
Policy H6: Affordable Housing  
Policy H9: Residential Density  
Policy GE1 Green Infrastructure  
Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation  
Policy GE4: Tree Protection  
Policy JE7: Accessibility to Employment Opportunities  
Policy DE1 Ensuring High Quality Design  
Policy HE2: Conservation and Heritage Assets  
Policy AC1: Accessible Transport Network  
Policy AC2: Road Network  
Policy AC3: Demand Management  
Policy AC4: Walking and Cycling  
Policy AC5: Bus and Rapid Transit  
Policy EM1: Planning for Climate Change Adaptation  
Policy EM2: Building Standards  
Policy EM3 Renewable Energy Generation  
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):**

SPG Design Guidelines for New Residential Development  
SPD Delivering a More Sustainable City  
SPD Coventry Connected

### **CONSULTATION**

**CCC Property:** No objection.

**Ecology:** No objection, subject to conditions.

**Economic Development:** No objection, subject to condition securing local employment strategy.

**Environmental Protection:** No objection, subject to conditions.

**Highways:** No objection, subject to conditions.

**Housing:** No objection, housing supports the redevelopment of the site to deliver much needed temporary accommodation.

**Lead Local Flood Authority:** No objection, subject to conditions.

**NHS – CCG:** No comments received.

**NHS – UHCW:** No comments received.

**Public Health:** No objection.

**Streetscene and Greenspaces:** No objection, subject to £76,341.09 being secured for off-site improvements to parks and open spaces.

**Sustainability – Energy:** No comments received.

**Tree Officer:** No objection, subject to receiving a TPP showing RPA distances from retained trunks to Tree Protection Barriers/ Ground Protection Measures, plus a CAVAT assessment for the trees shown for removal to inform towards replacement planting.

**Urban Design & Landscape:** Whilst no objections are raised to the general layout arrangement of the site, it is objected to that the units do not meet the Nationally Described Space Standards.

**WM Fire Service:** General comments received.

**WM Police:** General comments received.

### **Neighbour consultation**

Immediate neighbours and local councillors have been notified; a site notice was posted on 20<sup>th</sup> December 2024. A press notice was displayed in the Coventry Telegraph on 2<sup>nd</sup> January 2025.

Two petitions were received by the Council prior to the submission of the application objecting to the redevelopment proposals, the petitions received 65 and 322 signatories respectively and are not sponsored by a Councillor, a summary of the objections set out in the petition are as follows:

- Use incompatible with surrounding neighbours
- Lack of suitable infrastructure
- Development would fail to make a positive contribution to the area
- Development fails to make efficient use of the land
- Significant increase in traffic and parking requirements
- Development would impede access for emergency vehicles
- Increase in crime and anti-social behaviour
- Increase in noise pollution
- No smoking shelter provided within the proposed plans
- Disturbance to local residents during the construction phase

One letter of objection have been received as part of the application consultation, raising the following material planning considerations:

- a) Scale of the development too intensive



- b) Loss of privacy and resultant overlooking
- c) Gibbons Close access unacceptable
- d) Lack of infrastructure improvements

1 letter was also received neither objecting nor supporting the application but has recommended that Swift Boxes should be installed as part of any redevelopment of the site.

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issues in determining this application are principle of development, the impact upon the character of the area and heritage assets, the impact upon neighbouring amenity, highway considerations, flood risk, noise, contaminated land, air quality, ecology and infrastructure.

### **Principle of development**

The National Planning Policy Framework, paragraph 11, states that “Plans and decisions should apply a presumption in favour of sustainable development. For Decision Making, this means:-

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Footnote 8 to paragraph 11 confirms that this includes situations where the local authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer set out in paragraph 78). Based on the provisions of the December 2024 NPPF the Council is able to demonstrate a 5.6-year housing land supply as of 31st December 2024.

Whilst the ‘tilted balance’ is not engaged, significant weight is afforded to paragraph 11 and the delivery of homes. In this case the development seeks consent for the erection of 50 residential dwellings which are to be delivered as supported accommodation, as set out within the development proposal, the site is to be managed 24 hours a day and will seek to provide purpose built accommodation for residents in need of urgent accommodation as well as being able to access on-site living support facilities ahead of moving to permanent accommodation. The model of accommodation will seek to meet the urgent needs of the most vulnerable and will replace the existing facility at Frank Walsh House, whilst expanding on the number of units, from 44 to 50, and increase the mix of units which would include two and three bedroomed flats which would be more suitable for family accommodation for those in need.

It should be noted that within the petitions, concern is raised as to the nature of the accommodation being proposed, and from representations received it appears that there is uncertainty to the nature of the accommodation being proposed. For clarity, temporary accommodation is a broad term that describes temporary housing for people who are homeless. Anyone can be placed in temporary accommodation by local authorities under the Housing Act 1996, providing they fit the criteria of being in ‘priority need’. This is often families with children, pregnant women, elderly people and individuals who are deemed as being vulnerable, at the present time there are approximately 940 family households living in temporary accommodation

within the city. The development seeks to contribute to the housing stock suitable for meeting this requirement.

The City Council has a duty to provide temporary or interim accommodation to people who:

- appear to be homeless and in priority need, and
- passed all four homelessness tests and are waiting for an offer of social housing.

Despite improving local housing systems and the expansion of uses through recent planning permissions, such as the Ribbon Court change of use approved by planning committee in December 2024, the city still has high levels of homelessness, highlighting a need to work together with partners to improve the use of existing homes and empty dwellings.

The brownfield site which has been vacant for in excess of six years, with the former uses having been re-located in the vicinity of the site, thereby according with Policy CO2, as it is clearly demonstrated that there is not an outstanding need which can be reasonably met on-site or that the site is capable of being made viable given the vacant nature and passage of time.

### **Provision of New Housing**

In considering the relevant factors, Policy H3 of the adopted Local Plan relates to the provision of new housing and requires sites and developments to provide a quality living environment for future occupiers which does not have contaminants, noise and air quality issues. H3 also sets out a criterion that developments should wherever possible be located;

- a. within 2km radius of local medical services;
- b. within 1.5km of a designated centre within the city hierarchy (policy R3);
- c. within 1km radius of a primary school;
- d. within 1km of indoor and outdoor sports facilities;
- e. within 400m of a bus stop; and
- f. within 400m of publicly accessible green space.

The application site is in a sustainable location, set within an established residential area well served by local amenities inclusive of a local centre being situated within the immediate vicinity, the application therefore accords with the criterion's requirements as set out.

### **Housing Mix**

Policy H4 requires a suitable mix of homes to be delivered within sites, which should accord with the latest SHMA. In this case the SHMA has been replaced by the Coventry and Warwickshire Housing and Economic Development Needs Assessment (November 2022), HEDNA herein, within the HEDNA it identifies that a mix of dwellings within Coventry should generally aspire to a mix of 40% of 2-Bed and 40% 3-Beds, together with 10% respectively for 1-Bed and 4-Bed units across sites delivering typical housing accommodation, which is regularly referenced.

However, as identified within the HEDNA, there is also a need to meet the needs of residents within the city who are not housed within the general housing stock. Aspiring to such a mix in the same way as market schemes across the city are not therefore necessarily appropriate. The HEDNA does make reference to temporary housing need and does not seek to recommend a general mix due to the fluid nature of supply and demand and the temporary nature of the accommodation. Instead, it states that annual reviews of such demand for accommodation should be undertaken. The applicants, in consultation with housing colleagues within the Council have given due consideration to the mix of dwellings being provided within the site, which are for vulnerable residents who could otherwise be in alternative temporary accommodation such as hotels and B&B's.

At present, there are approximately 940 families within the city living in temporary accommodation. The size of families vary, however it is understood that the development has been designed to meet the needs of the most vulnerable. Given these factors and the requirements of both Policy H4 and the HEDNA the application accords with the relevant policy in this respect.

### **Affordable Housing**

Policy H6 relates to the delivery of affordable housing provision, and on sites containing 25 dwellings or more, 25% is expected to be of affordable tenure. As set out within the preceding sections of this report, the nature of the accommodation as temporary residences are entirely social rent and this is to be secured within the S106 agreement.

Whilst concern has been raised within the petitions as to the quantum of affordable tenure within a site, this is not deemed unacceptable, indeed Paragraph 71 of the NPPF (2024) specifically sets out the benefits of mixed use living but clarifies that this should not preclude development proposals which are mainly or entirely made up of social rented tenures of which the Council also supports. Taking into account the relevant principle policies the proposal is deemed to accord with the relevant principle policies, subject to the relevant material planning considerations which are set out in the succeeding sections of this report.

### **Impact on 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.

Paragraph 131 of the NPPF states the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The National Planning Policy Framework, paragraph 135 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- 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.

The NPPF further states (at paragraph 139) “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on

design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.

Within the petitions submitted and the representation received it is noted that there are concerns raised with the scale, massing and general arrangement of the site and design relative to the wider character and appearance of the area.

The development is three storeys in height with a pitched roof, which maintains the eaves line with the adjacent flats within Gibbons Close. There is a step up in height with the ridge lines on the roof relative to adjacent buildings however this is not deemed inappropriate. The applicants have sought to add visual interest using varying roof heights, particularly to the front by installing a split pitched roof which activates the public areas to the front elevation and assists in creating an entrance to the reception/shared area of the building, the remainder of the roof has a lower ridge height. The elevational details are also deemed to be positive with varying brick pattern designs under windows to provide interest. There is also a muted palate of materials comprising a light brick finish with the use of different light shades of render with a tile finish roof. Urban Design raise no objections to the design of the building and note that the design takes into account the surrounding built form, the three-storey height is also deemed acceptable given the varying heights within the immediate vicinity of the site.

Considering the layout within the site, the building adopts a ‘U’ shape which provides two wings of residential accommodation with a landscaped courtyard area in the centre. The front elevation full height windows at ground floor which is continued to the rear elevation. The general arrangement also formalises an informal walking route to the side of Gibbons Close as well as providing layby parking within what is a relatively narrow street. The use of grasscrete allows for the retention of the large trees in this area, and whilst areas of planting and trees (x14) are being removed from the site to facilitate the development, a detailed planting scheme for replacement planting has duly been secured via condition to allow for a 3:1 re-planting ratio across the site.

The shared areas also make provisions for refuse and cycle storage within purpose-built storage facilities, the ground floor units also benefit from small areas of private amenity space in the form of courtyards, separated through the use of hedged boundary treatments to the shared area.

### **Impact on residential amenity**

Further to the design and general arrangement discussed in the preceding section of this report, Policy DE1 and Paragraph 135 of the NPPF have also been considered alongside the New Residential Design Guide SPD as to the living conditions of future occupiers and impact upon surrounding residents and uses. As indicated within the consultation section of this report, there are concerns raised by residents as to the impact of the development upon residential amenity, particularly through the loss of privacy and visual intrusion caused by the development, noise and disruption arising from the site and the disruption caused during the construction phase.

Considering the latter concern, a Construction and Environmental Management Plan has duly been secured via condition to manage the impact of the development during the construction phase as would be expected of a development of this size. Within the CEMP a range of factors are required to be considered including, but not limited to, hours of works and deliveries to the site, wheel washing, communication with residents, noise management and dust mitigation. Whilst there will inevitably be a level of disruption as there would with any development, the purpose of the CEMP is to ensure that a balanced solution and site operation is achieved to minimise the risks upon residents within the area and avoid any disruption at unsociable hours.

With regards the impact upon privacy and visual intrusion, as has been indicated within the submissions, the principle of a three storey building within the site is not deemed unacceptable,

in assessing the application due regard has been given to the separation distances and sightlines to adjacent buildings. The block of flats within Gibbons Close to the east of the site is three storeys in height, the separation distance at the closest point window to window is 22.5m, whilst the separation distance to the first floor side facing window of the owners accommodation within the Black Prince Public House is 23.1m, finally with the flats off Jardine Crescent to the south the separation distance is 9.7m, this relationship has no habitable room windows facing one another which does not impact the privacy of existing or future occupiers. There is not therefore considered to be an unacceptable impact upon the surrounding occupiers through visual intrusion or loss of privacy.

Once occupied, there will be increased activity within the site from that of the current vacant use, however this would be applicable for any development on the site. The site is residential in nature and being set within a residential location will not be incompatible. Whilst there will be some staff movements through car usage, this is not considered to be of a scale of frequency which would impact traffic within the area or give rise to associated noise issues which would be of detriment to nearby residential occupiers.

As part of the consideration of the application regard has been given to the Nationally Prescribed Space Standards for new residential accommodation. Whilst this is not within local policy at the present time, consideration is given when considering whether accommodation would provide a quality living environment for future occupiers. In this case the Urban Design Officer has objected as the units do fall under the recommended internal space standards, for completeness the following table sets out the proposed unit areas compared to the recommendation within the Nationally Described Space Standards;

Unit Size	NDSS Recommendation	Proposed	+/-
1 Bed – 2 Person (A)	50 sq. m	43 sq. m	- 7 sq. m
1 Bed – 2 Person (B)	50 sq. m	50.9 sq. m	+ 0.9 sq. m
2 Bed – 4 Person (A)	70 sq. m	60.5 sq. m	- 9.5 sq. m
2 Bed – 4 Person (B)	70 sq. m	66.1 sq. m	- 3.9 sq. m
2 Bed – 3 Person (C)	61 sq. m	55.8 sq. m	- 5.2 sq. m
2 Bed – 4 Person (D)	70 sq. m	77.4 sq. m	+ 7.4 sq. m
3 Bed – 5 Person (A)	86 sq. m	73.1 sq. m	- 12.9 sq. m
3 Bed – 5 Person (B)	86 sq. m	78.3 sq. m	- 7.7 sq. m

As is shown, a number of the units to fall short of the recommended area, however as indicated these are guidance and weight is given to the benefits of the development and the fact that the units are temporary accommodation meeting a demonstrated demand. There are also shared areas to the ground floor and outdoor space associated with the units which residents can access. Also, when considering the extent of the shortfall they are not deemed significant overall and as is shown on the floor plans do allow for a reasonable level of space for each rooms within the respective flats. Taking into account the relevant factors and the wider benefits of the delivery of the accommodation, which is also a significant improvement on the existing facilities in which this development is seeking to replace the application is deemed acceptable and will provide a quality living environment for future occupiers.

### **Heritage character of the area and Heritage Assets**

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 Local Planning Authority in the determination of applications which impact heritage assets, in particular listed buildings are required under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings. In this case the site itself

does not contain any heritage assets, although there are two listed buildings, both of which Grade II Listed in the vicinity of the site, St Oswald's Church (and Bell Tower) to the south and Limbrick Wood School to the north. In both cases there is a separation between the site through built form forming a physical distinction between the site and heritage assets.

In accordance with Policy HE2 the applicants have duly provided a heritage assessment which identifies that the proposed development has a less than substantial level of harm to heritage assets. The assessment notes that the historic fabric of the buildings are largely seen in isolation, with the wider context being of typical largely rendered post-war construction. The re-development of the site is not deemed to cause any direct harm to the heritage assets which would need to be demonstrably off-set with public benefit. However, in this case weight can be afforded to the re-development of the vacant site to bring forward a purpose built and designed development, together with fifty affordable housing units which would be of benefit in any case. When weighing the impact of the development upon heritage assets the Council has undertaken its statutory duty under the aforementioned legislation and policy and the impact is deemed acceptable.

### **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.

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 will be 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.

Parking provision should accord with the maximum standard expressed in Appendix 5 unless it has been clearly demonstrated that the site is in a highly accessible location where transport, by means other than the private car is a realistic alternative. In that respect lower levels of provision may be considered acceptable where the site is in close proximity to the City Centre, a train station, a high-quality rapid transport route or other public transport interchange and where there is a package of measures (proportionate to the scale of development) to enable sustainable means of transport. Any variation from the maximum standard must be fully justified by proportionate evidence.

In this case the application seeks consent for 50 residential units, based on the number of units, made up of 32x 1-Bed; 10x 2-Bed; 8x 3-Bed units there would be a total requirement of 60 spaces to be provided, made up of 52 allocated spaces plus 8 spaces for visitors. As proposed the applicants are proposing 28 spaces, inclusive of 6 EV charging spaces, over the two parking areas (to the front and rear), with bays being formalised within Gibbons Close for existing residents. Whilst there is a shortfall of parking against the adopted standards given the nature of the accommodation it is deemed highly unlikely that there would be a comparable ownership of car level amongst perspective occupiers. Weight is also afforded to the sustainable location of the site and proximity to nearby services and shops within the local centre, together with the frequent level of public transport. The site layout also makes provisions for two purpose-built cycle storage areas providing in excess of 50 spaces to allow for both resident and staff use.

Further to the cycle storage, as part of the approval a detailed travel plan will be required which is to be monitored, the fee of which to monitor has duly been secured within the S106 agreement. A condition has also been appended to the decision for an operational management plan, similar to the arrangement of Ribbon Court which will include the use of license agreements to cover occupancy, parking and visitor policies. Considering the measures proposed, together with the nature of the accommodation the quantum of parking is deemed acceptable and has not been subject to an objection from the Highway Authority.

During the course of the application, concerns were also raised with the narrow nature of Gibbons Close, given this is the access route to the main car park, this concern was shared by Highways Officers as originally submitted, however a grasscrete solution has now been proposed which uses the eastern boundary of the site, which currently is used as informal half on, half off parking within the grass area. The installation of the grasscrete will create parking bays for existing Gibbons Close users which will provide up to 5 spaces for existing residents. The gates proposed on the access are to be gated and remotely controlled which will assist with the control of cars within the site.

The Highway Authority has also requested conditions be appended to any decision to ensure that existing access points are closed and pavements re-instated, together with a CEMP, these conditions are duly listed at the end of this report.

### **Flood Risk**

Policy EM4 for the Local Plan states that all major developments must be assessed in respect of the level of flood risk from all sources and that all opportunities to reduce flood risk in the surrounding area must be taken, including creating additional flood storage. Furthermore, Policy EM5 states that all development must apply SuDS and should ensure that surface water runoff is managed as close to its source as possible.

In this case the applicants have undertaken a flood risk assessment and prepared a draft drainage design. The design has not been updated to include the amendments to the east of the site in respect of the grasscrete, and whilst it will very unlikely impact the drainage design and layout it is deemed good practice to have this updated. Further to this, additional information is also required in the form of the details drainage design calculations, the falls and level tie-in to boundaries and exceedance flows during extreme rainfall. This information is required to ensure that the detailed design of the system installed on site has been designed to manage water suitably during peak flows and extreme weather. The wording of the conditions relating to drainage are appended as requested by the LLFA, with these details secured the application is considered to accord with Policies EM4 and EM5 of the Local Plan.

### **Contaminated land**

Policy EM6 seeks to ensure that redevelopment of previously developed land does not have a negative impact on water quality, either directly through pollution of surface or ground water or indirectly through the treatment of waste water by whatever means.

As part of the application submission the applicants submitted a Ground Conditions Report which covers contamination issues within the site. The report did not flag any notable risks for ground contamination within the site from the initial survey. There are also no known uses on the land or areas adjacent which has history of posing a risk to ground pollution/contamination. For completeness and the avoidance of any doubt however, a condition for any unidentified contamination, if identified during the construction phase has therefore been recommended by the Environmental Protection Officer, as has sampling of any imported soils coming to site. The condition to capture this has duly been appended to the decision.

## **Air quality**

Policy EM6 seeks to ensure that redevelopment of previously developed land does not have a negative impact on water quality, either directly through pollution of surface or ground water or indirectly through the treatment of waste water by whatever means. Policy EM7 states that major development schemes should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality. Policy H3 of the Local Plan states that a suitable residential environment will be safe from environmental pollutants such as land contamination, excessive noise and air quality issues.

The applicants have submitted a comprehensive air quality assessment which identifies the impact of the proposed development over a period of five years in accordance with policy requirements and also considers the impact during the construction phase. In this case it is considered that direct mitigation can be achieved on site to minimise the impact upon air quality, the measures within the report include a travel plan, of which has been submitted and will be monitored for ten years, EV charging provision for 6 of the parking spaces, equating to 16.7%, secure cycle storage, a Construction and Environmental Management Plan during construction and all-electric energy strategy which will be supplemented with PV panels on site. Environmental Protection have been consulted and raise no objections to the details as submitted, subject to the measures being secured via condition.

## **Ecology**

Paragraph 187 (d) of the NPPF (2024) states that planning decisions should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures within the site.

Policy GE1 of the adopted Local Plan expects new development proposals to make provision for green infrastructure to ensure that such development is integrated into the landscape and contributes to improvements in connectivity and public access, biodiversity, landscape conservation, design, archaeology and recreation. Whilst also maintaining the quality and quantity of existing green infrastructure, and where the quantity is not retained, enhancement to quality is expected.

Policy GE3 of the Local Plan states proposals for development will be permitted provided that they protect, enhance and/or restore habitat biodiversity. Development proposals will be expected to ensure that they:

- Lead to a net gain of biodiversity, where appropriate, by means of an approved ecological assessment of existing site features and development impacts.
- Protect or enhance biodiversity assets and secure their long-term management and maintenance.
- Avoid negative impacts on existing biodiversity; and
- Preserve species which are legally protected, in decline, are rare within Coventry or which are covered by national, regional or local Biodiversity Action Plans.

In this case the site is not located within, or in proximity of, a statutory or non-statutory wildlife site and is laid primarily to hardstanding with managed grassland to the east of the site along Gibbons Close, there are also noted to the mature trees within the site, primarily to the boundaries.

Within the ecological information provided it is noted that there is evidence of invasive species being present within the site, the reports also make recommendations for ecological enhancements across the site, of which are captured in the draft Landscape and Ecological Management Plan. It is acknowledged that much of the self-set scrub and small trees within the site between the areas of hardstanding will be required for removal to facilitate the development as will 14 trees, primarily of category C quality albeit with 4 category B trees.



Ecology Officers raise no objections to the work as proposed inclusive of the removals of the areas of landscape and scrub identified within the submitted plans, although further clarification was requested to ensure that the required 10% biodiversity net gain as required by the Environment Act 2021, and Policy GE3 of the adopted Local Plan is met. Ecology within their response had initially queried as to whether it could be met in the site, or whether the adjacent space should also be included. However, utilising any land off-site would be required to be secured via a legal agreement and could not be implemented or reasonably secured via condition on a more informal basis as had been suggested.

However, in re-visiting the proposed landscaping scheme and layout it is considered that there are further opportunities to increase the biodiversity value within the site to meet or exceed the minimum 10% requirement through additional wildlife friendly planting and ecological enhancement. Officers are therefore satisfied that, subject to a pre-commencement condition a revised landscaping scheme and updated Landscape and Ecological Management Plan prior to the commencement of the development this can be adequately addressed. It is noted within the consultation also, that a member of the public recommended the incorporation of bird boxes into any planning approval, for the avoidance of doubt provisions for on-site habitats are also captured within this condition. Other conditions have duly been appended to ensure the treatment of invasive species within the site, and design features for other species be captured within the final landscape and ecological improvement plans.

