

Planning Committee Report	
Planning Ref:	FUL/2016/3015
Site:	Site of former garages, Terry Road
Ward:	St Michael's
Applicant:	Mr Alan Earp
Proposal:	Erection of 11 cluster flats (40 bedrooms)
Case Officer:	Nigel Smith

SUMMARY

The application proposes to erect 11 cluster flats (40 bedrooms) set within two buildings. One would face Terry Road and the other Knight Avenue. 8 parking spaces would be provided within a rear parking court, accessed from Terry Road.

KEY FACTS

Reason for report to committee:	Representations from more than 5 properties
Current use of site:	Last used as garage court (26 garages)
Site area:	850 sq m
Number of parking spaces proposed:	8

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions

REASON FOR DECISION

- The proposal is high quality design improving the character of the area
- 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 H9, H12, EM5, BE2, AM19 and AM22 of the Coventry Development Plan 2001, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The proposal is for the erection of 11 cluster flats (40 bedrooms). Two buildings would be constructed. One faces Terry Road, set back 2.2m from the pavement next to Terry Road and would be set 1m in from the northern and southern ends of the site. The building would be two and a half storeys high (ie. with rooms in the roof) and would measure 9.5m between finished floor level and ridge height. The other building would face Knight Avenue and would have a two storey section next to No.2, with the rest two and a half storeys high. The buildings would be faced with a mixture of brick, render and timber cladding. There would be a vehicular access under the building to a rear car park with 8 spaces. Cycle parking is indicated in front of the building facing Knight Avenue. Refuse storage would be internal located next to a stairway.

SITE DESCRIPTION

The site is roughly square shape, located at the junction of Terry Road and Knight Avenue. It covers 850 sq m and is surrounded by residential development, with a new development of two and a half storey flats located to the east of Terry Road; terraced and semi-detached houses to the north facing Humber Avenue; and a pair of semi-detached houses on Knight Avenue to the west. There are 26 vacant lock up garages and an electricity substation on site at present. Land levels on site fall away from Terry Road.

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
DEM/2017/0415	Demolition of garages	Granted (2017)

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF published in March 2012 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 promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, this 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 Development Plan 2001 (CDP) relevant policy relating to this application is:

- OS4 – Creating a more sustainable city
- OS6 – Change of land use
- OS9 – Access by disabled people
- EM2 – Air quality

EM4 – Flood risk and development
EM5 – Pollution and protection strategy
EM6 – Contaminated land
H9 – Windfall additions to housing land supply
H12 – Design and density of housing development
AM12 – Cycling in new developments
AM19 – Off street car parking areas
AM22 – Road safety in new developments
BE2 – The principles of urban design
BE20 – Landscape design and development
BE21 – Safety and security

Emerging Policy Guidance

The Draft Local Plan 2016 to 2031 has been submitted to the Inspectorate, examination hearings are currently underway. Whilst the policies do not hold significant weight at this time, they will gain weight as the local plan continues through the process. Policies within the draft local plan that are relevant include:

DS1 – Overall development needs
DS3 – Sustainable development
H3 – Provision of new housing
H9 – Residential density
H10 – Student accommodation
DE1 – Ensuring high quality design
AC1 – Accessible transport network
AC2 – Road network
AC3 – Demand management
AC4 – Walking and cycling

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Design Guidelines for New Residential Development
SPD Delivering a more sustainable city

CONSULTATION

No Objections subject to conditions received from:
Environmental Protection Officers (CCC)
Highways (CCC)

Ecology (WCC) requested photos of the site to see if a bat survey is required.

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

Immediate neighbours and local councillors have been notified; a site notice was posted.

