

Late Representations

Planning Committee 15 February 2018

Item
No. 8

Application No. - OUT/2016/1874

Description of Development - Outline application for the erection of up to 240 residential dwellings (class C3) and associated open space and accesses, with all matters reserved except access

Site Address - Land to the west of Cromwell Lane

Recommendation

The Section 106 legal agreement will not be completed in advance of the Committee and the recommendation is therefore updated to read:

Planning Committee are recommended to delegate authority to the Head of Planning and Regulation to grant planning permission subject to conditions and subject to the completion of a satisfactory Section 106 Agreement to secure the contributions listed within the report.

Additional representations

The newly formed Westwood Heath Residents' Association has objected to the application on the following grounds: lack of infrastructure, traffic congestion and road safety, environmental concerns, failure to consider cumulative impact of surrounding development sites/HS2, use of incorrect data (in relation to housing numbers presented for the Local Plan examination), loss of Green Belt.

One objection raising the following concerns:

1. The Officer's report omits to mention one access to the site requires demolition of a house. This is over Green Belt land, not removed via the local plan process. This is particularly destructive of the street scene of Cromwell Lane, which has a particular identity. More importantly it seriously impacts the privacy of the houses either side of this proposed access.

2. The applicant proposes to use land for an emergency access, which is not in the applicant's control, as it is rail land. There is no legal right for the applicant to use this road through the station car park as it is private property and not adopted highway.

In response to point 1 the Planning Officer notes that the demolition of a property fronting Cromwell Lane to form the northern access is clearly shown on plan. This relates to No.90 Cromwell Lane. The property is not within Green Belt. Given the sporadic nature of streetscene the demolition and insertion of a new access is not considered to harm visual amenity. Privacy through improved boundary treatment will be considered as part of the detailed design at reserved matters stage. In response to point 2 Network Rail has raised no objections to the scheme. They note that the red line boundary encloses a Network Rail access route and comment that whilst rights of access are not a material planning consideration they would expect their access to be maintained.

	<p>Additional information</p> <p>The application was submitted in 2016 prior to the adoption of the current Local Plan Policy HW1, which requires all major development proposals to submit a Health Impact Assessment (HIA) to demonstrate that they would have an acceptable impact on health and wellbeing. A HIA has been completed to support the scheme. Public Health has assessed the HIA and agrees that the considerations and mitigation actions outlined in the report are acceptable and can lead to a positive impact on the populations' health. These include: access to green space; good public transport links and financial contributions to improve local education services, healthcare services and the local infrastructure, including cycleways.</p> <p>In the contributions section of the Committee report reference is made to the 'developer' being in agreement to the requested contributions. For clarity this should refer to the applicant, as the applicant will not necessarily be the site's developer.</p> <p>The Section 106 Legal agreement will include a clause for a mechanism to secure a residents parking scheme, should this become necessary in the future.</p> <p>The applicant will employ a management company to maintain the open space on the application site, however the Section 106 Legal Agreement will include a mechanism to secure contributions should this management company fail and the Council are required to take over maintenance of the open space in the future.</p>
<p>Item No. 9</p>	<p>Application No. - OUT/2017/2879</p> <p>Description of Development - Proposed erection of 2 residential dwellings (Outline application discharging access, all other matters reserved)</p> <p>Site Address - Land north of 2 Union Place</p> <p>Consultation Further representations have been received from a neighbour providing correspondence (dated 2012 and 2014) from Council's Commercial Property Services. These documents provide information on ownership of the application site and Union Place. One of the correspondences also confirmed that Union Place is not an adopted highway and not owned by the City Council similar to Isambad Drive, which also has not been adopted. Photographs of Union Place and Japanese knotweed on the site have also been provided.</p> <p>Appraisal A signed declaration has been provided by the applicant and notice has been served on Coventry City Council. No evidence has been provided in the correspondence which clarifies ownership of the unadopted road. Land ownership</p>