### Developer Contributions

Policy IM1 'Developer Contributions for Infrastructure' states that 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.

The development would trigger the need for the following contributions to be secured under a Section 106 Legal Agreement. The heads of terms are as follows:

<b>Consultee</b>	<b>Contribution Figure</b>	<b>Towards</b>
Highways	£6,800.00	The monitoring of the travel plan for a period of ten years.
Parks and Open Space	£76,341.09	Improvements to open space and park facilities within the Jardine Crescent Public Open Space and/or Sports Ground.
<b>Total</b>	<b>£83,141.09</b>	

The S106 agreement shall also make provisions to secure the tenure of the units and use class of the development for 100% social rented tenure.

The developer has agreed to the requested contributions/obligations.

### 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 known equality implications in this case by virtue of the accommodation type/tenure of units. Some aspects or parts of the representations received may be interpreted as not aligning with the requirements of the Equality Act 2010. The assessment and conduct to which this application has been considered by the LPA is in full accordance with the Equality Act 2010 and has been considered based on material planning considerations.

## Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, highway safety, ecology or infrastructure, subject to relevant conditions and contributions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS1, DS3, H1, H3, H4, H6, H9, GE1, GE3, GE4, JE7, DE1, HE2, AC1, AC2, AC3, AC4, EM1, EM2, EM3, EM4, EM5, EM7 and IM1 of the Coventry Local Plan 2017 and the emerging Local Plan Policies DS1, DS3, H1, H3, H4, H6, H9, GE1, GE3, GE4, JE7, DE1, HE2, AC1, AC2, AC3, AC4, EM1, EM2, EM3, EM4, EM5, EM7 and IM1, together with the aims of the NPPF.

## CONDITIONS / REASON FOR REFUSAL

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

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

The development hereby permitted shall be carried out in accordance with the following approved plans:

Air Quality Assessment Statement Planning Energy

Arboricultural Report

Courtyard East Elevation DWG D29-A

Design and Access Statement

Drainage Strategy Plan DWG ENG\_010-A

East Elevations DWG D25-C

Engineering General Arrangement Plan DWG ENG\_100

Fire Strategy Comments and Plans

Flat Types 1/3 Bed DWG D16-A

Flat Types 2 Bed DWG D17

Landscape and Ecological Enhancement Scheme

Landscape-and-Biodiversity-Enhancement-and-Management-Plan

2. Location Plan DWG D01

North Elevation DWG D26-C

Overheating Risk in Residential Buildings Report

Phase II Ground Investigation Detailed Unexploded Ordnance (UXO) Threat and Risk

Assessment with Risk Mitigation Strategy

Preliminary Ecological Appraisal

Private Control Chamber Details DWG ENG\_260

Private Road Construction Details Sheet 1 DWG ENG\_250

Private Road Construction Details Sheet 2 DWG ENG\_251

Private-Drainage-Construction-Details-Sheet-1 DWG ENG-240

Private-Drainage-Construction-Details-Sheet-2 DWG ENG-241

Private-Drainage-Construction-Details-Sheet-3 DWG ENG-242

Private-Drainage-Construction-Details-Sheet-4 DWG ENG-243

Proposed First Floor Plan DWG D11-A

Proposed Ground Floor Plan DWG D10-A

Proposed Roof Plan DWG D13  
Proposed Second Floor Plan DWG D12  
Residential Noise Assessment

Revised Site Layout Plan - 71809-D02G-Site-Plan  
South Elevation DWG D27-B  
Surface Water Area Plan DWG ENG\_140  
Sustainable Building Statement  
Topographical Survey Plan  
Topographical Survey Plan  
Transport Statement  
Travel Plan Statement  
Tree Survey on Proposed Track Installation  
Tree-Constraints-New-Layout-Plan DWG AEMG20-C2068A-B  
Tree-Constraints-Plan DWG AEMG20-C2068A-A  
Tree-Impact-Plan DWG AEMG20-C2068A-B  
Tree-Protection-Plan DWG AEMG20-C2068A-B  
Tree-Shadow-Plan DWG AEMG20-C2068A-B  
Tree-Work-Plan DWG AEMG20-C2068A-B  
West Elevation DWG D28-B

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

3. Prior to their incorporation into the development, details of: -window/ door frame colour and materials; -glazing details; -brick and mortar details; -cladding details including colour/finish and profile, fixing systems and joint details; -details of any rainwater goods; -details of any vents/grilles; -details of roof top safety rail systems; and -details of any plant enclosure or similar structures shall be submitted to and approved in writing by the Local Planning Authority. These details shall be installed only 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.

**Reason** *To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area in accordance with Policy DE1 of the Coventry Local Plan 2017.*

4. No development or other operations (including any demolition, site clearance or other preparatory works) shall commence unless and until the tree protection measures identified in the approved application documentation have been put into place in strict accordance with the approved details and thereafter they shall remain in place during all construction work. In addition no excavations, site works, stock piling, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy or root protection area of any protected tree(s); no equipment, machinery or structure shall be located within this zone; no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).

**Reason** *To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy GE3 and GE4 of the Coventry Local Plan 2017.*

5. Notwithstanding the submitted details, 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

development hereby permitted; and 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.

**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 2017.*

Prior to the commencement of the development hereby permitted, a scheme shall be submitted to, and approved in writing by, the Local Planning Authority (LPA) for the provision of a Sustainable urban Drainage System (SuDS) in accordance with the latest available design guidance. 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:

- Open Air storage or attenuation in the form of a wet pond, dry basin, swale or other similar surface feature, aimed at managing water quantity, quality and introducing biodiversity at the ground surface.
- 6. - General below ground attenuation, aimed solely at managing the quantity of water on site (Note: preference should be given to localised cellular storage unless there is no possible mechanism for doing so).
- Water quality control medium(s) such as permeable paving, filter drains, rain gardens, ponds or swales aimed at improving the quality of water passing through the system either above or below ground.

All in accordance with Coventry City Council's Supplementary Planning Document "Delivering a more Sustainable City".

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 2017 and Coventry City Councils adopted Supplementary Planning Document for Delivering a More Sustainable City.*

- 7. The residential accommodation hereby permitted shall not be occupied unless and until the bin storage areas have been provided in full accordance with the details shown on the approved plans and thereafter they shall remain available for use at all times and shall not be removed or altered in any way.

**Reason** *In the interests of the amenities of the future occupants of the residential accommodation in accordance with Policy DE1 of the Coventry Local Plan 2017.*

- 8. Notwithstanding the plans hereby permitted, prior to the construction of a boundary wall, fence or gate details of the position, appearance and materials of such boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in full accordance with the approved details before the respective building to which they serve is first occupied and thereafter shall be retained and shall not be removed or altered in any way.

**Reason** *To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area in accordance with Policy DE1 of the Coventry Local Plan 2017.*

- 9. Prior to the first occupation of the development hereby permitted, details of general ecological habitat enhancement measures and hedgehog mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Such measures shall include; retention and management of boundary vegetation, and hedgehog friendly boundary fencing and gates. The habitat enhancement measures

shall be undertaken in strict 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.

**Reason** *To ensure that protected species are not harmed by the development in accordance with Policy GE3 of the Coventry Local Plan 2017 and the advice contained within the NPPF.*

Notwithstanding the submitted details, prior to the first occupation of the development hereby permitted, a combined ecological and landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an updated DEFRA metric calculation showing the total loss of biodiversity on-site, together with details of planting to achieve a minimum of 10% Biodiversity Net Gain.

10. The scheme shall include all aspects of landscaping including details of any compensation for biodiversity loss, including the erection of bat boxes and/or bird nesting boxes (to include box type, numbers, location and timing of works). The approved scheme shall be fully implemented in strict accordance with the approved details prior to the first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

**Reason** *To ensure that protected species are not harmed by the development in accordance with Policy GE3 of the Coventry Local Plan 2017 and the advice contained within the NPPF.*

11. The development 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.

**Reason** *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 2017.*

No development (including any demolition) 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; - Working hours of the site during the construction phase - 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 2017.*

13. 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 2017 and the aims and objectives of the NPPF*

14. The development hereby permitted shall incorporate the measures and recommendations of the approved air quality and energy assessments referenced Air Quality Assessment (2024) and 2129-ESC-00-ZZ-RP-Z-0016 6-Nov-24. The measures shall be installed in full accordance with the approved details prior to first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

**Reason** *To mitigate the impacts of development on air quality during and post construction in accordance with Policies DS3 and EM7 of the Coventry Local Plan 2017.*

15. Prior to the commencement of development, a method statement detailing the control of emissions into the air during the demolition/construction phase should be submitted to and approved in writing by the Local Planning Authority. The method statement should accord with the Best Practice Guidance - 'The control of dust and emissions from construction and demolition' and include:- a) proposed hours of work; b) map with nearest receptors and distances for dust and noise; c) noise impact on nearest neighbours and control measures as required; d) monitoring methods and measurement locations for dust and noise recording details; e) dust mitigation measures; f) contact details for responsible persons and site personnel training; and g) information provision and liaison with local residents. The development shall only proceed in full accordance with the approved details.

**Reason** *To protect the amenity of the occupiers of neighbouring residential occupiers in accordance with Policy EM7 of the Coventry Local Plan 2017.*

16. The building shall be occupied for temporary accommodation only and for no other purpose.

**Reason** *To ensure that the development is compatible with nearby uses and so that it does not adversely impact upon the safe and free flow of traffic in the vicinity of the site or residential amenity in accordance with Policies AC1, AC2, AC3 and DE1 of the Coventry Local Plan 2016.*

17. The development hereby permitted shall only proceed in strict accordance with a scheme for targeting and utilising local people for construction and employment, which shall be submitted to and approved in writing by the Local Planning Authority.

**Reason** *To secure local employment in accordance with the City Council jobs strategy and Policy JE7 of the Coventry Local Plan 2017.*

18. The building hereby permitted shall not be occupied unless and until the completion of the grasscrete parking bays shown on the approved plans. Thereafter those spaces shall be retained for parking purposes at all times and shall not be removed or altered in any way.

**Reason** *To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Council's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies AC1, AC2 and AC3 of the Coventry Local Plan 2017.*

19. The Travel Plan (ref. Draft Travel Plan) hereby approved shall be implemented in full accordance with the details specified therein. The Travel Plan, as approved shall be monitored and reviewed in accordance with the approved Travel Plan targets and shall not be amended in any way.

**Reason** *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 Plan 2017.*

20. No works to the footway shall be carried out until full engineering details have been

submitted to and approved in writing by the Local Planning Authority. Before the development hereby permitted is first occupied all redundant existing vehicular access points onto Faseman Avenue shall have been permanently closed and the footway reinstated and any associated footway works completed in full accordance with the details shown on the approved drawings and the approved engineering details.

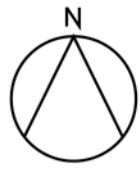
**Reason** *In the interest of highway safety in accordance with the aims and objectives of Policies AC1 and AC2 of the Coventry Local Plan 2017*

21. The development hereby permitted shall not be occupied unless and until the access points to the site, manoeuvring space(s) and car parking area(s) indicated on the approved drawings have been provided in full accordance with those details and thereafter those areas shall be kept marked out and available for such use at all times.

**Reason** *In the interests of highway safety in accordance with the aims and objectives of Policies AC1, AC2 and AC3 of the Coventry Local Plan 2017.*

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Notes

- Copyright in this drawing remains the property of BM3 Architecture Limited.
- Do not scale this drawing unless for the purposes of verifying or determining any Planning Application.
- Contractors and consultants are to advise BM3 Architecture Limited of any discrepancies.

Revision	Date	By	Chkd
A Car park entrance off Gibbons Close	24.04.24	SM	JJ
B Survey information incorporated. Plans Developed with more detail.	21.05.24	SM	JJ
C East Wing Alterations	12.06.24	SM	JJ
D Sub Station Location Finalised	13.08.24	SM	JJ
E Tracking for fire service incorporated	04.09.24	SM	JJ
F Updates Gibbons close to reflect highway comments	26.02.25	JJ	
G LAYBY ADDED	07.03.25	EW	JJ



Small visitor and staff car park to the front of the building.

Some acoustic fencing required along boundary with The Black Prince. See Noise Survey and Boundary Treatment Plan for details.

Secure pedestrian entrance for resident use.

Bike store available for resident use

General Store for storing outside play equipment and garden maintenance equipment

Ground floor flats to have small private terraces fronting onto secure areas of the site.

Existing secure perimeter fencing to be retained to back of building. See Boundary Treatment Plan for details.

Area to be left clear to provide turning head for fire service vehicle. To be finished in contrasting material/colour to car park.

Geotextile parking layby

Refuse store for residents. 19m from road for collection.

Formal path to be created along existing desire line.

Fence to run alongside path. See Boundary Treatment Plan for details.

Shared terrace space outside the communal lounge

Ground floor flats to have small private terraces fronting onto secure areas of the site.

Secure courtyard for resident use

Ground floor flats to have small private terraces fronting onto secure areas of the site.

Area hatched blue proposed for adoption.

Gated vehicle access into resident parking.

Bike storage available for resident use.

Private resident parking.

Existing gate giving access into the existing car park to be permanently locked.

PLANNING

Client

Project  
Faseman House  
Coventry

CISfb Element

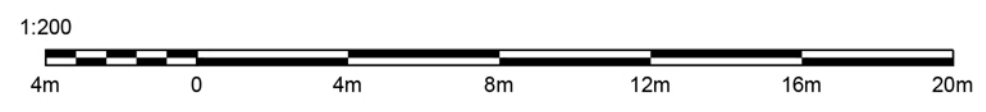
Drawing  
Site Plan  
As Proposed

Drawn by SM	Checked JJ
Scale 1:200 @ A1	Dated April 2024
Job No. 71809	Drawing No. D02
	Revision G

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Site Plan  
As Proposed







- Reception space with direct access into the offices.
- Secure pedestrian entrance for resident use
- Staff only spaces zoned and connected. Private staff facilities.
- Interview/Support rooms in close proximity to staff spaces.
- Main stair core with access off reception.
- Secure bike store for resident use.
- External store for play equipment and garden equipment.
- West wing central corridor.
- Private terraced gardens for ground floor flats.
- Secure bike store for resident use.

- Entrance recessed to create 600mm canopy and welcome into the building.
- Entrance lobby with secure entry controlled at Reception.
- Toilets and baby change for residents while in common areas.
- Conference room and kitchen for resident use.
- Reception and open social space for residents.
- Refuse store for residents.
- Entrance from courtyard into reception area. Allows secure access to courtyard and parking.
- Communal lounge spaces for residents. Bifold doors to allow for flexibility in use of space and group numbers.
- Glazed double doors connecting the lounge spaces with the external courtyard.
- Corridor to private residences. Separated from communal areas.
- Staircase with lift to allow easy access to flats in the East Wing.
- Ground floor flats with private outdoor space.
- Private entrance gate for flats in the East Wing
- Secure vehicle entry to resident car park.
- Secured central courtyard for shared resident use.
- Courtyard entrance gate, fence separating courtyard from road and parking for safety.

Key					
		1 Bed Flat		07	
		2 Bed Flat		01	
		3 Bed Flat		02	
Accommodation Schedule					
1A	1B/2P	43sqm/463sqf	G1 G4 G5 G6	07	
			G7 G8 G9		
1B	1B/2P	51sqm/sqf	G10	01	
3A	3B/5P	73sqm/786sqf	G2 G3	02	
				<b>Total</b>	<b>10</b>

**Ground Floor**  
In Context  
1:200  
4m 0 4m 8m 12m 16m 20m

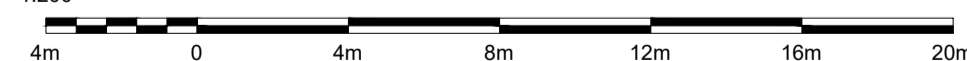




**First Floor**

In Context

1:200



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Revision	Date	By	Chkd	CDM Notes
A	29.07.24	SM	JJ	

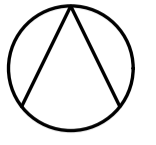
Amendments responding comments from Fire Engineer

Project	Drawing	Client
Faseman House	General Arrangement Plans First Floor Plan In Context	

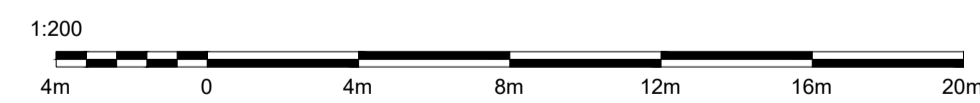
Scale	Dated	Job No.	Drawing No.	Drawn by	Checked	Client Element	Revision
1:200	21.05.24	71809	D11	SM	JJ	Ci/Sib Element Planning	A







Second Floor  
In Context



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Revision	Date	By	Chkd	CDM Notes

Project Faseman House	
Scale 1:200	Dated 21.05.24
Job No. 71809	

Drawing General Arrangement Plans Second Floor Plan In Context		
Drawing No. D12	Drawn by SM	Checked JJ

Client	
Ci/Sib Element Planning	Revision -



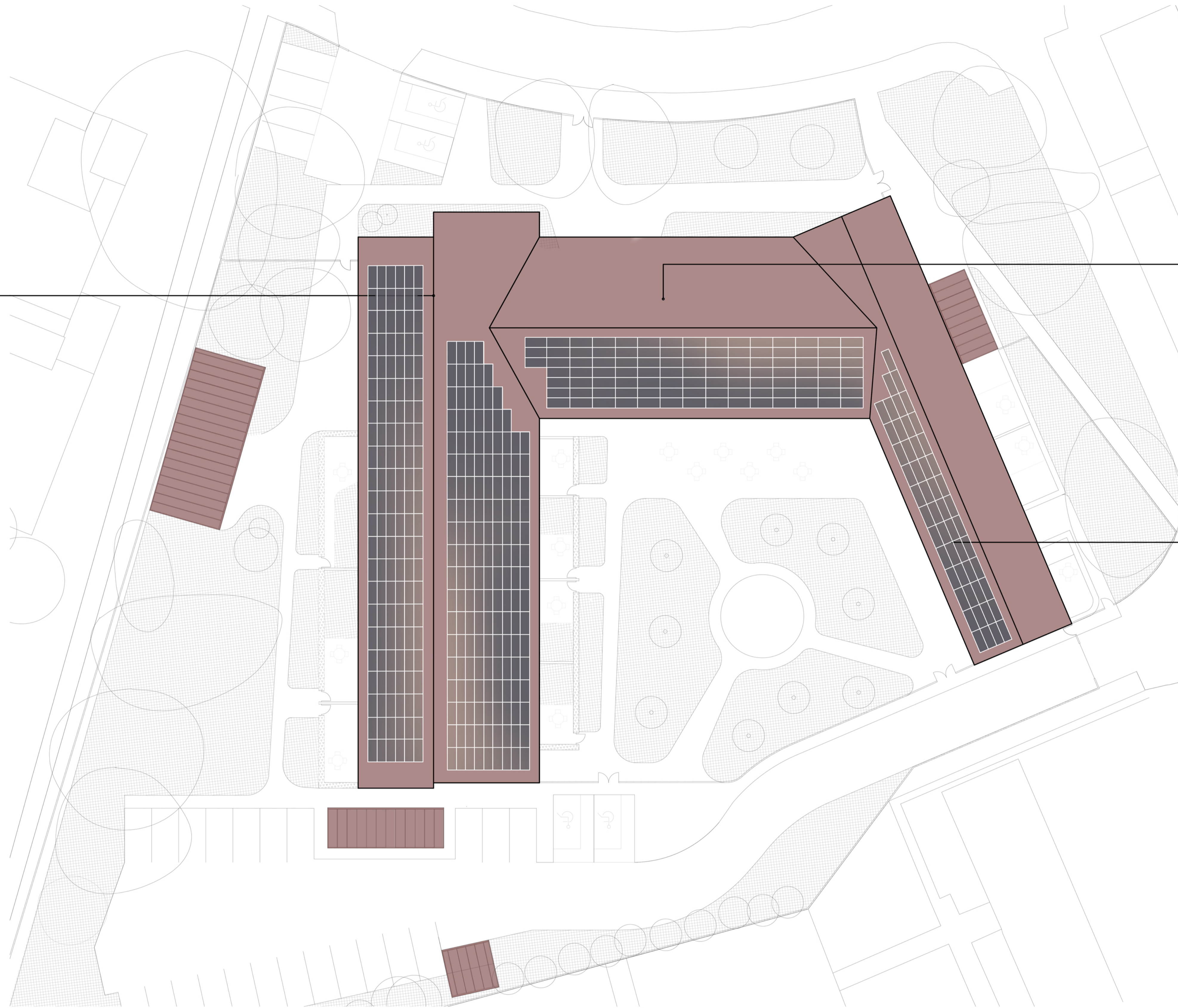




Split gable roof.

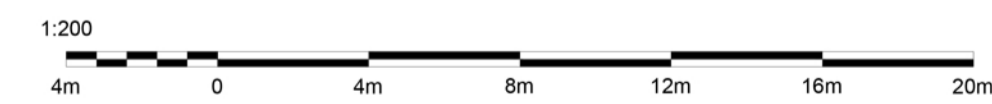
Roofs sloping to Faseman Avenue and Gibbons Close to be clear of solar panels.

900sqm solar panels facing South, West and East - into the courtyard.