23 letters of objection have been received, raising the following material planning considerations:

- a) Loss of light to surrounding houses and gardens
- b) Loss of privacy to neighbouring houses and gardens

- c) The rear extension at 2 Knight Avenue is not shown on the plans and has a side facing window
- d) Increased noise and disturbance from site
- e) Will the drains be able to cope?
- f) Will access be retained to Knight Avenue during construction?
- g) Increased competition for on street parking in the area as not enough spaces proposed and displacement of existing garages
- h) The size / mass of the proposed building is too large. The eaves and ridge heights do not match neighbouring development
- i) The site is overdeveloped, with too much of it built on with little space at the sides or in front
- j) The site may be where an old medieval village and manor house stood
- k) There may be asbestos on site
- l) There is too much student accommodation in the area. Houses would be better. Families are being driven away from the area.
- m) The cumulative impact of this development and recently completed one on the other side of Terry Road would be significant and would adversely impact the character of Terry Road both visually and in terms of the balance of the community
- n) None of the rooms are suitable for disabled persons
- o) There would be no amenity space for residents

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

- p) there is a private right of access across the front of the site to a garage at 175 Humber Avenue
- q) land ownership queries

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are principle of development, design, impact upon neighbouring amenity, highway considerations

Principle of development

Policy H9 states that windfall housing will be permitted subject to: compatibility with nearby uses; the provision of an attractive residential environment; convenient pedestrian access to local facilities; and being well served by public transport.

Residential use would clearly be compatible with surrounding residential uses. Furthermore, the site is well served by public transport (bus stop adjacent) and is within walking distance of the defined centre at Far Gosford Street. Finally, whilst there is no on site amenity space provided, it is within easy walking distance of open space at Charterhouse direct from Knight Avenue. Therefore the proposal complies with Policy H9.

Whilst the proposal is expressly aimed at the student market, there is nothing to prevent anybody living on the site and therefore the proposal is simply assessed as new residential development.

Design

Policy H12 states that a high standard of design will be required for new housing development in the City. The density of development should represent the most efficient use of sites consistent with the principles of good design and the creation of a sufficient range of high quality residential environments. Policy BE2 also requires a high standard of design and paragraph 56 of the NPPF states that good design is a key aspect of sustainable development and is indivisible from good planning.

The general layout of the proposal achieves good frontage to both Terry Road and Knight Avenue. The scheme has been amended since the original submission so that the building on Knight Avenue is setback almost in line with No.2, and the building facing Terry Road is set slightly further away from the highway than No.58.

The design of the proposed buildings would be modern, with a mix of brick, render and timber cladding breaking up the massing. There is some variety in terms of house types and styles within the area and it is not considered that the design needs to follow one house type in particular. The two core areas (stairs) within the Terry Road building offer variety in terms of fenestration and lower ridge heights to visually break up the building. The heights have been lowered since the original application and now fit in much better with No.58 Terry Road and 2 Knight Avenue.

Concerns have been expressed about the proportion of the site being built on and it being out of character with the area. It is true that the proposed buildings would be much deeper than traditional houses as they allow for a central corridor with rooms to either side. Furthermore, a larger proportion of the site would be built on than is typical of the surrounding houses. However, the recently completed development on the opposite side of Terry Road has a similar depth and also has no useable private amenity space for residents. On balance, it is considered that this alone would not result in significant harm to the character of the area.

Impact on neighbouring amenity

The proposal complies with all the separation distances within the SPG. There would be at least 12m between the ends of the rear wings of 175 and 177 Humber Avenue and the side of the new building facing Terry Road. There would be no breach of a 45 degree line taken from the centre of the nearest habitable room window at either 58 Terry Road or 2 Knight Avenue. Whilst 2 Knight Avenue has a side facing window in a single storey rear extension, there is another window to the same room in the rear elevation. There would also be at least 10m between the proposed 1st floor windows of the Knight Avenue building and the rear garden of 58 Terry Road.

Some neighbours have objected on the basis of additional noise and disturbance from the site. However, the site was last used as a garage court and it is not considered that a development of 40 rooms in 11 clusters would result in significant additional noise.

Highway considerations

Policy AM19 seeks to retain off street parking areas where required and AM22 seeks to ensure highway safety in new developments.

The site was last used as lock up garages. Whilst the ones which do not immediately face Terry Road have long since fallen into disrepair, some of the ones fronting Terry

Road were rented until last autumn. Some of these would have been used for storage purposes, rather than vehicle parking, but one letter has been received from a neighbour explaining that they have to park on the street now that they do not have use of the garages.