### Roof Plan

In Context



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Revision	Date	By	Chkd	CDM Notes

Project Faseman House		Drawing General Arrangement Plans Roof Plan In Context			Client	
Scale 1:200	Dated 21.05.24	Job No. 71809	Drawing No. D13	Drawn by SM	Checked JJ	CIS/b Element Planning

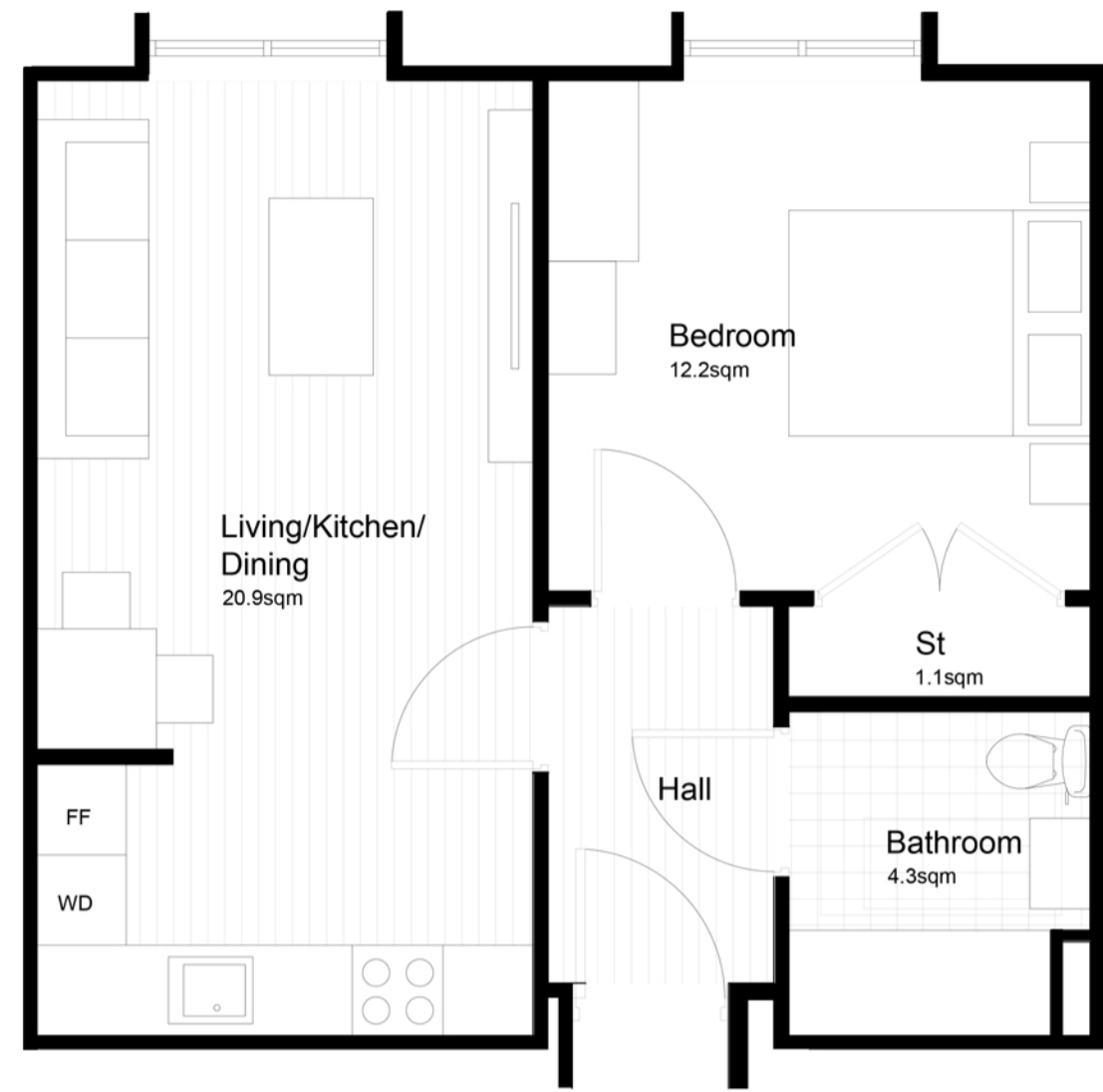
Revision	-
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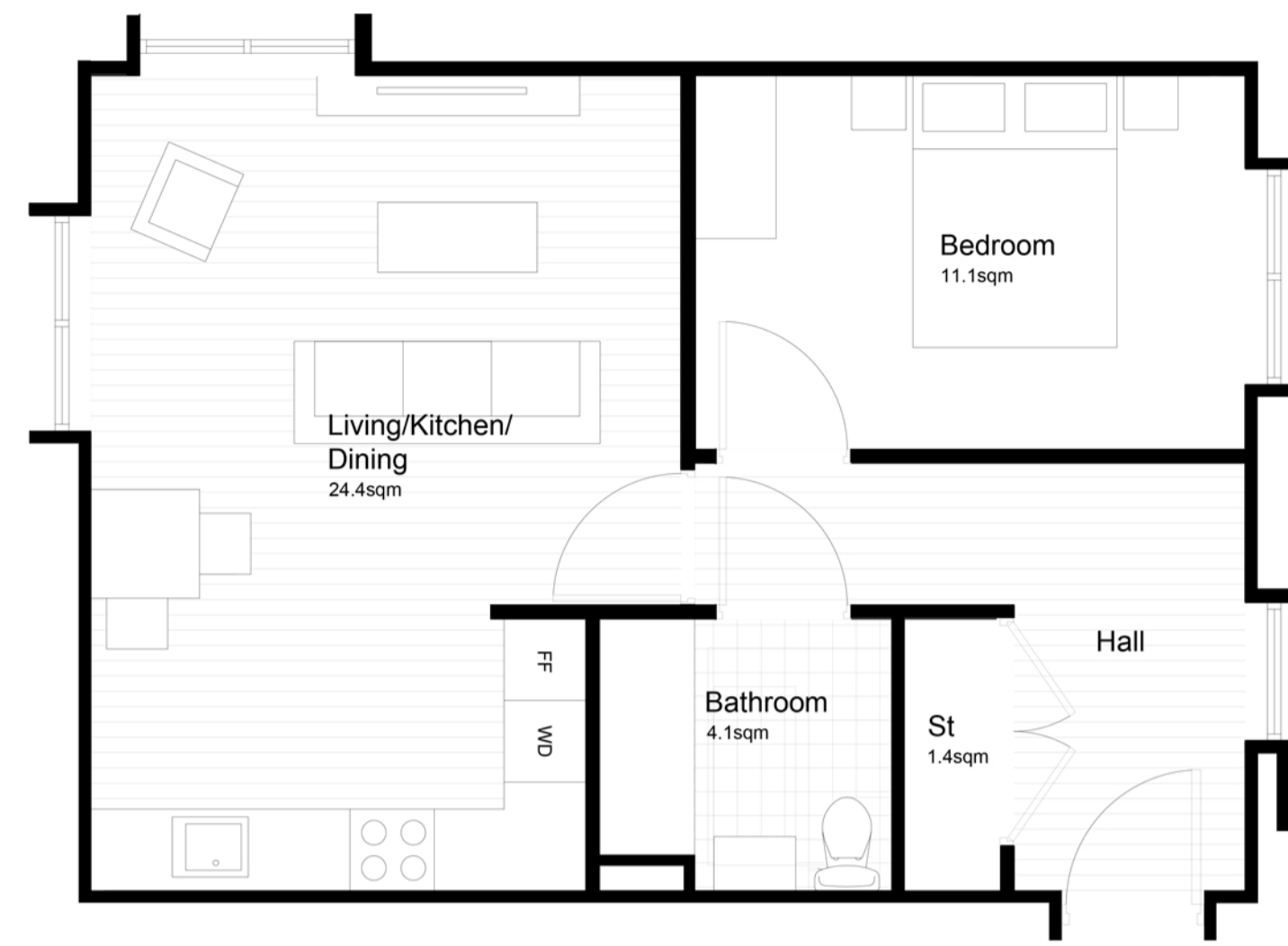




1 Bed Flats

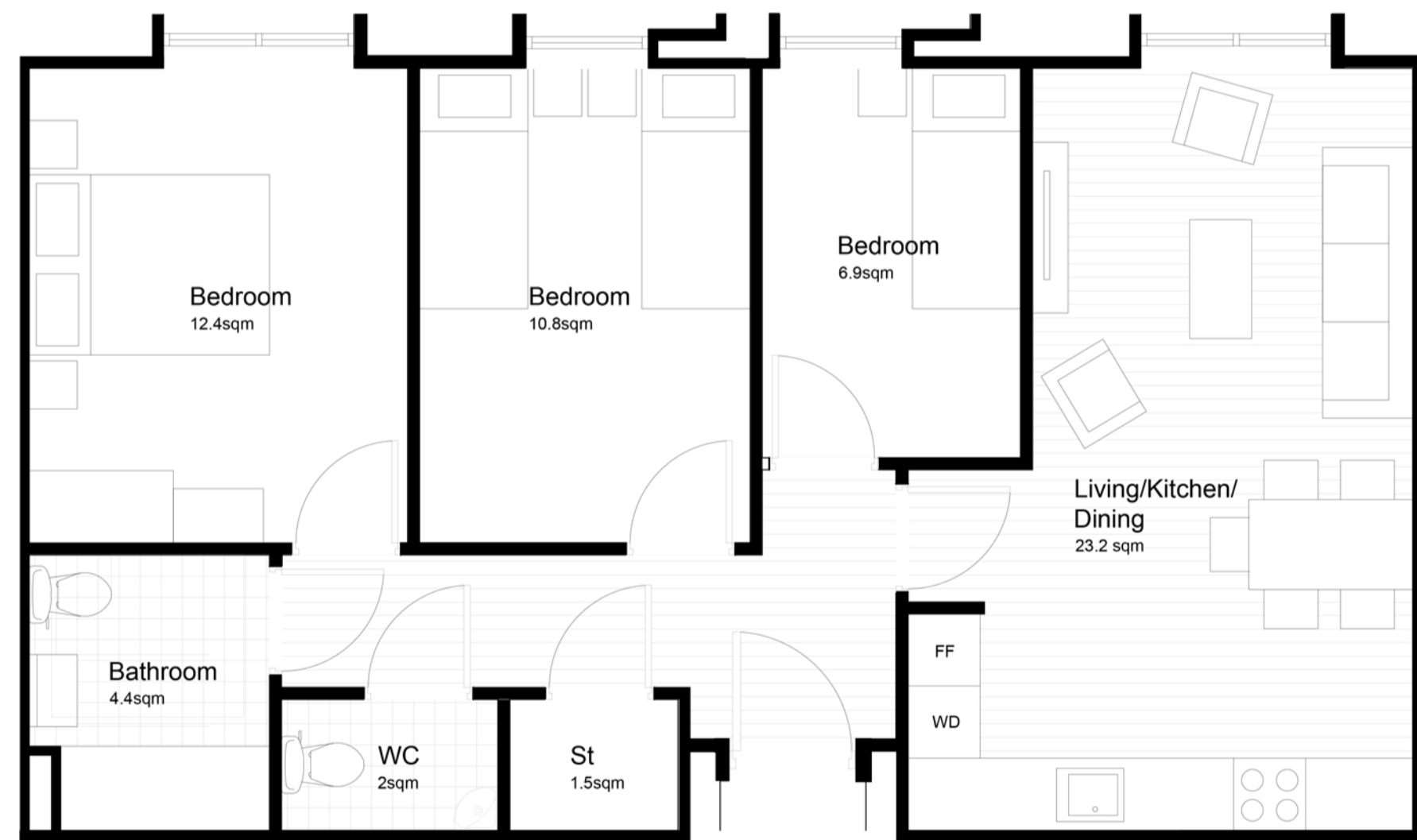


**1A**  
1 Bed 2 Person  
43 sqm

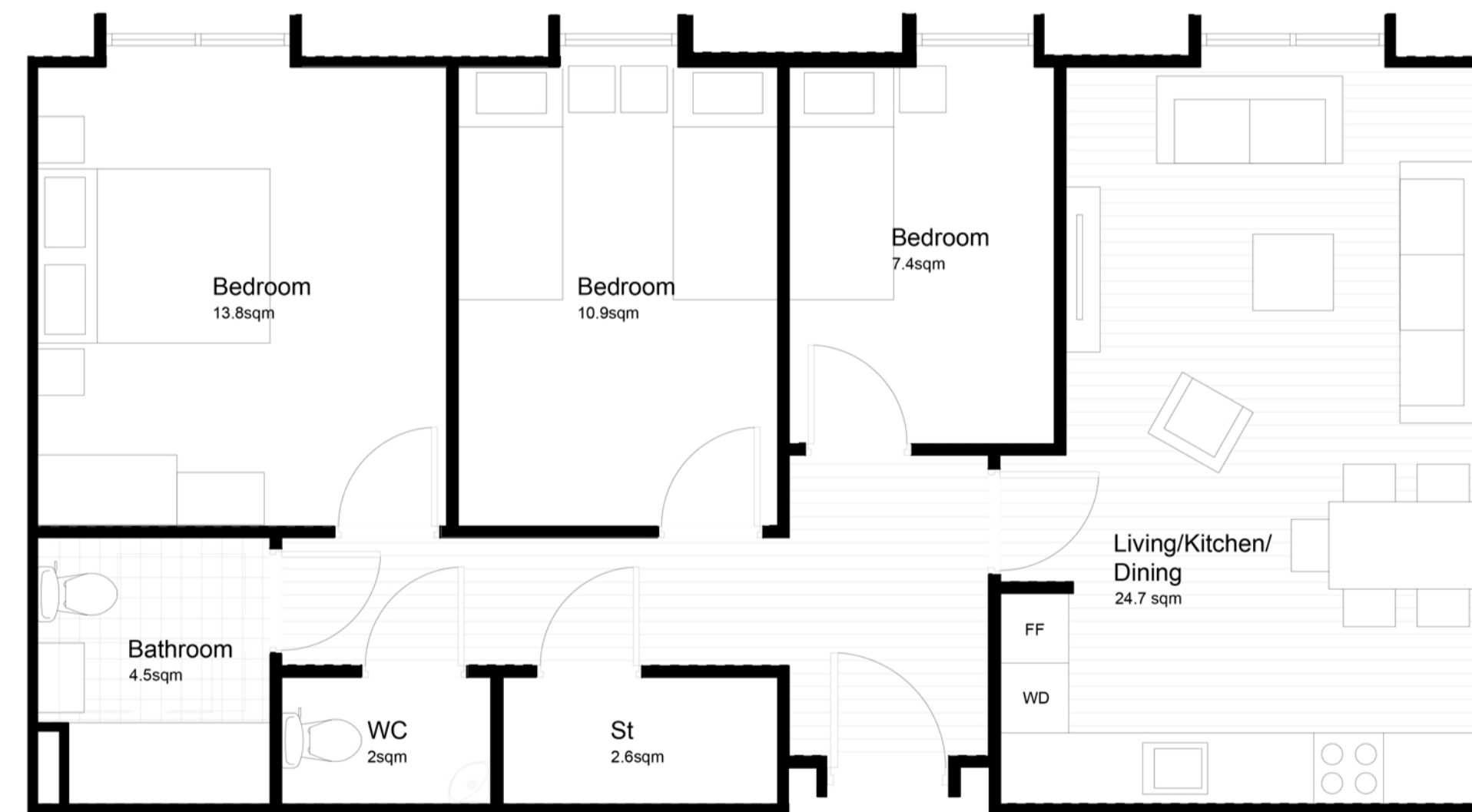


**1B**  
1 Bed 2 Person  
50.9 sqm

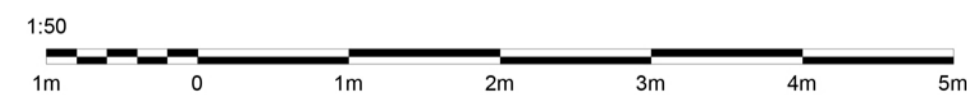
3 Bed Flats



**3A**  
3 Bed 5 Person  
73.1 sqm

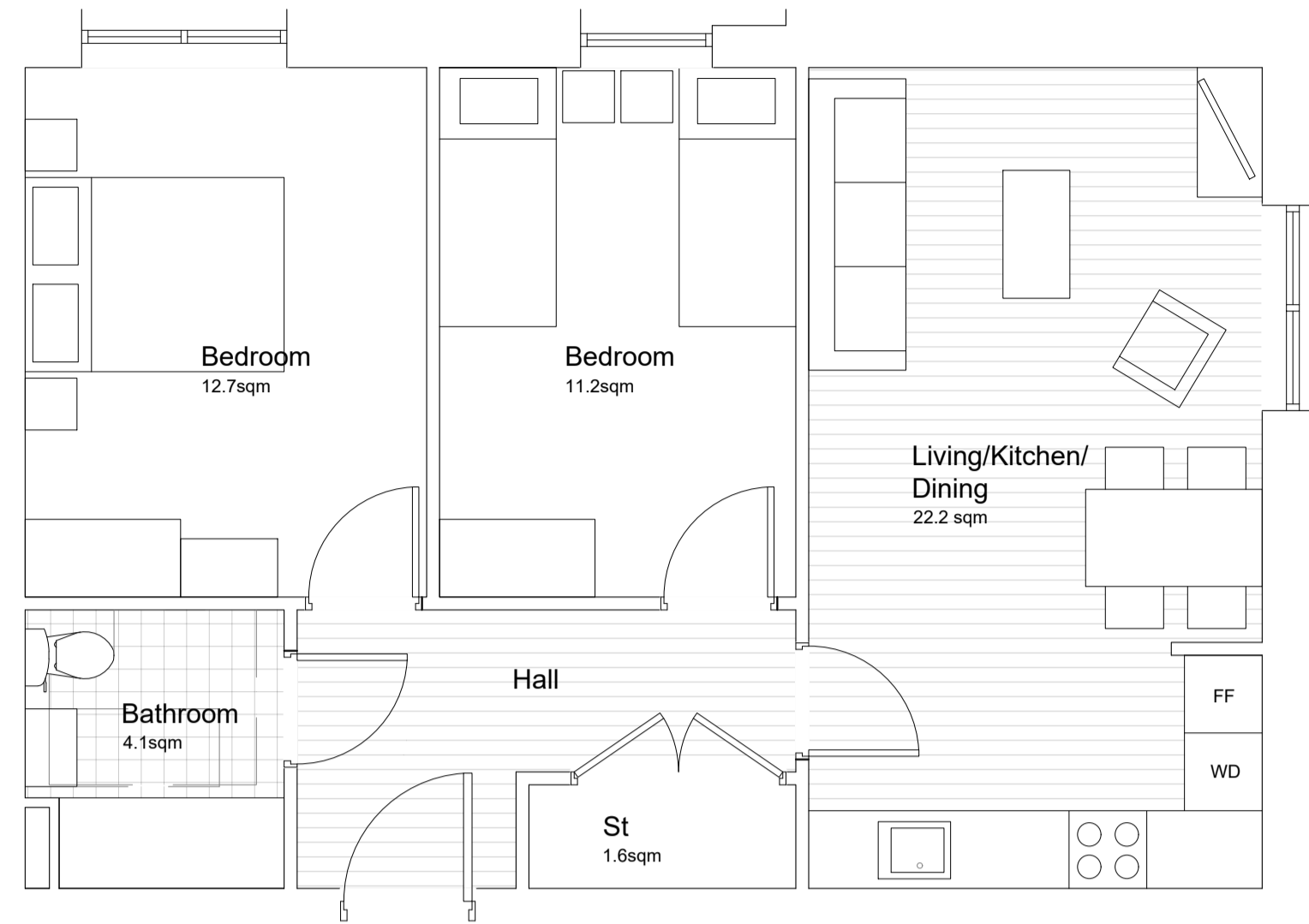


**3B**  
3 Bed 5 Person  
78.3 sqm

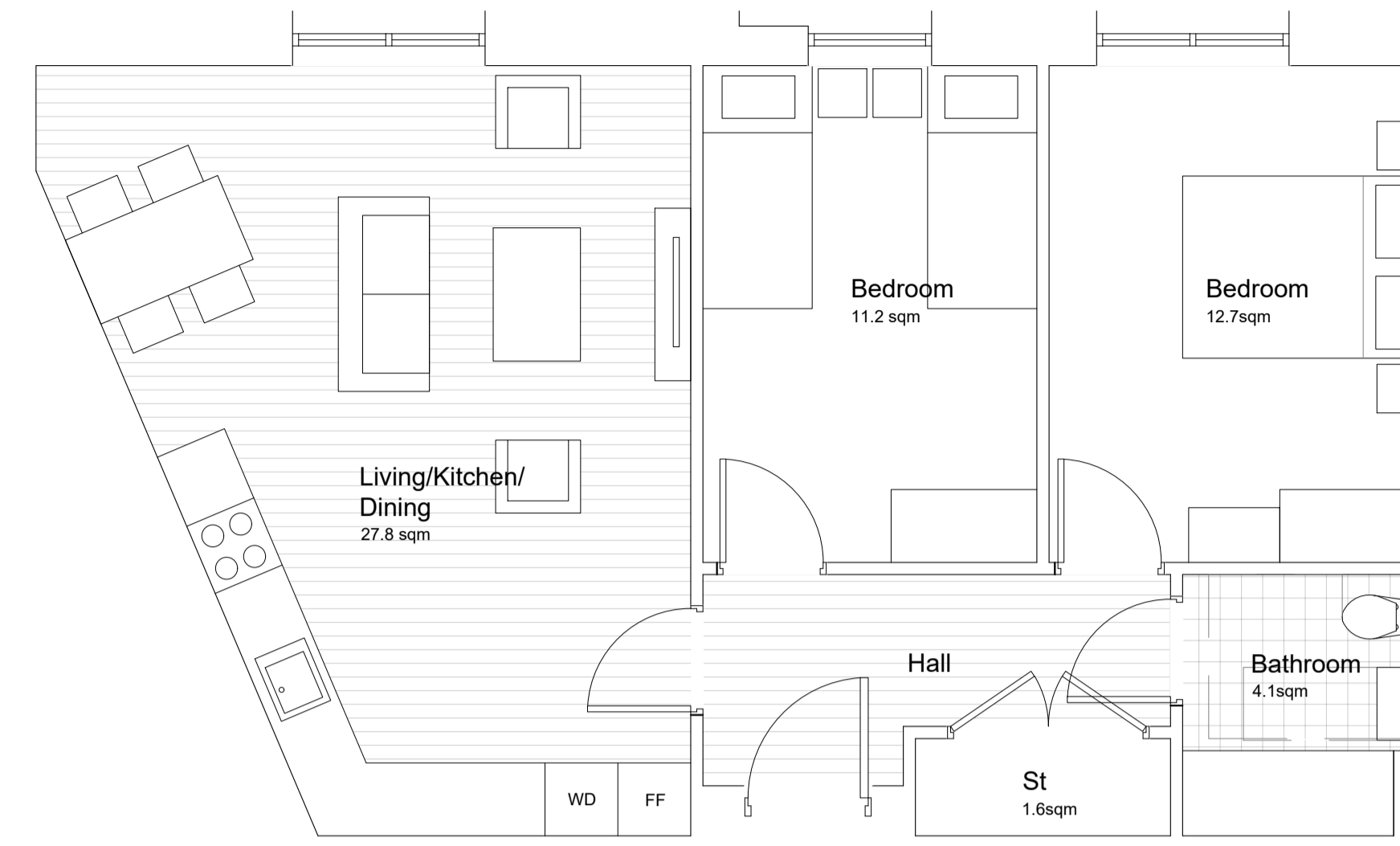


<p>Notes</p> <ul style="list-style-type: none"> <li>Copyright in this drawing remains the property of BM3 Architecture Limited.</li> <li>Do not scale this drawing. Work to figured dimensions only.</li> <li>Contractors and consultants are to advise BM3 Architecture Limited of any discrepancies.</li> </ul>	<p>Revision</p> <p><b>A</b> Amendments to Flat type 1B after feedback from Fire Engineer</p>	<p>Date</p> <p>29.07.24</p>	<p>By</p> <p>SM</p>	<p>Chkd</p> <p>JJ</p>	<p>CDM Notes</p>	<p>Project</p> <p>Faseman House Coventry</p>	<p>Drawing</p> <p>Flat Types 1 and 3 Bed</p>	<p>Client</p>
						<p>Scale</p> <p>1:50 @ A1</p>	<p>Dated</p> <p>April 2024</p>	<p>Job No.</p> <p>71809</p>

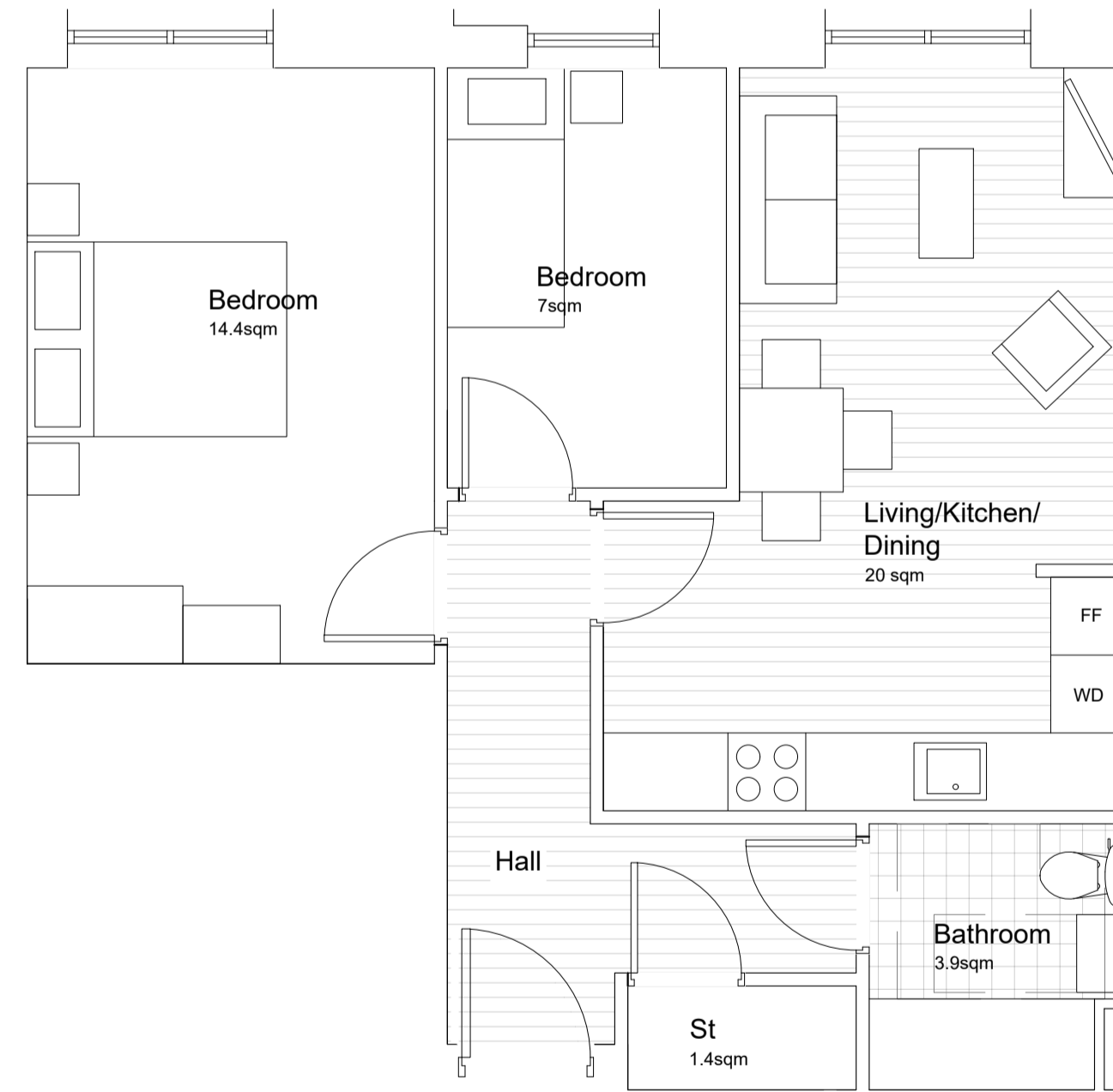
## 2 Bed Flats



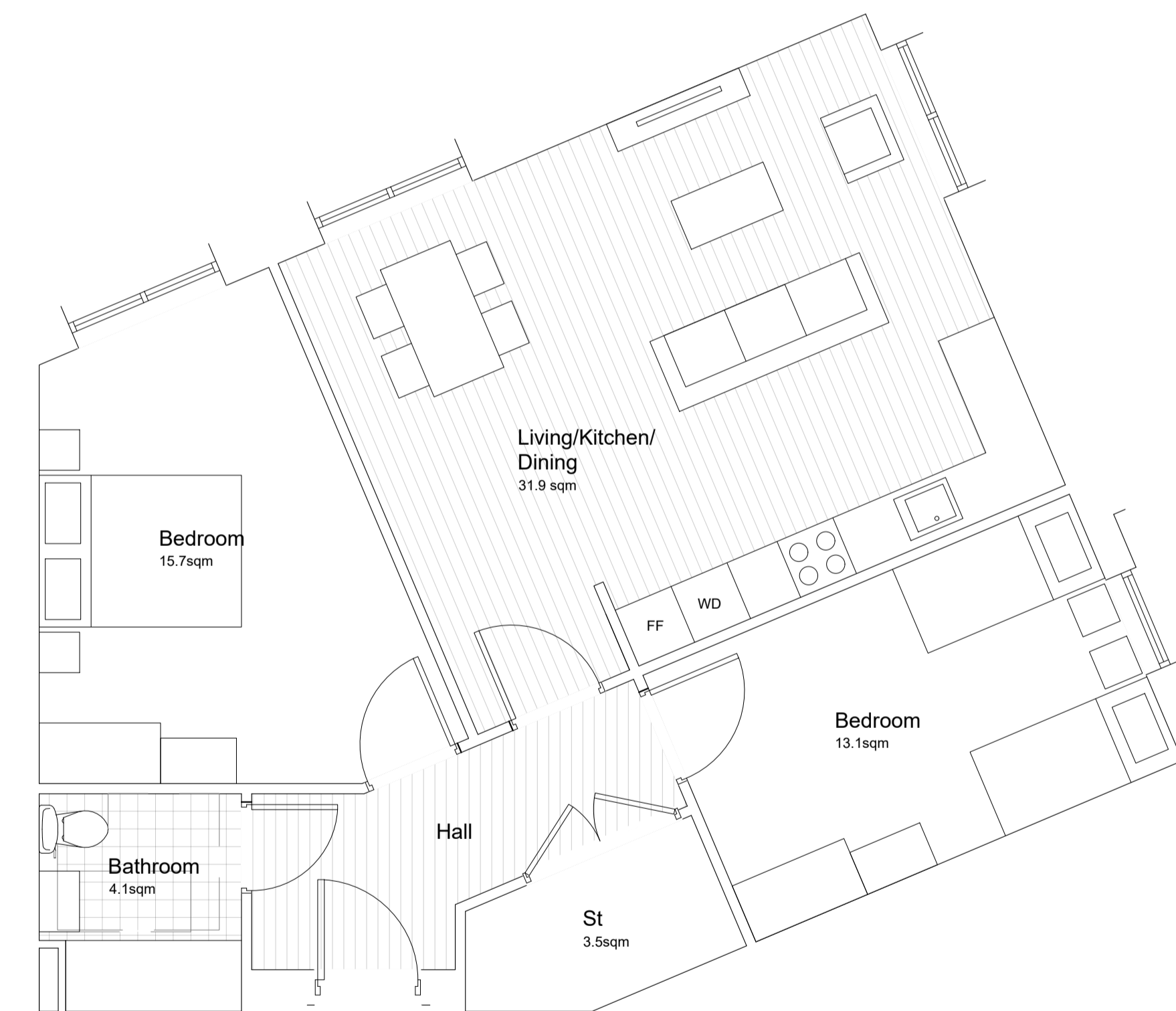
**2A**  
2 Bed 4 Person  
60.5 sqm



**2B**  
2 Bed 4 Person  
66.1 sqm



**2C**  
2 Bed 3 Person  
55.8 sqm



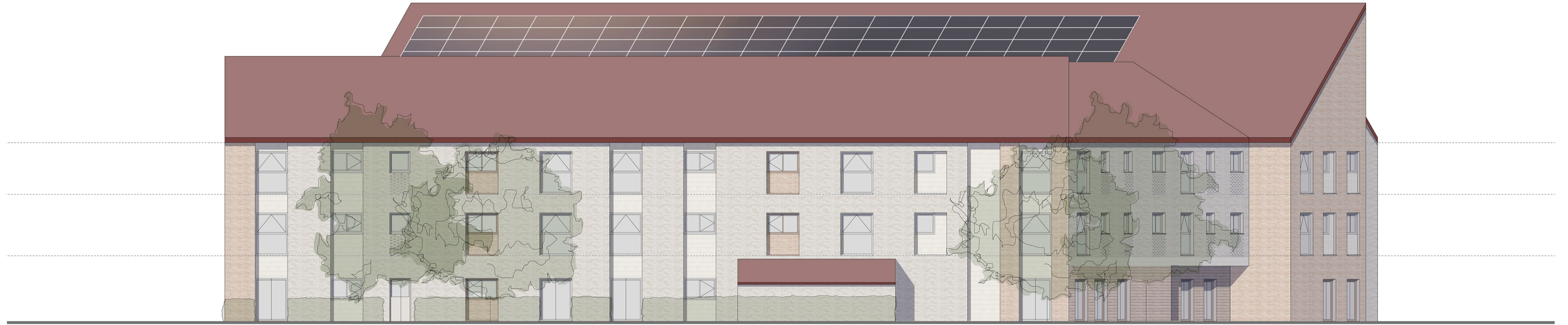
**2D**  
2 Bed 4 Person  
77.4 sqm



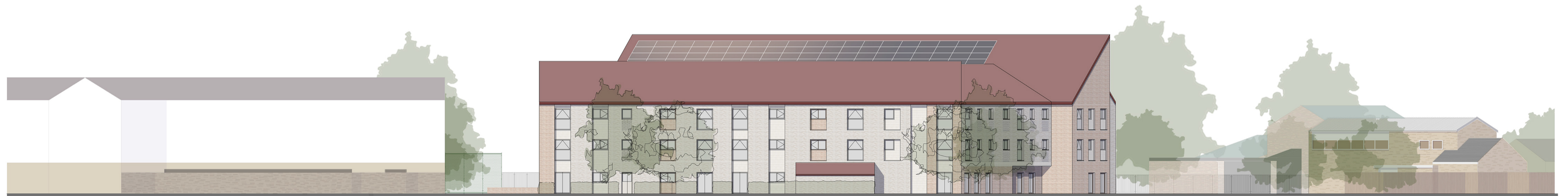
Notes	Revision	Date	By	Chkd	CDM Notes	Project	Drawing	Client
<ul style="list-style-type: none"> <li>Copyright in this drawing remains the property of BM3 Architecture Limited.</li> <li>Do not scale this drawing. Work to figured dimensions only.</li> <li>Contractors and consultants are to advise BM3 Architecture Limited of any discrepancies.</li> </ul>						Faseman House Coventry	Flat Types 2 Bed	
Scale	Dated	Job No.	Drawing No.	Drawn by	Checked	CISb Element	Revision	
1:50 @ A1	April 2024	71809	D17	SM	JJ	Planning	-	
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**East Elevation**  
As Proposed  
1:100



**East Elevation**  
In context  
1:200

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		Scale Varies@A1	Dated April 2024	Job No. 71809		Drawing No. D25	Drawn by SM	Checked JJ	CISb Element Planning	Revision C	
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North Elevation  
As Proposed  
1:100



North Elevation  
In context  
1:200

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						Scale Varies@A1	Dated April 2024	Job No. 71809	Drawing No. D26	Drawn by SM	Checked JJ	CDM Element Planning







**South Elevation**  
As Proposed  
1:100



**South Elevation**  
In Context  
1:200

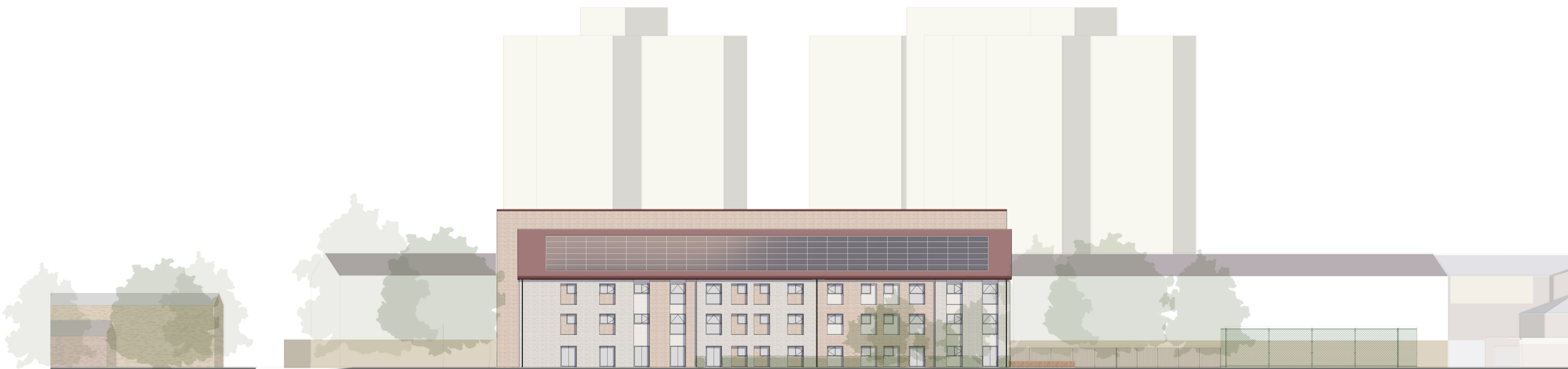
<b>Notes</b> - Copyright in this drawing remains the property of BM3 Architecture Limited. - Do not scale this drawing. - Work to figured dimensions only. - Contractors and consultants are to advise BM3 Architecture Limited of any discrepancies.	<b>Revision</b> A - Solar Panels B - Windows Updated	<b>Date</b> 16.08.24 18.09.24	<b>By</b> SM RH	<b>Chkd</b> JJ JJ	<b>CDM Notes</b>	<b>Project</b> Faseman House Coventry		<b>Drawing</b> South and East Elevations		<b>Client</b>	
						<b>Scale</b> Varies@A1	<b>Dated</b> July 2024	<b>Job No.</b> 71809	<b>Drawing No.</b> D27	<b>Drawn by</b> SM	<b>Checked</b> JJ







**West Elevation**  
As Proposed  
1:100



**West Elevation**  
In Context  
1:200

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	Scale Varies@A1	Dated July 2024	Job No. 71809	Drawing No. D28		Drawn by SM	Checked JJ	CIS/b Element Planning





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<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	PL/2024/0002542/FUL
<b>Site:</b>	603 – 611 Stoney Stanton Road
<b>Ward:</b>	Foleshill
<b>Proposal:</b>	Change of use of in part the community/education area to a restaurant use (Use Class E(b) with a maximum of 129 covers.
<b>Case Officer:</b>	Emma Spandley

## **SUMMARY**

The application relates to an existing building originally granted retrospective planning permission on 18<sup>th</sup> May 2015 under FUL/2015/0373 for the erection of the building for use as restaurant and community/education centre on ground floor, five residential units on first and second floor and associated parking and access.

The total gross internal ground floor area approved under FUL/2015/0373 amounted to 534.40 square metres; split into 2no units with 250 square metres for the restaurant and 284.4 square metres for the community/education facility.

FUL/2015/0373 imposed several conditions relating to hours of use; no Hot Food Takeaway (HFT) sales or deliveries (condition No.5 & No.6) and limiting the number of occupiers for the community use and covers for the restaurant use (condition No.8). This was to safeguard the amenity of the existing residential properties.

In 2019 two variation of condition applications were submitted and refused which sought to increase opening hours, to allow ancillary Hot Food Take away (HFT) sales and increase the number of covers. (S73/2019/0042 and S73/2019/2871).

These applications were refused for the following reason:

*The proposed variation of hours, additional covers and allowance of ancillary takeaway use is likely to result in customers parking in adjacent residential side streets, leading to increased noise and disturbance to occupiers of those houses during hours when they could reasonably expect less disruption, contrary to Policy R6 of the Coventry Local Plan 2016 and guidance contained within the National Planning Policy Framework.*

The current application will add 37sqm to the restaurant floor area, making a total of 287sqm.

However, the parking requirement for the expanded restaurant would be 29no car parking spaces; only 7no are being provided, with a deficit of 22no car parking spaces.

## **BACKGROUND**

Planning permission was granted in 2008 (R/2008/1126) for a double storey mixed-use development which included a ground floor snooker hall with five residential flats on the first floor with bedroom spaces in the roof. A previous application (R/2007/1950) was refused for a 3-storey development that proposed ground floor retail use with snooker

hall and residential to upper floors. The building was not constructed in accordance with the approved drawings, so did not benefit from planning permission.

Planning permission was refused in 2014 (FUL/2014/0449) for use of the whole of the ground floor as a restaurant as it was considered contrary to retail policies in this out of centre location, an unsatisfactory parking layout, the site was of insufficient size to accommodate the parking and servicing for the restaurant and the residential units and an unsatisfactory residential environment.

The 2015 permission (FUL/2015/0373) which was eventually granted which reduced the scale of the restaurant to 250sqm which was/is commensurate with a local retail unit and therefore due to the reduced floor area was acceptable within the out of centre location.

The 2015 permission (FUL/2015/0373) imposed several conditions relating to hours of use, no Hot Food Takeaway sales or deliveries (condition No.5 & No.6) and limiting the number of occupiers for the community use and covers for the restaurant use (condition No.8). This was to protect the amenity of the surrounding residential properties.

In 2016 a variation of condition application (S73/2016/0571) was approved which allowed the restaurant to open midday to midnight instead of 18.00 to midnight, as originally approved.

In 2019 two variation of condition applications were submitted and refused which sought to increase the opening hours, to allow ancillary take away sales and to increase the number of covers. (S73/2019/0042 and S73/2019/2871).

In 2023 an application (PL/2023/0001864/FUL) was submitted which changed the former community space into a retail shop with the restaurant use remaining within the adjacent unit.

## **KEY FACTS**

<b>Reason for report to committee:</b>	Over five letters in support contrary to the officer's recommendation.
<b>Current use of site:</b>	Commercial ground floor with residential above
<b>Proposed use of site:</b>	Commercial ground floor with residential above
<b>Proposed no of units</b>	N/A
<b>Housing mix</b>	N/A
<b>Parking provision</b>	7no spaces
<b>Open space provision</b>	N/A

## **RECOMMENDATION**

Planning committee are recommended to REFUSE planning permission for the reasons set out within this report.

*'The proposed additional covers are likely to result in customers parking in adjacent residential side streets, leading to highway safety issues and increased noise and disturbance to occupiers of those houses during hours when they could reasonably expect less disruption, contrary to Policy AC3 and R6 of the Coventry Local Plan 2017 and guidance contained within the National Planning Policy Framework.'*

## **REASON FOR DECISION**

- The proposal is considered to contrary to Policies AC3 and R6 of the Coventry Local Plan 2017 and the emerging Local Plan, together with the aims of the NPPF paragraph No.7 by reason of compromising the amenity and therefore the ability of the existing residents in meeting their own needs of residential on street parking, generating parking stress.

### **SITE DESCRIPTION**

The application site is located at the busy traffic light-controlled junction of Broad Street and Stoney Stanton Road. The carriageway has double yellow lines all around it restricting any on street parking. There is a layby to the southwest of the site able to accommodate 4no cars. This sits outside a row of shops and Hot Food Takeaways.

To the north is Broad Street, which is too, heavily marked with double yellow lines; to the south and southwest of the site is a residential street called Awson Street which is characterised by circa 19<sup>th</sup> century terraces houses with minimal or no front gardens, that all rely on, on-street parking.

### **APPLICATION PROPOSAL**

The application seeks to change 37sqm of existing floor space from a community use to be incorporated into the existing restaurant.

The proposal also seeks a maximum of 129 covers for the restaurant

### **PLANNING HISTORY**

R/2007/1950 (Cov Ref: 39451/B)	Demolition of five existing retail properties and erection of three-storey building for ground floor A1 food shop use, first floor D2 snooker hall use and second floor C3 dwelling use	REFUSED
R/2008/1126 (Cov Ref:39451/C)	Double storey mixed use development, erection of a ground floor snooker hall with 5 residential flats on the first floor. (Re-submission)	APPROVED
FUL/2010/1473	Retention of existing building for use of ground floor as supermarket with first floor residential	REFUSED
AD/2012/1126	Submission of amended details involving - raising of roof height by 800m and extension to rear of 3m and elevational alterations - to planning permission reference number 39451/C for demolition of five existing retail properties	REFUSED



	and erection of three-storey building for ground floor D2 snooker hall use & residential above	
FUL/2014/0449	Erection of building (retrospective) for use as restaurant (ground floor), five residential units (first and second floor) and associated parking and new access	REFUSED
FUL/2015/0373	Erection of building (retrospective) for use as Restaurant and Community/Education Centre on ground floor, five residential units on first and second floor and associated parking and access	APPROVED
S73/2016/0571	Variation of condition 5 (to allow opening from Midday to midnight) : imposed on application reference FUL/2015/0373, granted on 18th May 2015 for erection of building (retrospective) for use as a restaurant and community/education centre on ground floor and five residential units above	APPROVED
FUL/2016/0573	Internal and external alterations to provide four residential units at ground floor and extension to restaurant area	WITHDRAWN
FUL/2018/0020	Conversion of Community/Education Centre on ground floor to two retail units and associated parking and access. Previous Planning Application Ref. No: FUL/2015/0373	REFUSED
S73/2019/0042	Variation of conditions: 5 - to increase opening hours until 0200 every day and to allow ancillary take	REFUSED

	<p>away sales; and 8 - increase number of covers to 150; imposed on planning permission S73/2016/0571 for variation of opening hours condition imposed on FUL/2015/0373 for erection of building (retrospective) for use as Restaurant and Community/Education Centre on ground floor, five residential units on first and second floor and associated parking and access</p>	
S73/2019/2871	<p>Variation of conditions: 5 - to allow ancillary take away sales and condition 8 - increase number of covers to 100; imposed on planning permission S73/2016/0571 for variation of opening hours condition imposed on FUL/2015/0373 for erection of building (retrospective) for use as Restaurant and Community/Education Centre on ground floor, five residential units on first and second floor and associated parking and access</p>	REFUSED
FUL/2019/0060	<p>Change of use from community space to storage/warehouse (retrospective)</p>	APPROVED
PL/2023/0001864/FUL	<p>Change of Use of ground floor from Use Class B8 (storage/warehouse) to Use Class Class E (commercial business and service).</p>	APPROVED

## **POLICY**

### **National Policy Guidance**

National Planning Policy Framework (NPPF) December 2024. 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) sits alongside the NPPF with its own legal status 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 2017, 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 AC1: Accessible Transport Network
- Policy AC2: Road Network
- Policy AC3: Demand Management
- Policy R6: Restaurants, bars and Hot Food Takeaways

### **Emerging Local Policy Guidance – Local Plan Review Reg 19 Consultation**

Local Plan review is currently at Reg 19 consultation. Relevant emerging policy relating to this application is:

- Policy DS3: Sustainable Development Policy
- Policy AC1: Accessible Transport Network
- Policy AC2: Road Network
- Policy AC3: Demand Management

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

- SPD Coventry Connected

## **CONSULTATION**

### **Statutory**

Objections have been received from:

- Local Highway Authority

### **Non-statutory**

No objections subject to conditions have been received from:

- Environmental Protection, subject to the opening hours remaining as midday to midnight.