The proposal would result in 8 off road spaces for 40 bedrooms. This is a slightly higher ratio than for the development on the opposite side of Terry Road (4 spaces for 24 bedrooms), which was granted permission in 2015. Given the proximity of that development and the lack of time which has elapsed between then and now it would be difficult to take a different view on the parking ratio without being inconsistent. The site still lies within the Charterhouse residents parking zone and the ratio of parking spaces was only approved at the adjacent site following a study of Census statistics relating to vehicle ownership in St Michael's ward. There is a bus stop immediately adjacent to the site and it is within easy walking distance of shops and the university / city centre, hence the site is in a sustainable location.

Overall, it is considered that the change of use of the site from a garage court and the development of 40 bedrooms with 8 parking spaces would be acceptable. A condition is recommended to ensure that the proposed cycle parking is provided.

Other considerations

Conditions are recommended to deal with land contamination, noise mitigation measures and drainage.

One person has written in to express concern about the lack of suitability of any of the units for disabled persons. Whilst there is no local planning policy regarding this, the development would need to comply with Part M of the Building Regulations as well as the Disability Discrimination Act.

As demolition of the garages has been approved by a demolition notification application, it is not being considered as part of this application. Therefore it is not necessary to consider whether the existing garages are suitable for bats, as they could be demolished at any time without further consent. A bat note is recommended as an informative.

One neighbour is concerned that the site may be where part of an old medieval village or manor house was located. However, conservation do not consider that there is any serious likelihood of archaeological remains being found on site.

Conclusion

The principle of residential development on the site is acceptable and the impacts upon highway safety, residential amenity and the character of the area would be acceptable.

CONDITIONS:/REASON

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved documents: 001; 003; 004b; 005b; 006b; 007b; 010b; 011b; 012b; 013b

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

3. The development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that has been undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been submitted to and approved in writing by the local planning authority.

Reason: *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Development Plan 2001.*

4. The development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) if possible, and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which have been submitted to and approved in writing by the local planning authority. The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority.

Reason: *To ensure that a satisfactory means of drainage is provided such as to minimise flooding and which promotes and maintains the good stewardship of the natural and built environment in accordance with Policies EM4 and OS4 of the Coventry Development Plan 2001.*

5. The flats shall not be occupied unless and until the vehicular access, car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times

Reason: *To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies AM19 & AM22 of the Coventry Development Plan 2001.*

6. The flats shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved drawings and thereafter those facilities shall remain available for use at all times.

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 OS4 & AM12 of the Coventry Development Plan 2001.*

7. The development shall be carried out only in full accordance with details of the external facing and roofing materials which shall be submitted to and approved in writing by the local planning authority.

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 BE2 of the Coventry Development Plan 2001.*

8. The development hereby permitted shall proceed only in strict accordance with the recommendations of a noise assessment, which shall be submitted and approved in writing by the local planning authority. The noise assessment shall include results for LAeq, LA10, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential property meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. Prior to the first occupation of the building any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way.

Reason: *To ensure a satisfactory residential environment for future occupiers, in accordance with Policy H9 of the Coventry Development Plan 2001.*

9. Any gas boilers installed on site shall have a dry NOx emission rate of <40mg/kWh

Reason: *To prevent the development from harming air quality in accordance with Policy EM2 of the Coventry Development Plan 2001.*

10. One electric vehicle charging point shall be provided on site

Reason: *To prevent the development from harming air quality in accordance with Policy EM2 of the Coventry Development Plan 2001.*

11. The development shall be carried out only in full accordance with the details of the finished floor levels on the approved drawings

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 BE2 of the Coventry Development Plan 2001.*

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) no windows or openings (apart from any shown on the approved drawings) shall be formed in the north or west facing elevations of the buildings hereby approved.

Reason: *To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policies BE2 & H4 of the Coventry Development Plan 2001.*

13. Prior to occupation of the flats hereby approved by students, a student management plan shall be submitted to and approved in writing by the local planning authority. Thereafter the premises shall be managed in accordance with the approved plan.

Reason: *To ensure that the premises are not used in a manner prejudicial to or likely to cause nuisance or disturbance to the occupiers of nearby properties in accordance with Policies OS6 & EM5 of the Coventry Development Plan 2001.*

[Location plan](#)

[Proposed site plan](#)

[Proposed GF plan](#)

[Proposed 1st floor plan](#)

[Proposed attic floor plan](#)

[N & E elevations](#)

[W & S elevations](#)