### **Neighbour consultation**

Immediate neighbours were notified on 15<sup>th</sup> January 2025.

Three letters of support have been received with the reasoning being the proposals will not impact them.

36no of the same letter signed individually supporting the application on the following material planning grounds:

- It is an appropriate form of development
- Makes the business financially viable
- No impact on parking
- No noise issues

Two letters of objection have been received in relation to the impact on parking in the surrounding residential streets.

Any further comments received will be reported within late representations.

## **APPRAISAL**

### **Principle of development**

The National Planning Policy Framework, paragraph 11, states that “Plans and decisions should apply a presumption in favour of sustainable development. For Decision Making, this means:-

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Footnote 8 to paragraph 11 confirms that this includes situations where the local authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer set out in paragraph 78).

Based on the provisions of the December 2024 NPPF the Council is able to demonstrate a 5.6-year housing land supply as of 31st December 2024.

### **Principle of a restaurant**

Policy R6 of the Coventry Local Plan directs restaurants, bars and Hot Food Takeaways to be located within defined centres and states proposals for out of centre locations would only be supported by a sequential assessment and would not result in significant harm to the amenity of nearby residents or highway safety.

The site currently has permission to operate as a restaurant with opening hours from midday to midnight, with no more than 50no covers and no Hot Food Takeaways (HFT) or deliveries. This was due to the fact the building is out of centre and only provides a

small car park to the rear with 12no spaces, 5no of which are associated with the upper floor flats; therefore, there are a total of 7no spaces allocated for the restaurant use only.

At the time of the 2015 application it was considered that as the restaurant use was only 250sqm, which was equivalent to a local shop, it was acceptable within this out of centre location and would not harm the function of the designated centres in this instance, however, due to its location at a busy traffic light-controlled junction of Broad Street and Stoney Stanton Road. With the carriageway on Stoney Stanton Road and Broad Street having double yellow lines all around it restricting any on street parking, the covers and therefore the capacity was restricted in order for the proposal to not result in significant harm to the amenity of nearby residents or highway safety.

As stated above, two further applications in 2019 have been refused which sought to increase the covers from 50 to 150 and 100 and to allow Hot Food Takeaways.

This current application seeks permission to change the use of a small part of the ground floor from community/restaurant use to be included within the restaurant area and to increase the covers from 50no. to 129no.

As the principle of the restaurant use has already been established under the 2015 permission, the assessment is on whether the increase in floor area and covers would result in significant harm to the amenity of nearby residents or highway safety or not.

These areas are discussed in more detail below.

### **Highways 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 will be 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.

Parking provision should accord with the maximum standard expressed in Appendix 5 unless it has been clearly demonstrated that the site is in a highly accessible location where transport, by means other than the private car is a realistic alternative. In that respect lower levels of provision may be considered acceptable where the site is in close proximity to the City Centre, a train station, a high-quality rapid transport route or other

public transport interchange and where there is a package of measures (proportionate to the scale of development) to enable sustainable means of transport. Any variation from the maximum standard must be fully justified by proportionate evidence.

Policy R6 of the Coventry Local Plan directs restaurants, bars and Hot Food Takeaways to be located in defined centres and would not result in significant harm to the amenity of nearby residents or highway safety.

Appendix 5 sets out that a restaurant requires one off road car parking space per 10m<sup>2</sup> of internal floor area.

The existing restaurant floor area is 250sqm. Therefore, the existing use requires 25no car parking spaces where only 7no are being provided, a deficit of some 18no spaces, hence the conditions that have been attached to the original permission to restrict and limit the sites capacity.

A Transport Statement (TS) was submitted, REPORT - Transport Statement, dated September 2023 - Report Ref.23/018, in support of the current application, which suggests that the condition restricting the amount of covers and therefore visitors to the site was unlawful and suggest that the current application will only equate to 2no addition parking spaces being required.

The proposal seeks to change the use of a small area of some 37sqm to be incorporated within the restaurant use, making the total floor area some 287sqm. This then makes a requirement of 29no off road car parking spaces being required, however only 7no are still being provided. This makes a total deficit of 22no spaces, which the submitted Transport Statement has not appreciated.

The Transport Statement also reviewed the accident records which showed numerous incidents were recorded in the immediate locality of the site, and the majority being orientated around the Broad Street and Stoney Stanton Road traffic signal-controlled junction where traffic flows are relatively heavy.

This further emphasis the challenges with this site and why since 2015 the site has been restricted in its capacity and why in 2019 both applications to vary the number of covers from 50 have been refused.

There is already daily evidence of members of the public illegally parking on the pavement in front of the premises, whilst this is a matter for the parking enforcement team, it does highlight the existing parking pressures within the area.

Paragraph No.11 of the NPPF (Dec 2024) sets out that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment.

Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case-by-case basis (i.e. significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility).

Paragraph No.116 of the NPPF (Dec 2024) states: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

As there would be a significant reliance on on-street parking availability, the Local Highway Authority (LHA) requires an assessment of available parking capacity.

The Local Highway Authority (LHA) also notes a previous approval had conditioned formalizing the parking to the rear with markings however it is not clear if this has been done.

On this basis the applicant has provided insufficient evidence which has demonstrated that the overspill of 22no car parking spaces would not have a detrimental impact on the free flow of traffic and highway safety and is therefore contrary to Policy AC3 of the Coventry Local Plan and emerging Local Plan.

The next assessment is whether significant harm to the amenity of nearby residents would occur as a result of the change of use and increased capacity of the site.

This is discussed below.

### **IMPACT ON RESIDENTIAL AMENITY**

Policy R6 of the Coventry Local Plan directs restaurants, bars and Hot Food Takeaways to be located which would not result in significant harm to the amenity of nearby residents.

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 will be 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.

Parking provision should accord with the maximum standard expressed in Appendix 5 unless it has been clearly demonstrated that the site is in a highly accessible location where transport, by means other than the private car is a realistic alternative. In that respect lower levels of provision may be considered acceptable where the site is in close proximity to the City Centre, a train station, a high-quality rapid transport route or other public transport interchange and where there is a package of measures (proportionate to the scale of development) to enable sustainable means of transport. Any variation from the maximum standard must be fully justified by proportionate evidence.

Appendix 5 sets out that a restaurant requires one off road car parking space per 10m<sup>2</sup> of internal floor area.

As stated above, the existing restaurant floor area is 250sqm. Therefore, the existing use requires 25 car parking spaces (as per Appendix 5) where only 7 are being provided;

a deficit of some 18 spaces. However, the existing condition limiting covers to 50 suppresses the parking demand arising from the restaurant.

The proposal adds 37sqm making the total floor area 287sqm. This requires 29 car parking spaces where only 7 are being provided: a deficit of some 22 spaces.

The Transport Statement is therefore incorrect in its assessment and therefore its conclusions as far as it relates to the impact of the deficit of 22 spaces being provided within the surrounding residential streets and the impact that would have on the occupiers of the existing residential properties as it has only assessed whether 2 spaces could be accommodated within the surrounding streets.

An assessment of available parking capacity is required to cover the area where patrons of a proposed development may want to park. This generally covers an area of 200m (or a 2-minute walk) around the site.

The survey should be undertaken when the highest number of residents are at home, therefore in this instance the opening hours are from midday to midnight; the survey would be expected to be taken between the hours of 6pm to midnight on two separate weekday nights (i.e. Monday, Tuesday, Wednesday or Thursday) and one that covers a weekend day.

The adjacent street Awson Street which is characterised by circa 19<sup>th</sup> century terraces houses with minimal or no front gardens. This means residents rely solely on, on-street parking. There is already evidence of parking stress within the streets as several cars are parked on double yellow lines.

As stated above, a robust parking survey has not been submitted which demonstrates that the deficit of 22 car parking spaces can be accommodated on street. However, from my officers site visits it is apparent that there are not enough spaces on the street to accommodate the existing residents let alone an additional 22 cars.

It is considered that no new information or evidence has been supplied which has lifted the previous two times refusals for the request for additional covers.

The application is contrary to Policy R6 of the Coventry Local Plan by leading to increased noise and disturbance to occupiers of those houses during hours when they could reasonably expect less disruption.

### **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**

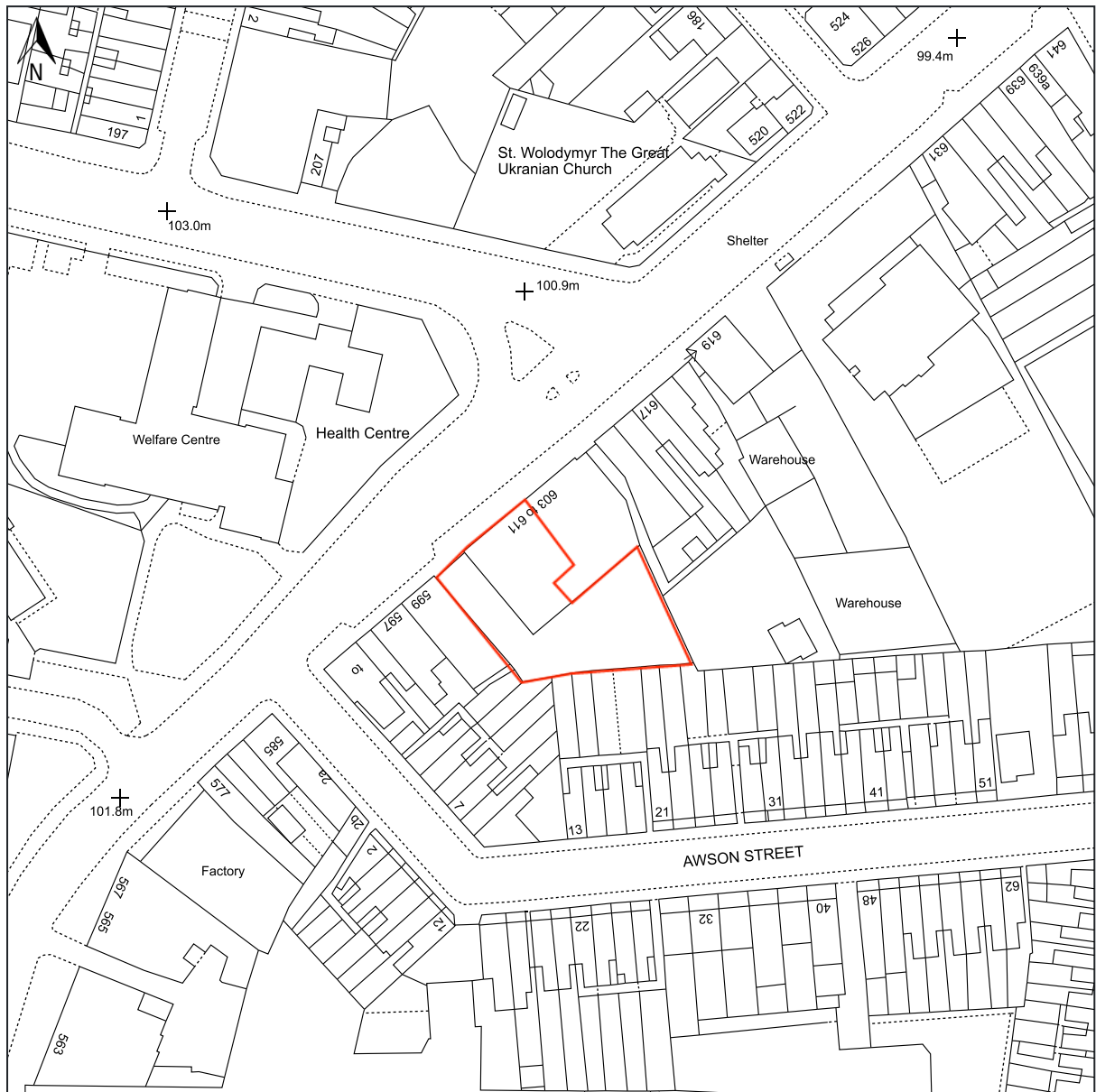
The proposal is not considered to be acceptable in principle. The proposed additional covers are likely to result in customers parking in adjacent residential side streets, leading to highway safety issues and increased noise and disturbance to occupiers of those houses during hours when they could reasonably expect less disruption. The reason for Coventry City Council refusing planning permission is because the development is not in accordance with Policies AC3 and R6 of the Coventry Local Plan 2017 and the emerging Local Plan Policies together with the aims of the National Planning Policy Framework.

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 Application boundary

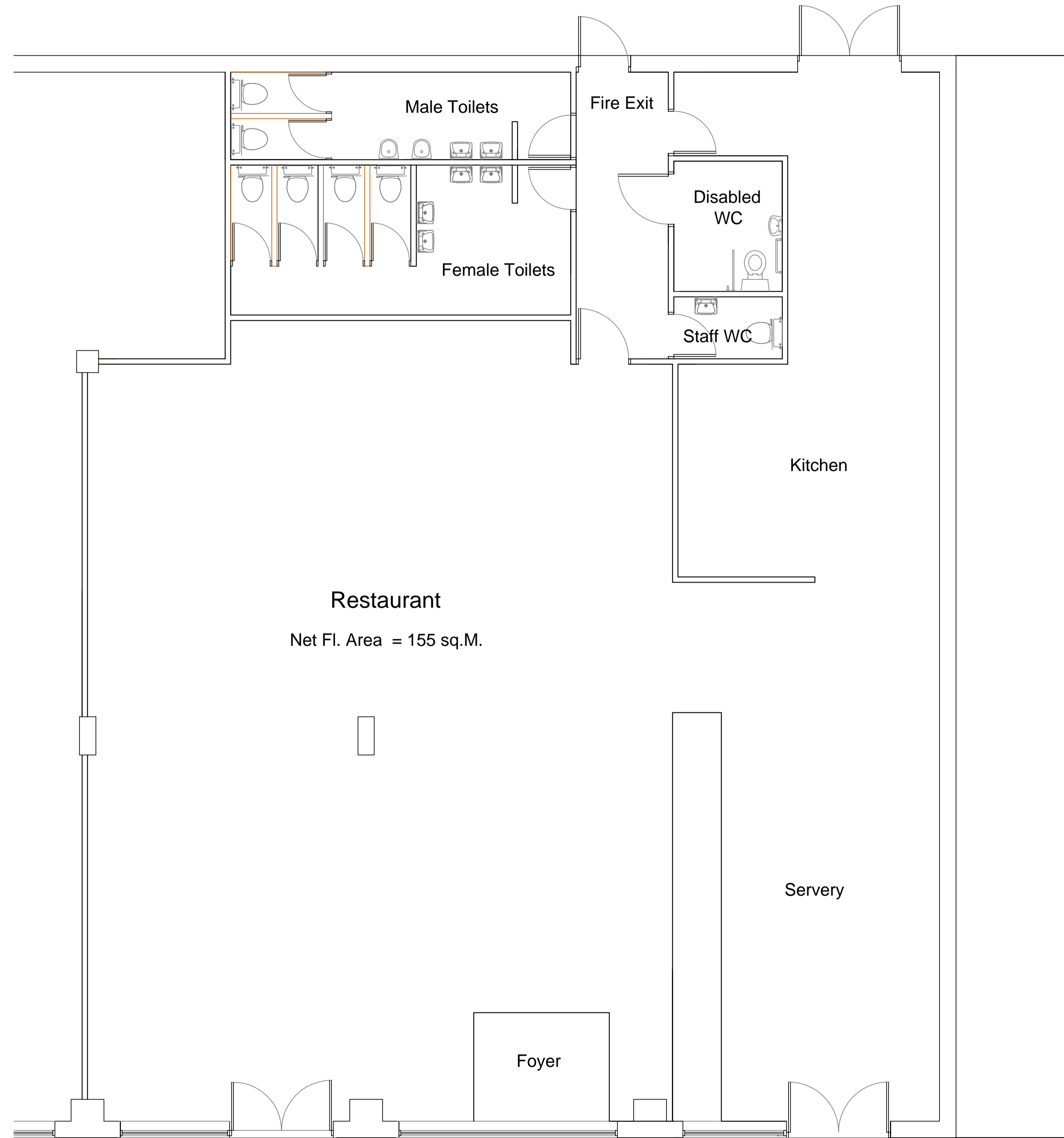
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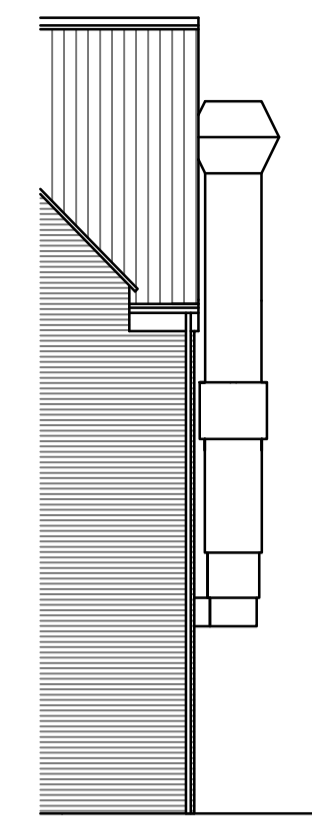


# Pamir Restaurant - 603 Stoney Stanton Road, Coventry. CV6 5GA

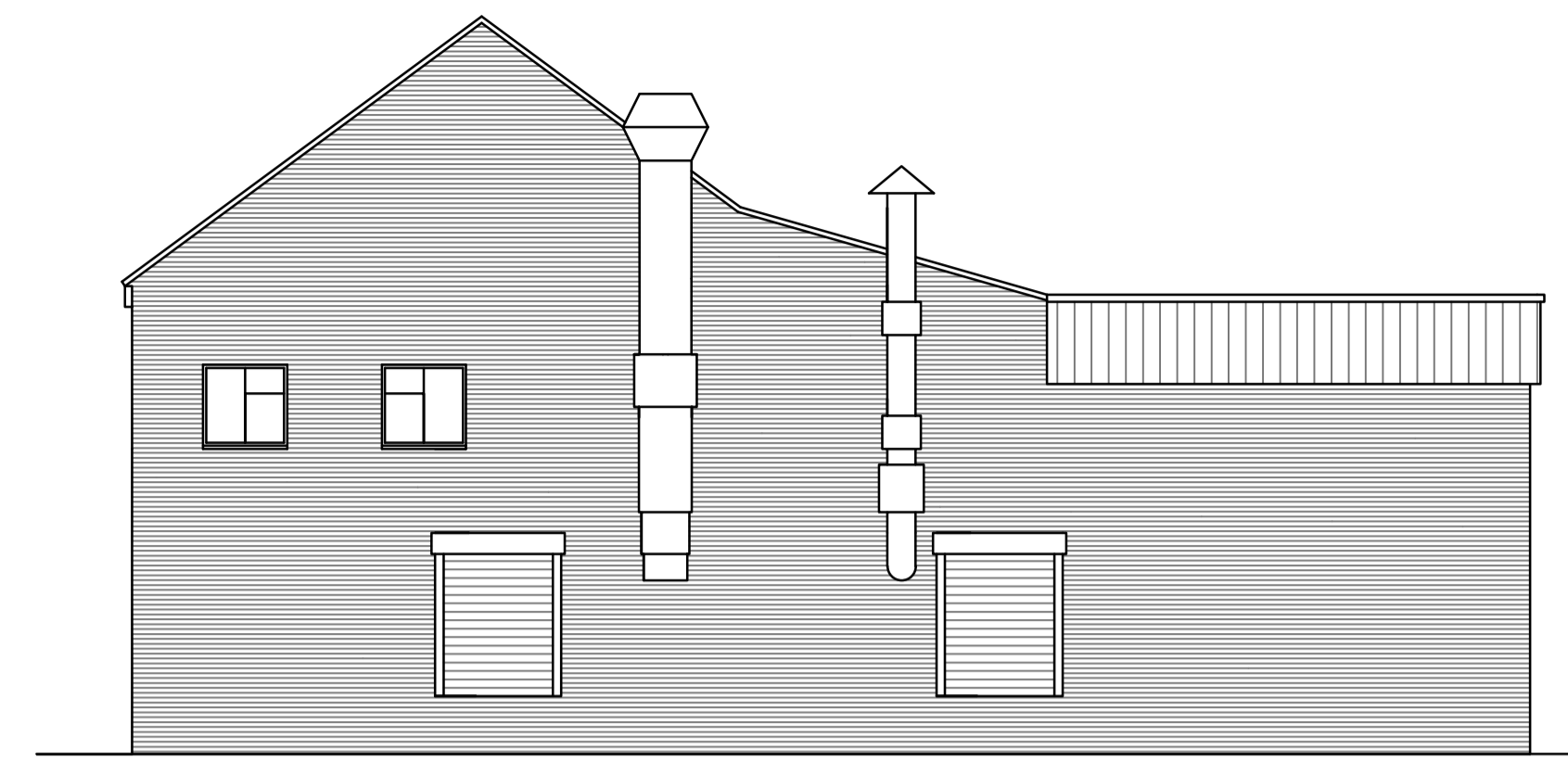


Proposed Ground Floor Plan

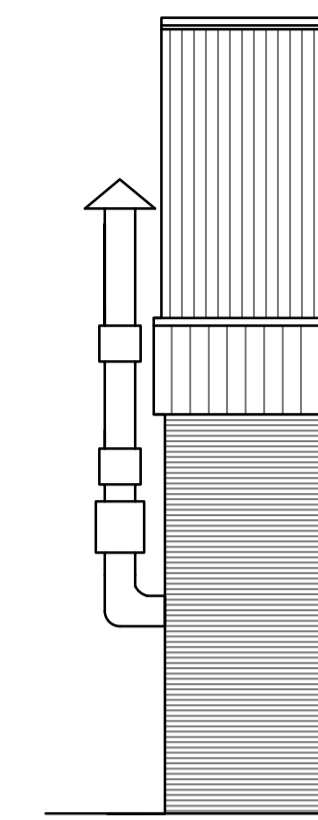
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SCALE 1 : 1



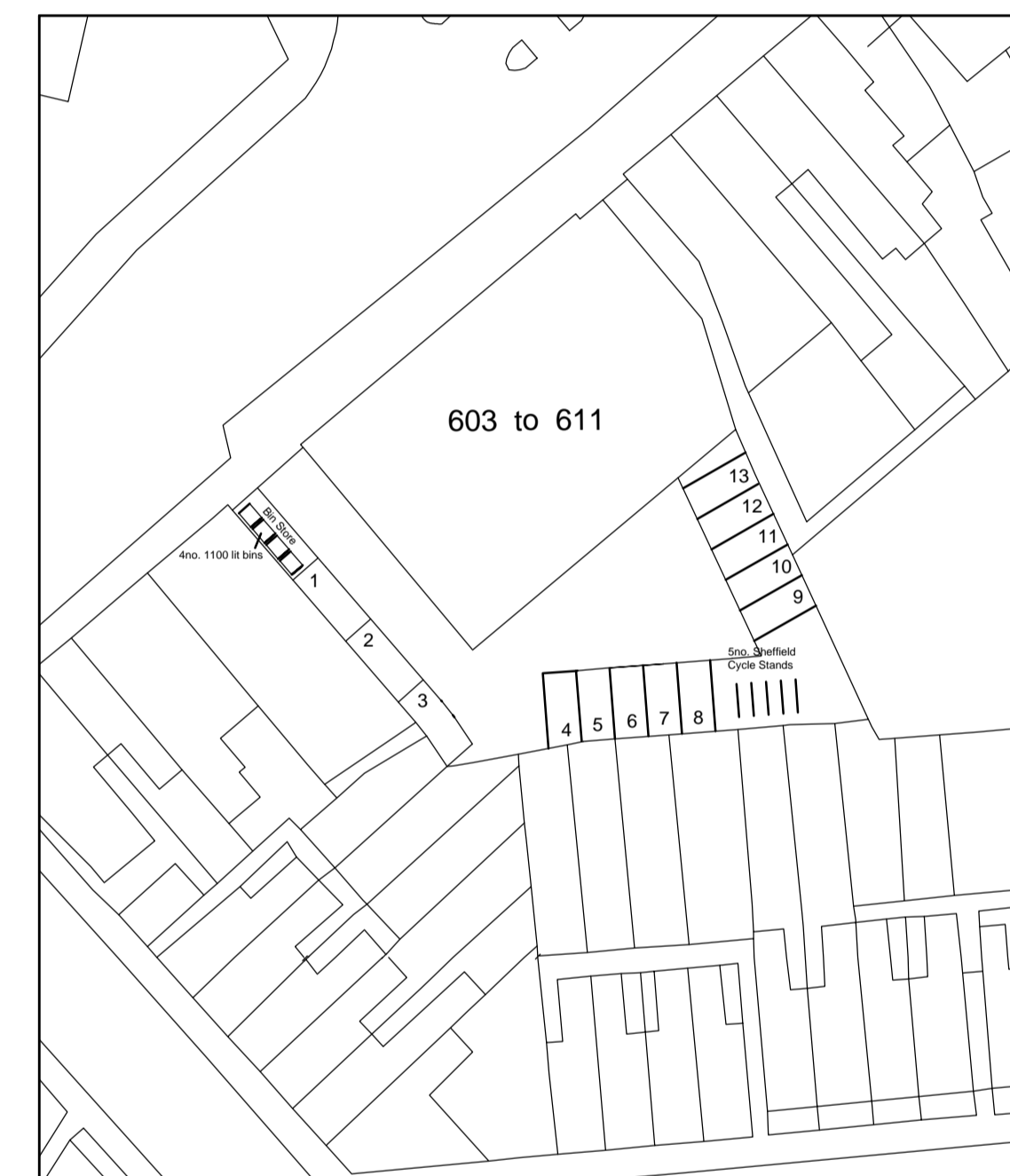
Existing Front Elevation



Existing Side Elevation



Existing Rear Elevation



Site Plan

SCALE 1 : 500  
SCALE 1 : 1



Location Plan

SCALE 1 : 1250  
SCALE 1 : 1

SKETCH PROPOSALS

B	Jan. 2025	Elevations Indicating Flues.
A	Dec. 2024	Parking / Cycle and Bin Store.
-	Date.	Revisions.

Pamir Restaurant,  
603 Stoney Stanton Road,  
Coventry.  
CV6 5GA

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<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	PL/2024/0001562/FUL
<b>Site:</b>	Mychai, 59 Corporation Street, Coventry, CV1 1GX.
<b>Ward:</b>	St Michael's
<b>Proposal:</b>	Installation of external seating area and planters (retrospective)
<b>Case Officer:</b>	Andrew Tew

## SUMMARY

The application is for the installation of an external seating area with planters, which has already taken place and is therefore retrospective. The purpose of the proposal is to provide an attractive, outdoor seating area for customers.

## BACKGROUND

The application has been recommended for approval. The application has been referred to Planning Committee as it has received 5 or more objections.

## KEY FACTS

<b>Reason for report to committee:</b>	The application has been referred to Planning Committee as it has received 5 or more objections.
<b>Current use of site:</b>	Café
<b>Proposed use of site:</b>	Café

## RECOMMENDATION

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

## 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 accords with Policies: DS3, DE1, AC1, AC2, AC3, AC4 and R5 of the Coventry Local Plan 2017 and the emerging Local Plan, together with the aims of the NPPF.

## SITE DESCRIPTION

The application site is a tea shop located on the Northern side of Corporation Street in Coventry City Centre. The first floor of the building overhangs the commercial premises at ground floor, by circa 3m. There is an additional circa 6m of pavement beyond this. The proposal is not in the curtilage of a listed building or within a Conservation Area.

## APPLICATION PROPOSAL

This is a retrospective application for 4 no. planters which are 90cm in height and extend circa 3m from the shop front, making use of the overhang. The planters are of substantial wooden construction, with planting centrally. Behind this are seats and tables which are brought inside when the shop is not trading.

Whilst the development is below 1m in height, it is on the adopted highway - as opposed to adjacent the highway, with the planters left out overnight. Therefore it is not considered to be permitted development and planning permission is needed.

## PLANNING HISTORY

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

Application Number	Description of Development	Decision and Date
FUL/2016/2724	Change of use to student accommodation (retrospective)	19/10/2017 – Granted
FUL/2019/3039	Change of use from restaurant - A3 to hot food takeaway - A5 with associated office / administration space	15/09/2021 – Granted

## POLICY

### National Policy Guidance

National Planning Policy Framework (NPPF) December 2024. 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 2017, 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 DE1 Ensuring High Quality Design

Policy AC1: Accessible Transport Network

Policy AC2: Road Network

Policy AC3: Demand Management

Policy AC4: Walking and Cycling

Policy R5: Retail Frontages and Ground Floor

### **Emerging Local Policy Guidance – Local Plan Review Reg 19 Consultation**

Local Plan review is currently at Reg 19 consultation. Relevant emerging policy relating to this application is:

Policy CC1 (Part A): Coventry City Centre – Development Strategy

Policy DS3: Sustainable Development Policy

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 R5: Retail Frontages and Ground Floor Units in Defined Centres

### **Coventry City Centre Area Action Plan (CCAAP)**

Policy CC1: Coventry City Centre – Development Strategy

Policy CC3: Building Design

Policy CC6: Public Realm

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

SPD Delivering a More Sustainable City

SPD Coventry Connected

## **CONSULTATION**

### **Non-statutory**

No Objections received from:

Highways

### **Neighbour consultation**

Immediate neighbours and local councillors have been notified; a site notice was posted on 26/09/2024.

5 no. letters of objection have been received, raising the following material planning considerations:

- a) Blocking right of way of public footpath underneath the overhang
- b) Appearance – wood deterioration and impact of Westmorland Slate in the street scene

c) Access to lighting of the loggia (overhang) by Local Authority

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

d) Coventry Society are referenced in one of the objections as having raised concerns

e) Setting precedent for other businesses to do the same

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issues in determining this application are principle of development, the impact upon the character of the area and highway considerations.

### **Principle of development**

The National Planning Policy Framework, paragraph 11, states that “Plans and decisions should apply a presumption in favour of sustainable development. For Decision Making, this means:-

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Policy R5: Retail Frontages and Ground Floor units seeks to ensure and maintain a viable and vibrant centre with lively street frontages. Policy CC3 of the City Centre Area Action Plan seeks active frontages to allow for a positive relationship between buildings and the public realm.

Considering the above, the use of the area to the front of the shop for an enclosed seating area, where the seats are bought in at night, creates an active frontage which is acceptable in principle, subject to compliance with other Local Plan Policies.

### **Impact on 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.

Paragraph 131 of the NPPF states the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development,

creates better places in which to live and work and helps make development acceptable to communities.

The National Planning Policy Framework, paragraph 135 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- 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.

The NPPF further states (at paragraph 139) “Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”.

The proposal was visible at the time of site visit as this is a retrospective application. The planters are circa 90cm in height, so whilst the arrangement encloses the front of the tea shop, it is not visually obscured, inasmuch you can clearly see the shopfront and see the people using the area. There has been an objection relating to the obscuring the original Westmorland Slate finish in the street scene. The planters have been arranged so that the full height of the slate colonnades are still visible from the principle and side elevations. The glass shopfront is partially obscured to around 1m in height. The proposal has enabled the front of the shop to be used for customers wishing to sit outside, helping to activate the front of the shop area and make use of the cover created by the overhanging first floor.

Another objection is raised in relation to the potential deterioration of the wooden planters. Whilst unlikely considering the area has been invested in to attract customers into a pleasant environment, this would be a matter of management by the owners as part of their maintenance schedule, in the same way that any owner is responsible for the upkeep of their property.

Considering the above, and the benefits of an activated frontage and public realm, it is considered that the proposals are acceptable in design terms.

### **Highway considerations**

Policies AC1 and AC2 seek to ensure that development proposals do not result in a negative impact upon the nearby highway network, and where any harm is caused then suitable mitigation is secured. Policy AC3 requires all new development proposals to provide sufficient car parking provision. Finally, Policy AC4 seeks to ensure that development proposals should incorporate safe and convenient access to walking and cycling routes.

In this case, the modest scale of the development is not considered to result in a significant intensification of the site that would result in harm to the surrounding highway network. In addition, Appendix 5 of the Local Plan (Appendix 6 of the Emerging Local Plan) sets out the adopted parking requirements within the city. As this is an inner-city location, there is no prescribed standard which is required to be applied in this case. The proposals are therefore in accordance with Policies AC1, AC2 and AC3 of the Local Plan.

Policy AC4 also applies which relates to safe, suitable and convenient walking and cycling routes being provided/achieved. There have been public objections to the application on the basis that the seating and planters will hinder pedestrians and that pedestrians will not be able to walk under a covered area, particularly when it rains. The area where the seating is located is within the ownership boundary (as per the red line) of the applicant. This part of Corporation Street benefits from a particularly wide pavement. The area where the seating is located is circa 3m, which leaves around 6m of clear pavement remaining available for public use. Because the public have previously been able to walk under the covered area but no longer will be able to does not constitute a reason for refusal when a wide pavement area will still be available.

The Highway Authority has been consulted and are satisfied that the development proposals should not have a severe impact on public highway safety, or on the operation or capacity of the local highway network. They note that the applicant will need to apply for a new pavement licence, should planning permission be granted.

### **Other Matters**

Objectors have also raised concerns about access to the light for maintenance purposes. However, any right of access for maintenance and repair remains unaffected by this application and would need to be provided. This would be a matter for the Council and landowner to agree.

### **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**

In conclusion, it is considered that the principle of the outdoor seating area with planters is acceptable. Given the location within the city centre it is also considered that the proposal is an appropriate use in this location. The design and impact on the Highways network is also acceptable. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, DE1, AC1, AC2, AC3, AC4 and R5 of the Coventry Local Plan 2017 and the Emerging Local Plan Policies, together with the aims of the NPPF.

### CONDITIONS/REASONS

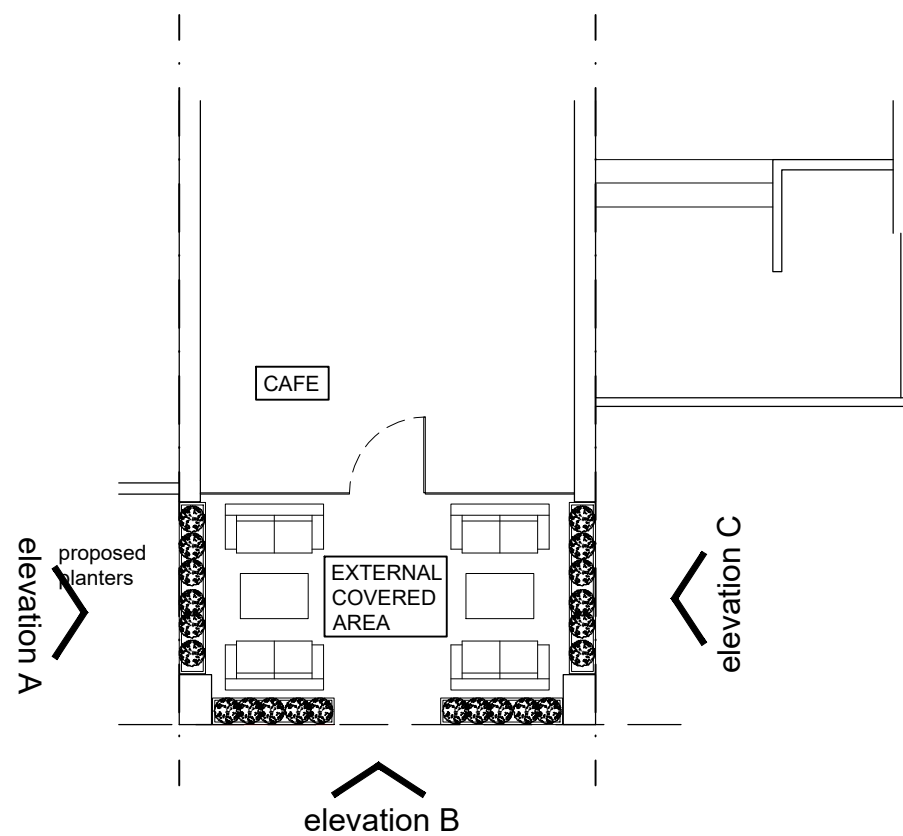
- The permission hereby granted is in relation to the following approved plans:
1. Location plan | A312-sk1-existing-plans  
Elevations | A312-sk2-proposed-plans

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

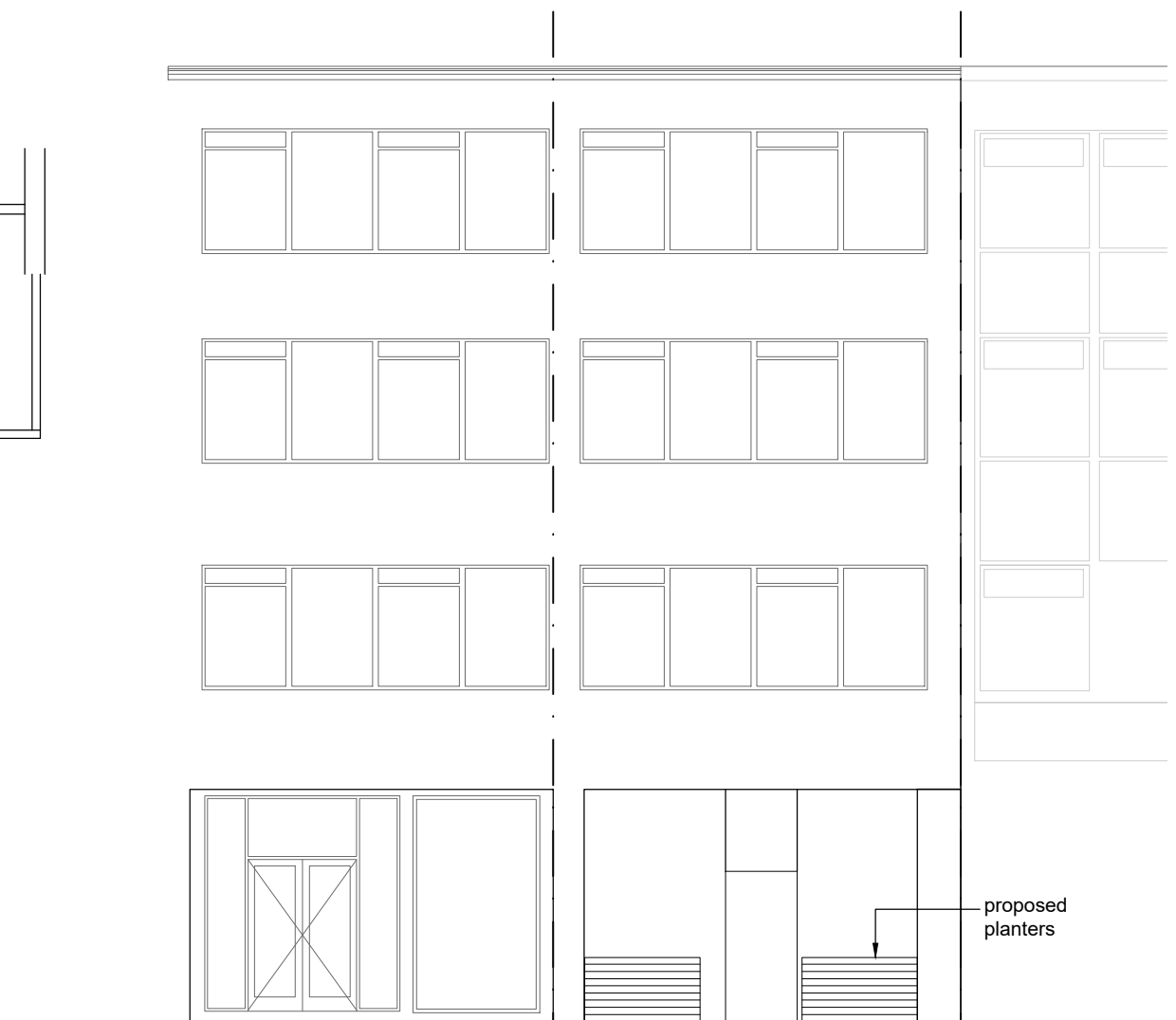
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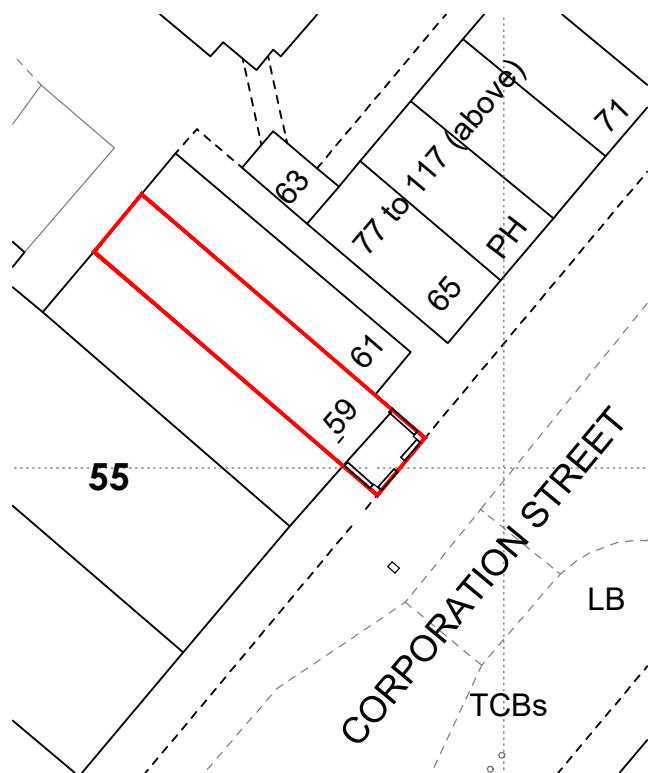
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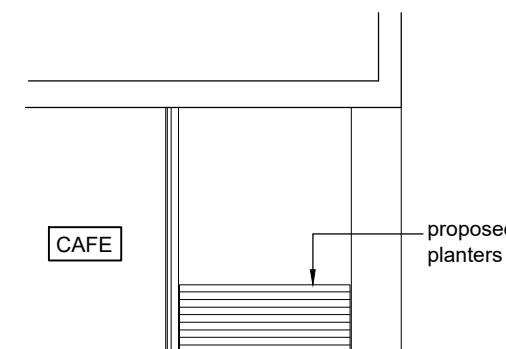
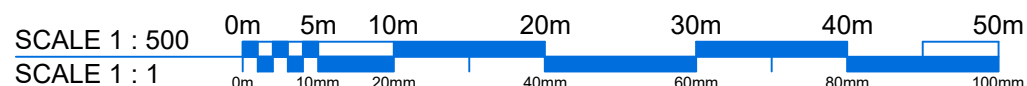
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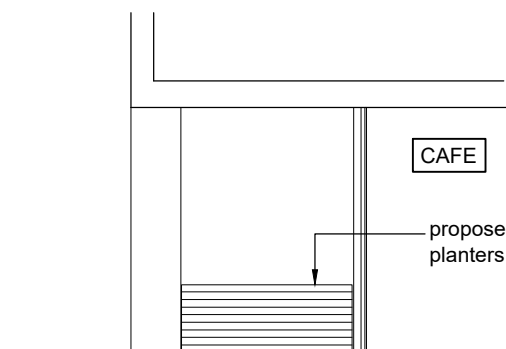
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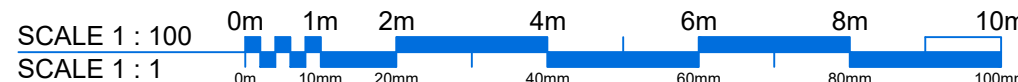
PROPOSED SITE PLAN...1:500



PROPOSED ELEVATION A...1:100



PROPOSED ELEVATION B...1:100



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INFORMATION	Project: External Seating Area			
	Site Address: My Chai, 59 Corporation Street, Coventry, CV1 1GX			
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<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	PL/2024/0002336/HHA
<b>Site:</b>	21 Nutbrook Avenue
<b>Ward:</b>	Woodlands
<b>Proposal:</b>	Single storey rear extension
<b>Case Officer:</b>	Grace Goodman

## SUMMARY

The application proposes a single storey rear extension to an existing bungalow adjacent to an area of ancient woodland (Pig Wood) which is intended to provide specialist accommodation for the applicant's family member along with carer's accommodation.

## BACKGROUND

The application is currently recommended for approval. This follows on from a previous recommended for refusal and called in by a Councillor.

The application was previously considered by Planning Committee on 20<sup>th</sup> February 2025 where the resolution was to defer the application to consider the matters of design and layout. These matters are now being considered.

## KEY FACTS

<b>Reason for report to committee:</b>	Called in by a councillor
<b>Current use of site:</b>	Residential dwelling
<b>Proposed use of site:</b>	Residential dwelling

## RECOMMENDATION

Planning Committee are recommended to approve planning permission.

## REASON FOR DECISION

- The proposal would impact upon the adjacent ancient woodlands (Pig Wood) but following revisions to the proposals the impact has been reduced. Having consideration of the applicant's special circumstances it is considered, on balance to be acceptable.
- The proposal, on balance, would not be contrary to Policies: GE3 and GE4 of the Coventry Local Plan 2017 and emerging Policies in the Local Plan review.

## **SITE DESCRIPTION**

The application site relates to a detached bungalow located on the southern side of Nutbrook Avenue. The property benefits from onsite parking and a rear soft landscaped garden. The property has been extended to the rear alongside the eastern boundary, with the built development within the site being around 13.5m from the rear boundary. Directly to the rear boundary of the property is Ancient Woodland (Pig Wood).

## **APPLICATION PROPOSAL**

The application proposes a single storey rear extension along the eastern side boundary of the property. The proposed extension would adjoin a previous extension and garage conversion to the side and rear. The proposed extension would project a further 3.0m beyond the existing extension forming a slight L shape around the house. At the widest point, the extension would be 7.37m wide with a flat roof height of 2.66m.

## **PLANNING HISTORY**

HH/2022/0871 - Erection of single storey rear extension – REFUSED 28/07/2022 and subsequently dismissed at appeal.

## **POLICY**

### **National Policy Guidance**

National Planning Policy Framework (NPPF) December 2024. 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 H5: Managing Existing Housing Stock

Policy DE1: Ensuring High Quality Design

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection

### **Emerging Local Policy Guidance – Local Plan Review Reg 19 Consultation**

The Local Plan review is currently at Reg 19 consultation. Relevant emerging policy relating to this application is:

Policy DS3: Sustainable Development Policy

Policy H5: Managing Existing Housing Stock

Policy DE1: Ensuring High Quality Design

Policy GE3: Biodiversity, Geological, and Landscape Conservation

Policy GE4: Tree Protection

**Supplementary Planning Guidance/ Documents (SPG/ SPD):**  
SPD Householder Design Guide

**CONSULTATION**

**Statutory**

None

**Non-statutory**

Objections have been received from:

- Trees

**Neighbour consultation**

Immediate neighbours have been notified in accordance with the communication record. No responses were received.

Any further comments received will be reported within late representations.

**APPRAISAL**

The main issues in determining this application are principle of development, the impact upon visual amenity, impact upon neighbouring amenity, and impact upon ecology and biodiversity.

**Principle of development**

The National Planning Policy Framework, paragraph 11, states that “Plans and decisions should apply a presumption in favour of sustainable development. For Decision Making, this means:-

c) approving development proposals that accord with an up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

**Design and Visual**

Section 12 of the NPPF, specifically paragraph 131 states in part that ‘good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’. This is echoed by Policy DE1 and H5 of the Coventry Local Plan 2017 which seeks to ensure that development complement or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The proposed extension is located to the rear of the property where it will not be visually prominent. The flat roofed design of the extension would be a continuation of existing extensions to the rear of the property and would not be an uncharacteristic feature in this residential setting with matching materials to the main dwelling. The extension would not adversely impact on the visual amenities of the locality

**Neighbouring amenity**

Policy H5 requires new development to be designed and positioned so it does not adversely affect the amenities of the occupiers of neighbouring properties. Along the shared boundary No. 19 has an existing wooden shed and garage which the proposal would not extend beyond. There will be no impact on the neighbour at no. 19.

The extension has been widened so will now come closer to the boundary with no. 23. At its nearest point to no. 23 it will project 5.7m. However, it will be set approximately 7.5m from the boundary with the neighbour and will not infringe any 45 degree sightlines and the neighbour has a garage at the boundary. The proposals are not considered harmful to the amenities of the occupiers of no. 23.

### **Ecology and biodiversity**

The main issue is the location of the proposed extension and its close proximity to the boundary with the adjacent ancient woodland (Pig Wood). This application follows on from a similar previous application in 2022 where the proposal was for a rear extension projecting 8m, resulting in a separation distance of just 5.39m to the rear boundary and ancient woodland. The application was refused as it was considered that *'The proposed extension would be contrary to Policies GE3 and GE4 of the Coventry Local Plan 2016 by reason of its significant projection into the woodland buffer to the adjacent Ancient Woodland (Pig Wood), which would impact upon the root structures of these protected trees and would therefore have a detrimental impact upon the adjacent Ancient Woodland.'* This decision was upheld and dismissed at appeal by the Planning Inspectorate.

Policy GE3 states that sites such as Ancient Woodlands should be protected and enhanced and negative impacts on the existing infrastructure should be avoided. Pig Wood is a small ancient wood in the suburbs of Tile Hill where it attains very high social value. Designated on the basis of the high nature conservation value there are also a number of scarce plants and a good bird community add to this value. The current application now being considered is revised and has been reduced from 4.5m to 3.1m from the plans previously considered at Planning Committee on 20<sup>th</sup> February 2025 and significantly reduced from the original 8m projection. Although the extension still comes within the 15m buffer, it is recognised that with this significant reduction, a lot more space has been given between the ancient woodland boundary and due to the special circumstances and need for the proposal it is considered acceptable. To ensure minimal impact upon the woodlands it is recommended that prior to commencement of any works full tree protection details are submitted. This should include a tree protection plan and Arboricultural Method Statement.

### **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.

The application has set out that the proposal is for specialist accommodation for a person with a disability to enable further independence for them and provide accommodation for a carer. This has been taken into consideration as part of the planning process and given weight accordingly in the planning balance.

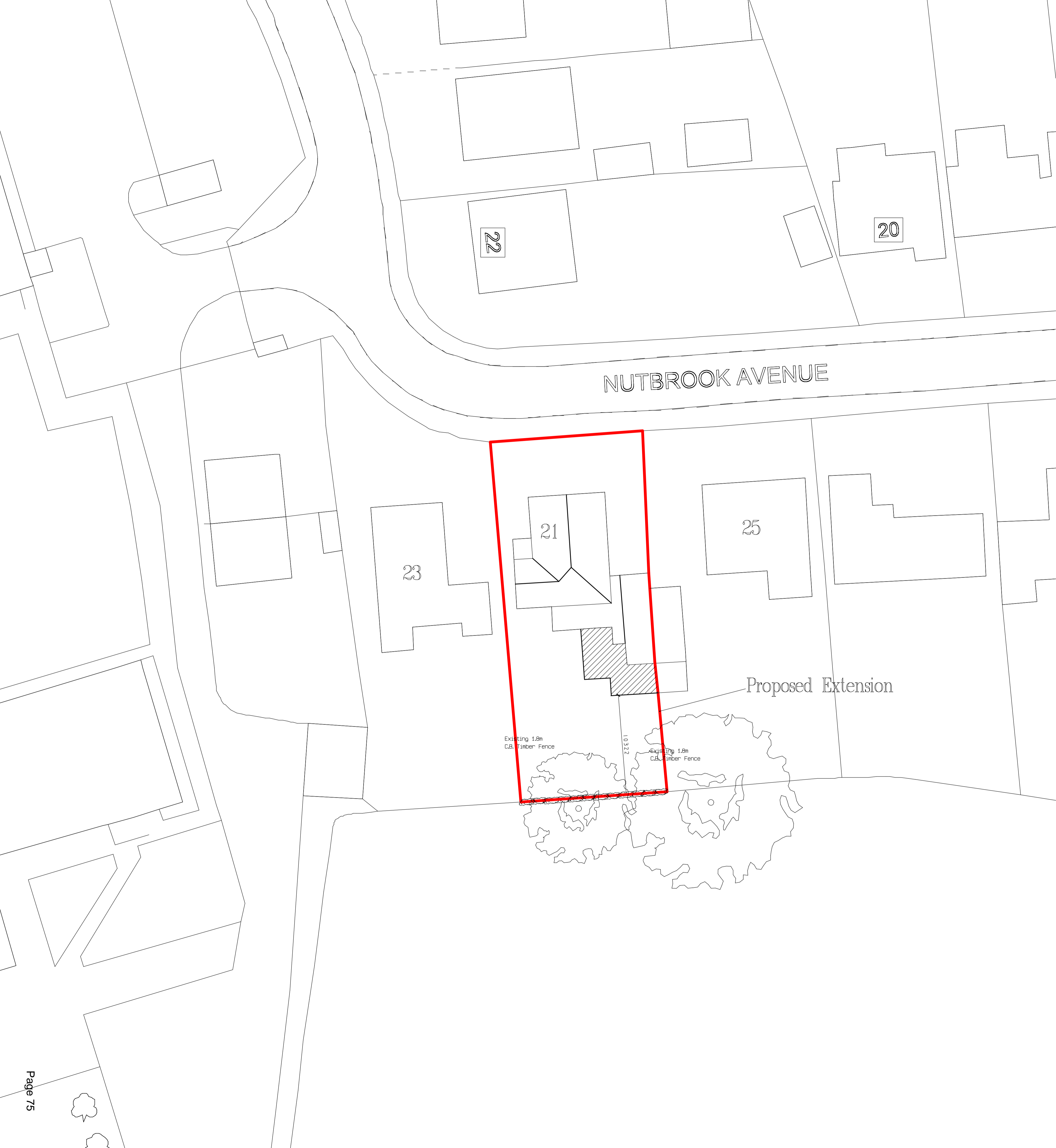
### Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity or ecology, subject to relevant conditions and contributions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1, H5, GE3 and GE4 of the Coventry Local Plan 2017 and the emerging Policies DE1, H5, GE3 and GE4 in the Local Plan review and the principles of the NPPF 2024.

## CONDITIONS/REASONS

1.	The development hereby permitted shall begin not later than 3 years from the date of this decision.
<b>Reason</b>	<i>To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)</i>
2.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Proposed Block Plan DWG 9388-03F</p> <p>Block Plan with Tree Protection DWG 9388-04D</p> <p>Proposed Floor Plans and Elevations DWG 9388-02E</p> <p>Existing Floor Plans and Elevations DWG 9388-01E</p>
<b>Reason</b>	<i>For the avoidance of doubt and in the interests of proper planning.</i>
3.	Other than where specified on the approved plans, no facing and roofing materials shall be used other than materials similar in appearance to those used predominantly in the construction of the exterior of the existing building.
<b>Reason</b>	<i>To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area in</i>

	<i>accordance with Policy DE1 of the Coventry Local Plan 2017.</i>
4.	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.
<b>Reason</b>	<i>To protect those trees which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the development in accordance with Policy GE3 and GE4 of the Coventry Local Plan 2017.</i>
5.	The residential annexe hereby permitted shall be occupied solely in connection with, and ancillary to the main dwellinghouse at 21 Nutbrook Avenue, and shall not be sub-divided, sub-let or occupied as an independent unit of residential accommodation.
<b>Reason</b>	<i>The creation of an independent unit of residential accommodation in this location would not provide a satisfactory residential environment for future occupiers in accordance with Policies DE1, H3 and H5 of the Coventry Local Plan 2017.</i>



NUTBROOK AVENUE

Proposed Extension

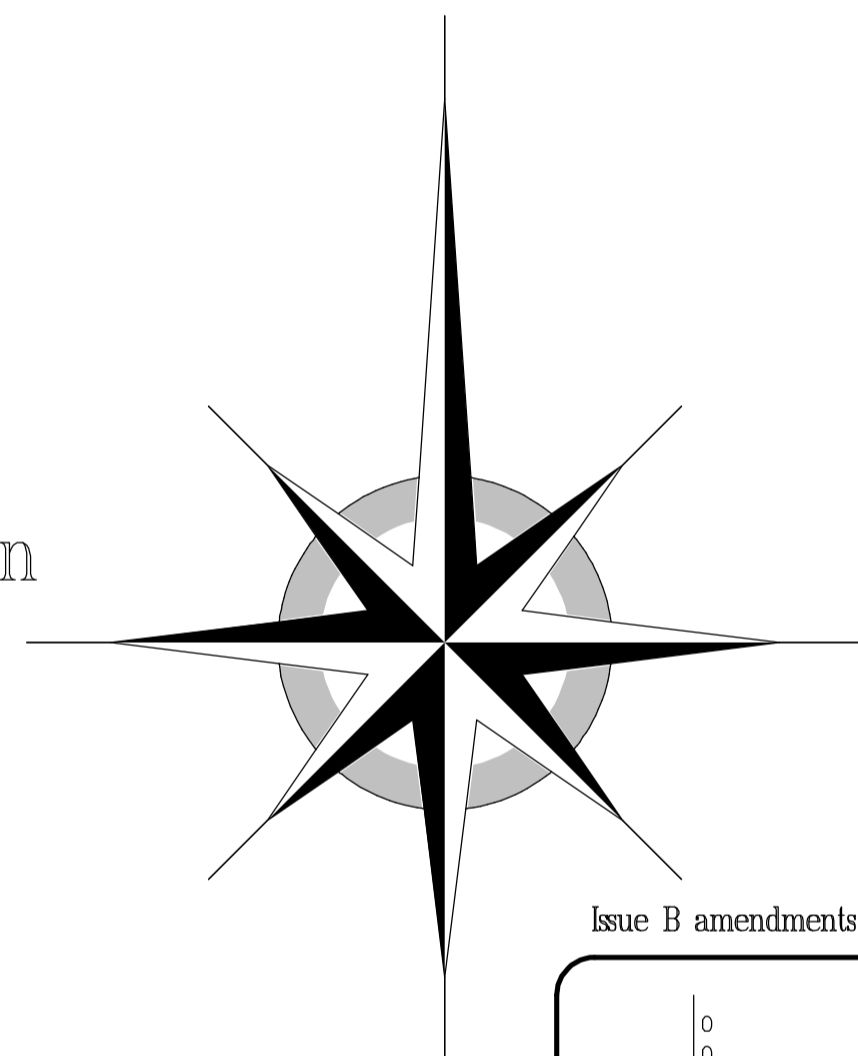
Existing 1.8m C.B. Timber Fence

10.312

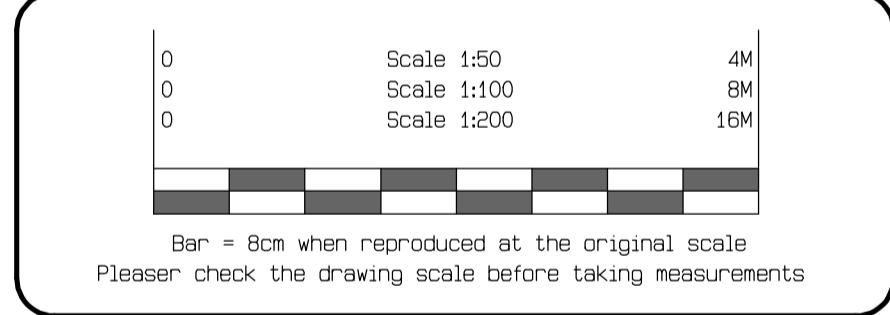


Location Plan  
Scale 1:1250

Site/Block Plan  
Scale 1:200



Issue B amendments following planning meeting March 2025 AP



CDM Regulations 2015 :  
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Smoke Detection to BS EN 14604 and BS5834 Pt 6 2019 Min L3 standard. Smoke Detection to be mains operated with battery back-up. Smoke heads to be Max 7M from any kitchen and Living Room doors and 3M from any bedroom doors. A separate Conformance Certificate is to be provided by the Installation Contractor

NOTE  
In the absence of detailed ground condition information the foundations assume satisfactory ground bearing conditions, which must be verified on site and agreed suitable with L.A. Officer. Further consideration to detail may have to be given either before or during construction. Building Contractor to ensure that work is carried out only to the officially APPROVED plans. IF IN DOUBT ASK.

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CLIENT TO NOTE  
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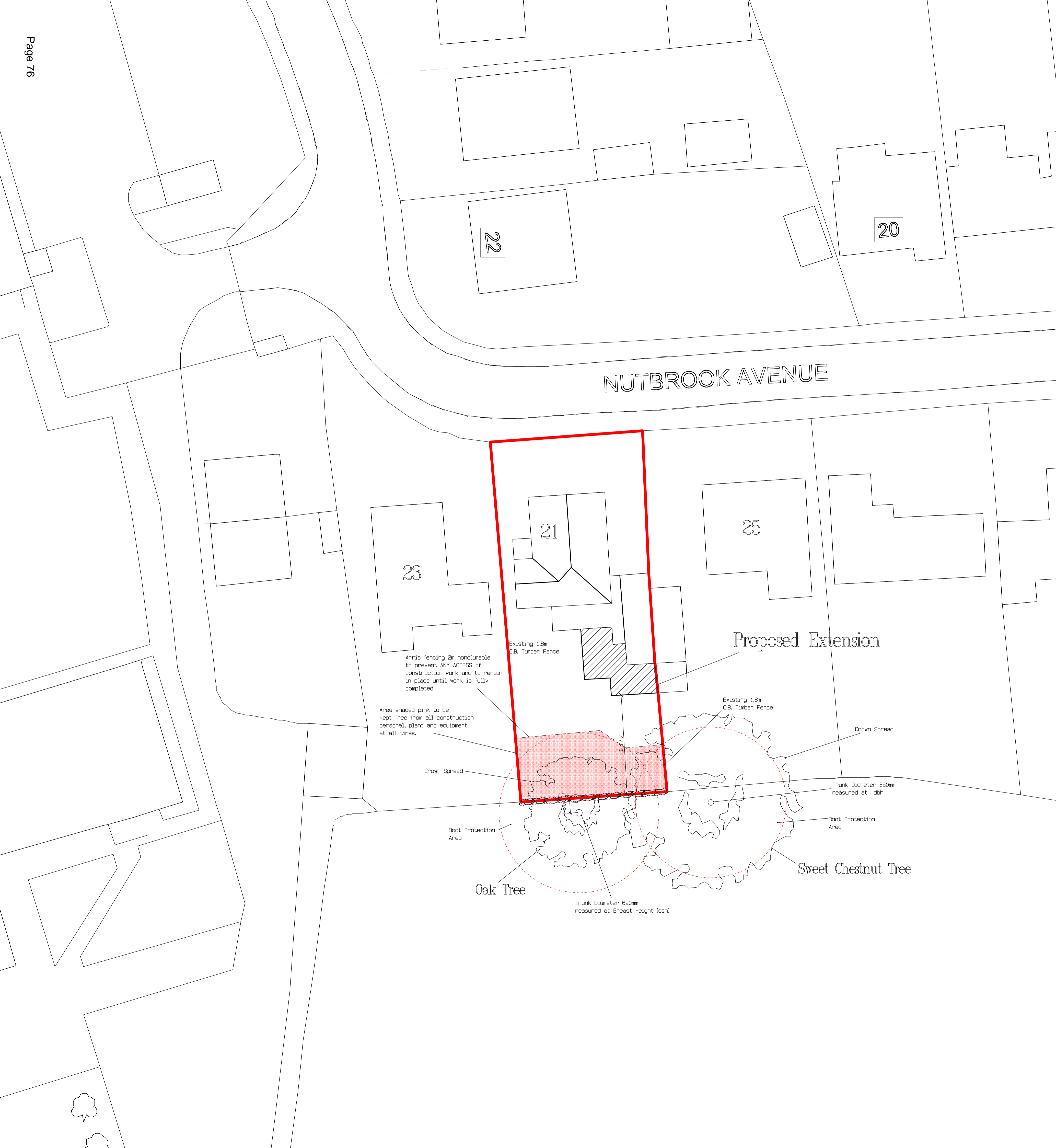
R.C.I. Design Ltd.

Contractor to verify all boundaries and dimensions on site before work is commenced and notify of any discrepancies. No part of the proposal should encroach beyond any boundary without prior written consent of the owner of that land. All details and dimensions relating to Sub-Contractors or suppliers to be checked and agreed on site prior to order. IF IN DOUBT ASK

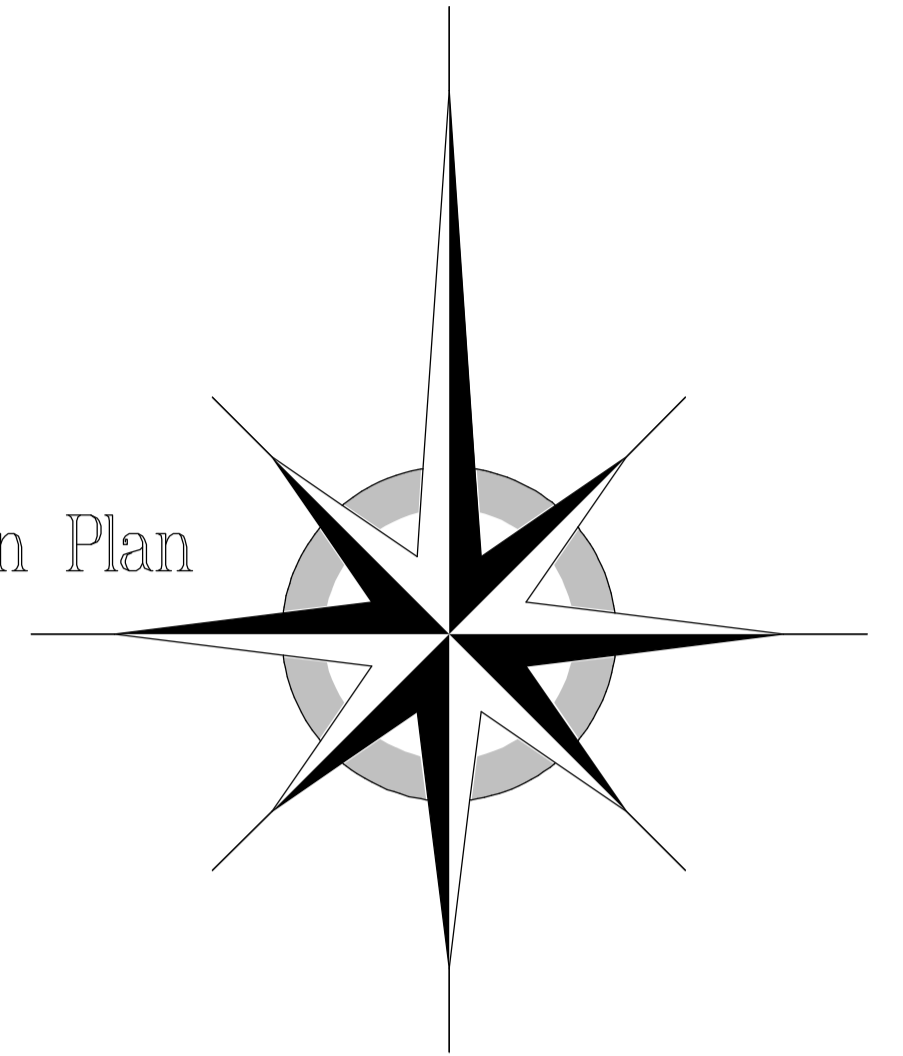
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PROPOSAL at 21 Nutbrook Avenue Coventry CV4 9LE		
SCALE 1:200 1:1250	DATE Nov 2024	DRG No: 9386-03 REV: A





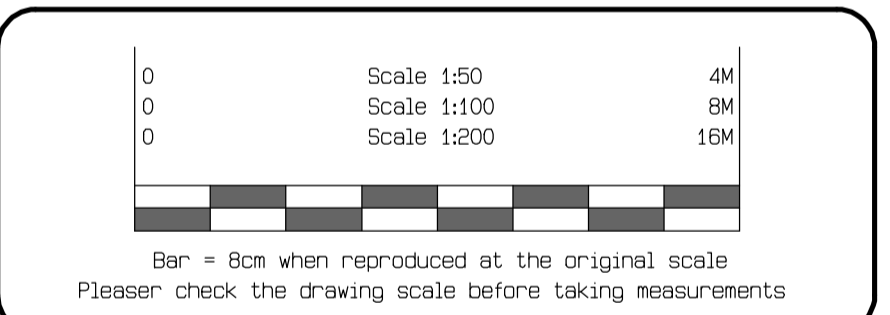
Tree Protection Plan  
Scale 1:200



All tree protection measures will be erected to the RPA's prior to any site activity taking place upon the site.

Issue A amendments as requested by planning Jan 2025

Issue B amendments following planning meeting March 2025 AP



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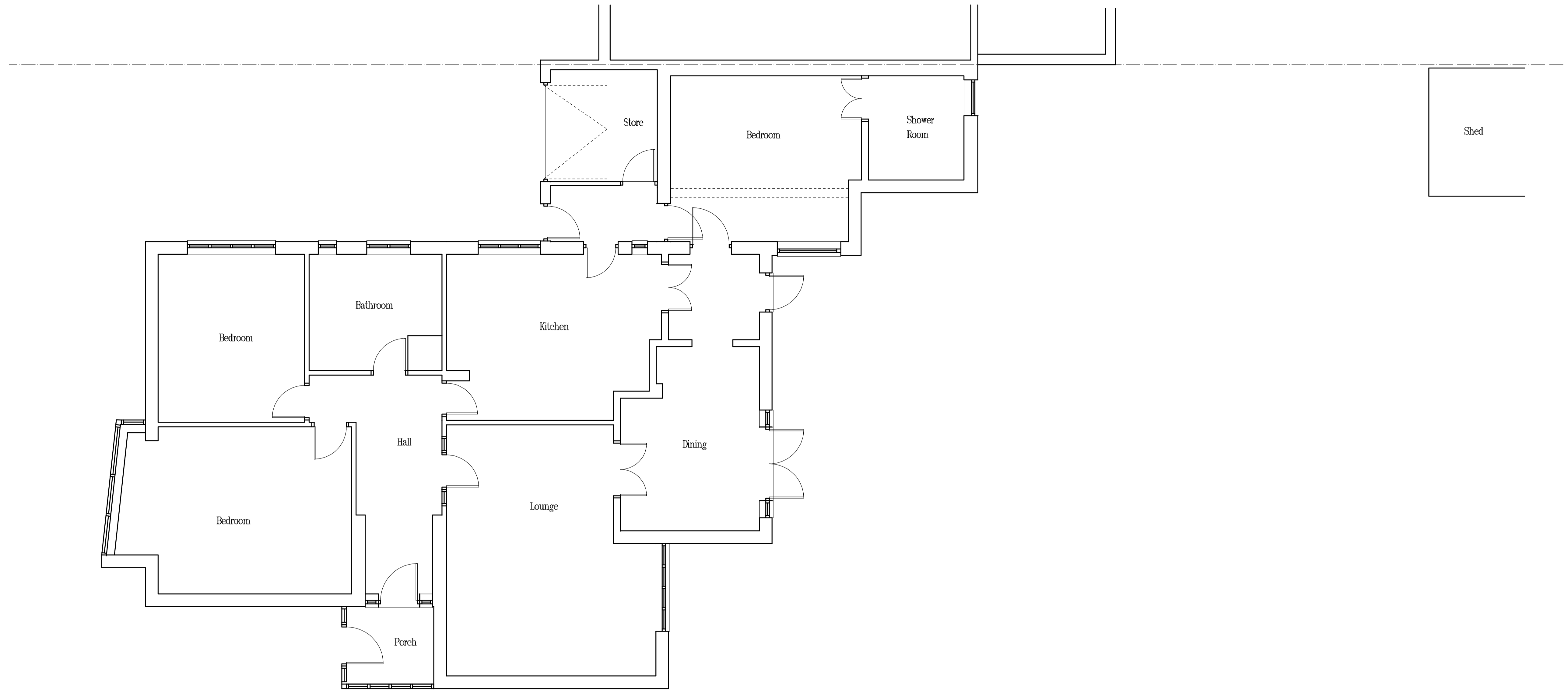
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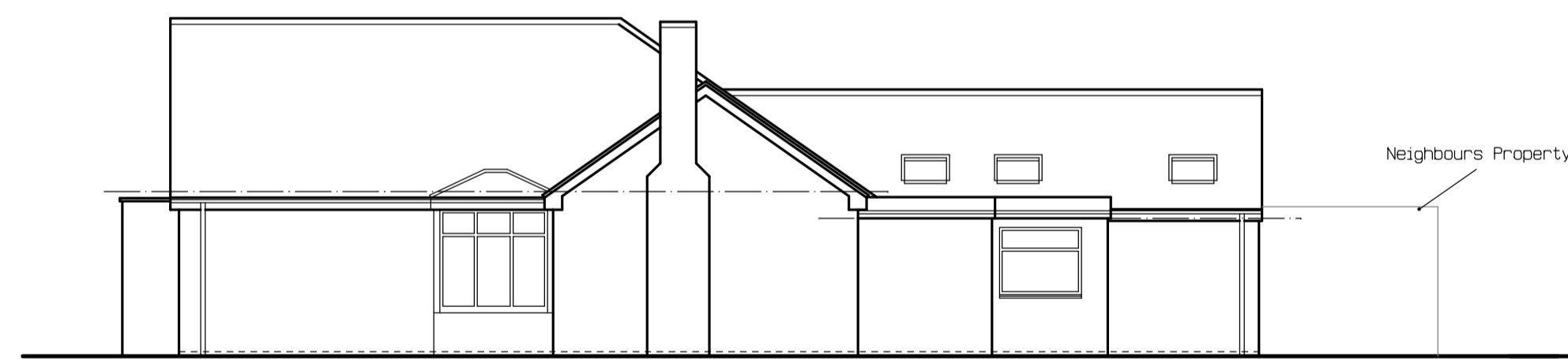
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PROPOSAL at 21 Nutbrook Avenue Coventry CV4 9LE		
SCALE 1:200	DATE Nov 2024	DRG No: 9386-04 REV: A B

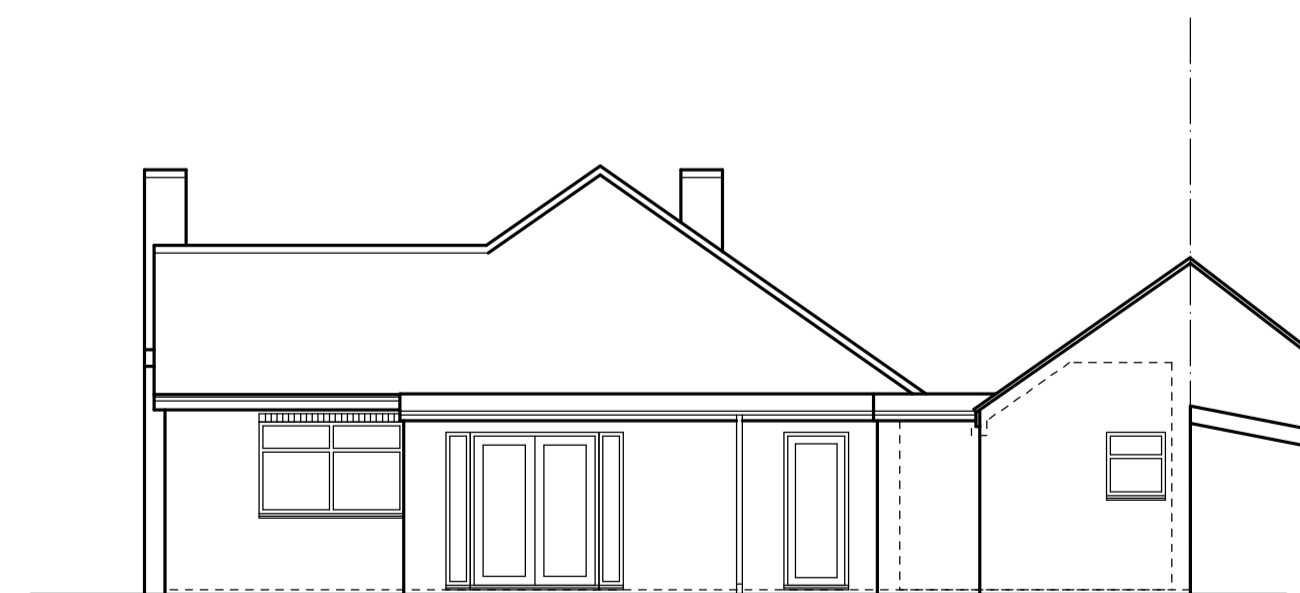




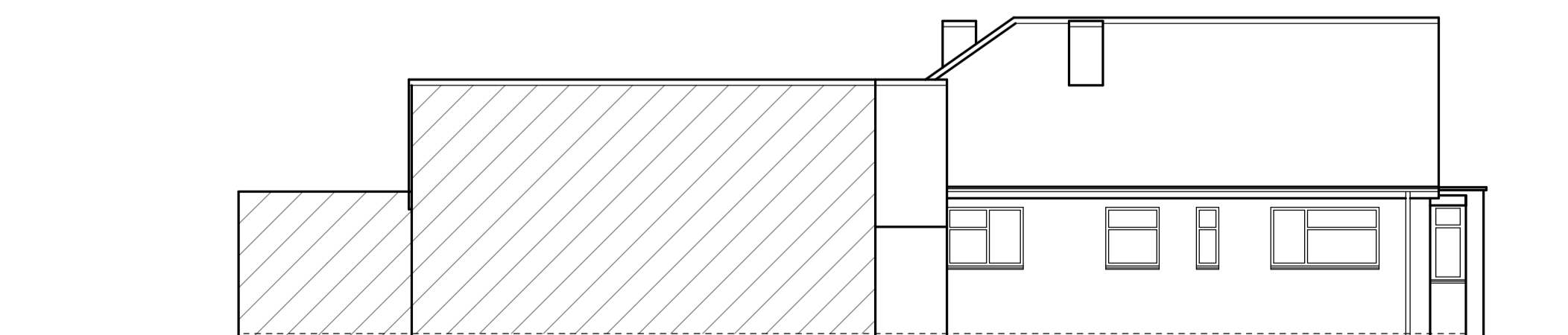
Existing Ground Floor Plan



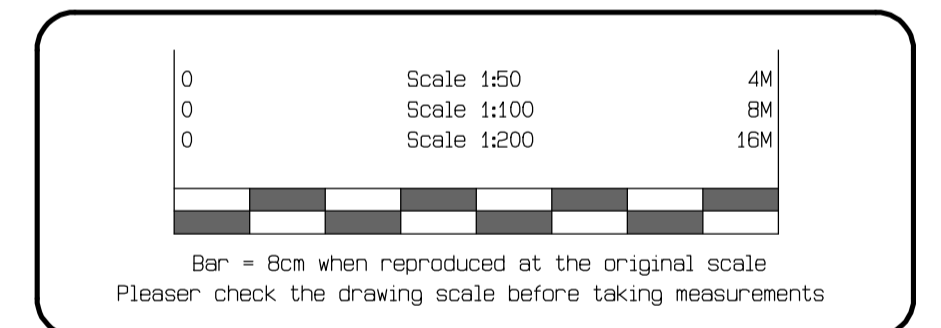
Existing Side Elevation



Existing Rear Elevation



Existing Side Elevation



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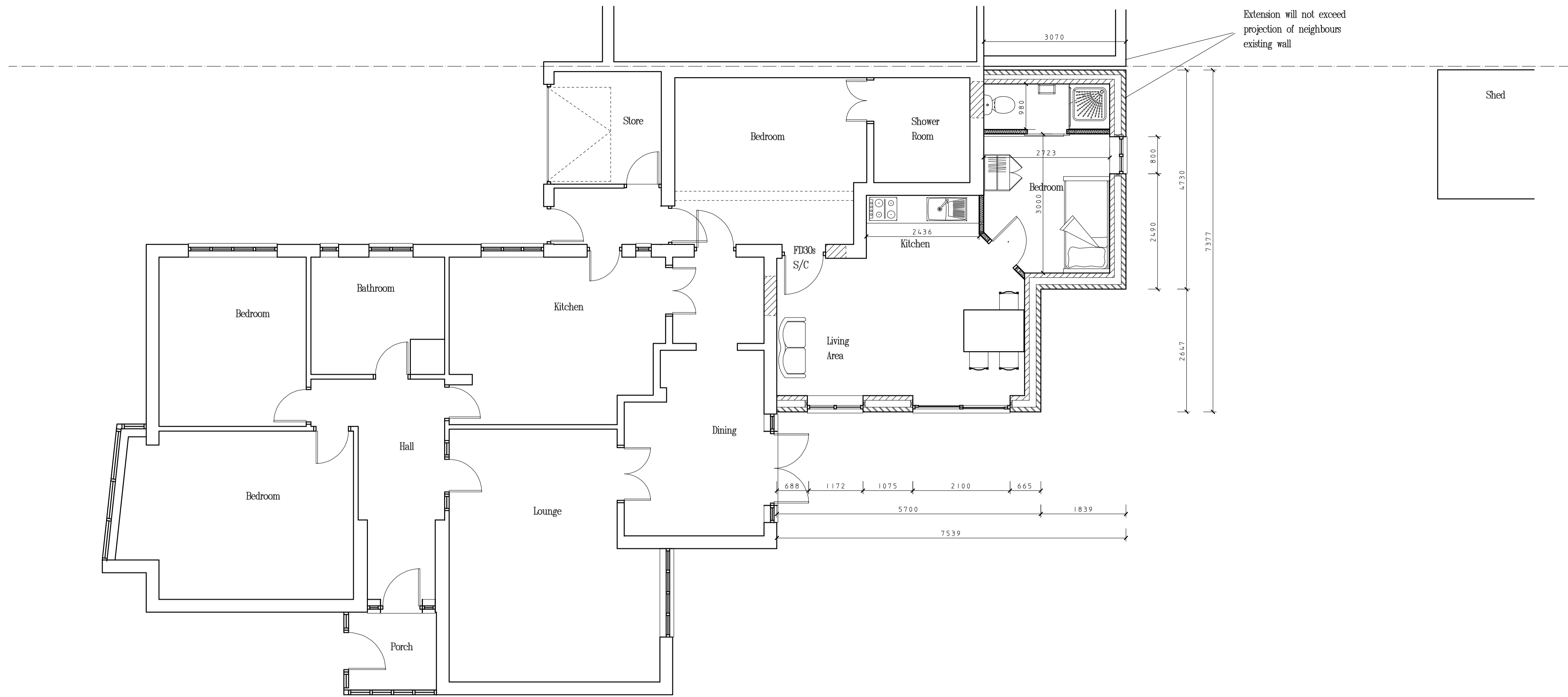
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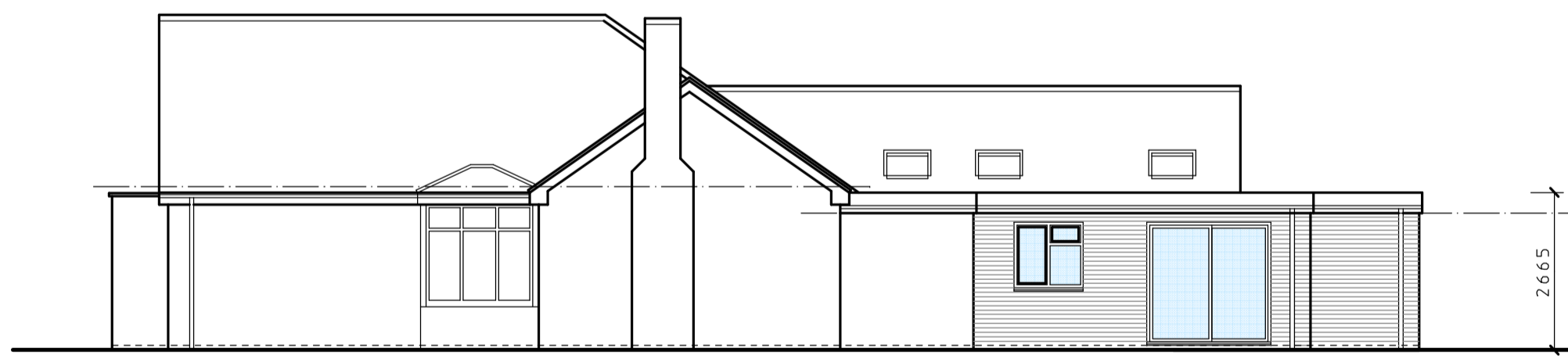
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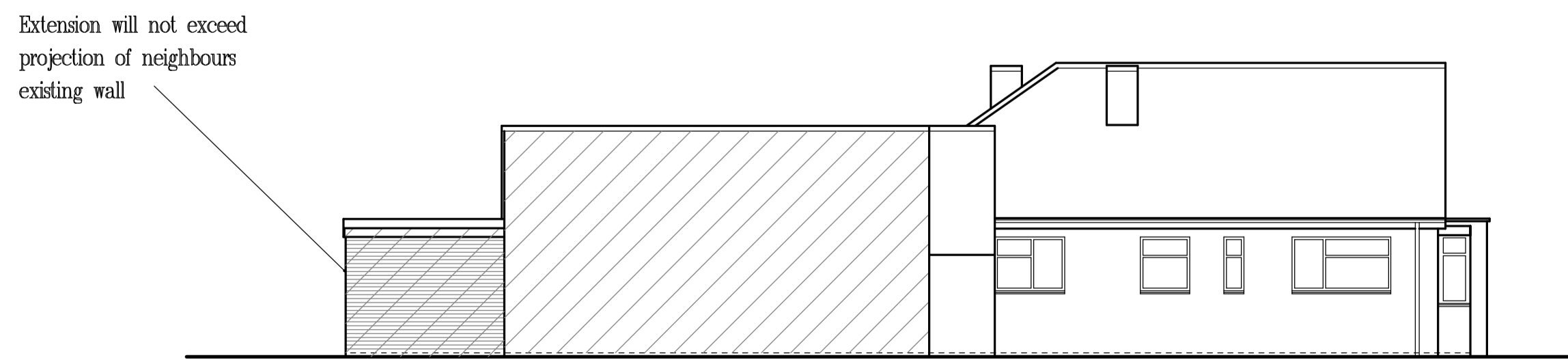
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PROPOSAL at 21 Nutbrook Avenue Coventry CV4 9LE		
SCALE 1:100 1:50	DATE Nov 2024	DRG No: 9388-01 REV:



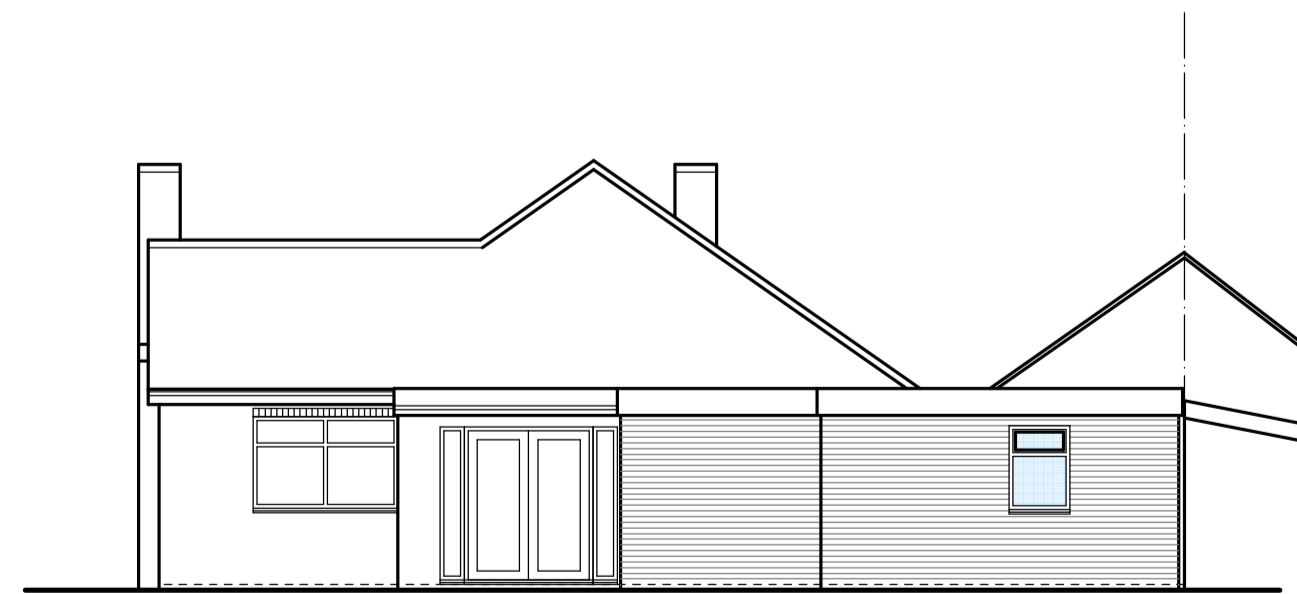
Proposed Ground Floor Plan



Proposed Side Elevation



Proposed Side Elevation



Proposed Rear Elevation

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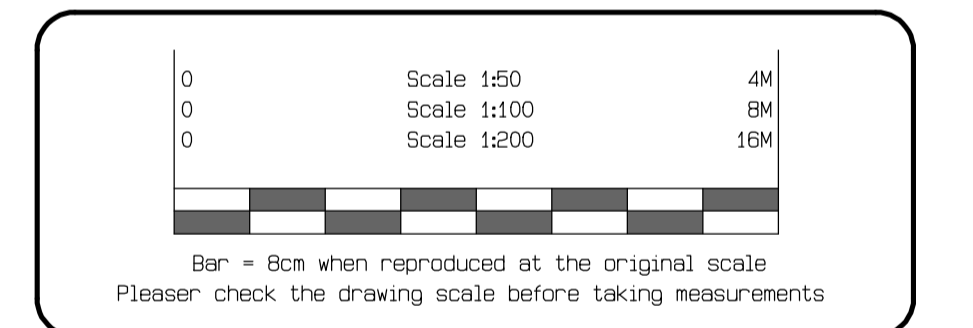
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Issue A amendments (additional information added) Feb 2025 AP

Issue B amendments following planning meeting March 2025 AP



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CLIENT		Dwg. Size A1
PROPOSAL at 21 Nutbrook Avenue Coventry CV4 9LE		
SCALE 1:100 1:50	DATE Nov 2024	DRG No: 9388-02 REV: A B