	<p>is not a planning matter however, officers have carried out a land registry search which has revealed that Union Place is unregistered.</p>
<p>Item No. 10</p>	<p>Application No. - FUL/2017/2239</p> <p>Description of Development - Demolition of existing Dairy Crest Distribution Depot with the erection of a three to six-storey student residential building containing 50 cluster flats totalling 266 student bedrooms with associated amenity space, communal facilities, bicycle parking and landscaping</p> <p>Site Address - The Old Dairy Crest Site Harper Road</p> <p>Recommendation No change to recommendation however, amendments to condition 24 to remove the words '<u>including demolition</u>'.</p> <p><i>24. Notwithstanding the submitted drawing AS-04-001 REV P03 illustrating the relationship to the River Sherbourne, prior to the commencement of development a scheme and implementation strategy shall be submitted to and approved in writing by the local planning authority that makes provision for a riverside walk link route along the eastern edge of the site. This scheme shall include location of a 5 metre wide combined foot/ cycle pathway, materials, landscaping, levels and future access within the inclusion of an 8 metre easement strip for the Environment Agency. The development shall be carried out in accordance with the approved details.</i></p> <p>Consultation responses All consultees have indicated their previous comments remain the same.</p> <p>Local residents The have been 111 individual comments in support of the application from 79 individual addresses located in Gosford Street, Gulson Road, Clay Lane, Mantilla Drive, Langdale Avenue, Walsgrave Road, Colchester Street, Yardley Street, Beake Avenue, Far Gosford Street, Barnack Avenue, Kenilworth Road, Moreall Meadows. The comments are summarised below;</p> <ul style="list-style-type: none"> • The development will free up homes for people in Coventry; • The development will make more available homes to rent which may help from keeping rent prices from going too high • Purpose built student accommodation will help to reduce landlords displacing council tax paying families from homes and letting out to students instead • It is good to have more students moving into the area • Students are good for the local economy. • Better for students to live close to the university • Regeneration and modernisation of Coventry is important • The scheme will mean all the students will be together in a secure environment and the high number of people travelling in the area will prevent anti-social behaviour and drug users.

- The application is actually smaller than the previously approved scheme.
- It will create a river walkway without any need for funding from the council.

16 Objections have been received from 14 individual addresses on Harper Road, Hamilton Road and Seagrave Road. The comments are summarised below;

- Parking along Harper Road is already very bad. This development will exacerbate the issue.
- Student accommodation has taken over.
- The proposal will impact upon the local community through increased noise and disturbance.
- Loss of privacy for dwellings along Harper Road.
- The distance between the front of the building and dwelling along Harper Road is 19 metres. This will cause overlooking.
- If windows can be opened the noise from inside will escape resulting in poor living conditions for neighbours.
- The scheme is too large and is invasive and will be intimidating
- Scheme is too large and not in keeping with the area.
- Why has it increased to 266 beds? Where are the extra 66 students located?
- There are larger complexes on sites away from people's homes.
- Risk of flooding, extra pressure on drains
- Risk of fly tipping,
- Litter dropping
- Noise,
- Parking problems,
- Road rage,
- General antisocial behaviour,
- Breakdown of the existing community
- Disturbance to T.V and internet signal.
- Driveways being blocked when students are dropped off and picked up.
- More taxis blocking driveways
- The quiet street will become overpopulated
- There are no plans for the 132 cycle parking spaces
- There are only 60 residential homes in Harper Road. With the Kebrall site already having planning permission for 200 students there will be 466 students.
- Are there any other residential areas in the city of Coventry that has student numbers of this size on one road?
- The dairy crest site should be for office/ work space and part of the community. Especially now the City of Culture bid is underway. This would be a more innovative use of the site.
- Residential in this location is not appropriate.
- The proposal will affect the existing businesses along Harper road.
- Overshadowing will harm ecology – bats, hedgehogs, newts. Without sunlight, nothing will grow
- Landlords will still only rent to students and not to private individuals therefore purpose built accommodation is not freeing up homes for local people.

- Local area will become a building site.
- Why does the council still approve HMOs?
- What will the actual width of the river walk?
- The building is too close to the River Sherbourne and does not have 8 metres is required by Warwickshire Wildlife.
- The previously approved plans to convert the buildings to offices would be more environmentally friendly.
- Neighbours have not been notified.
- No report on how the sewers will cope with additional buildings
- No report on how the proposal will impact existing community.
- The proposal could put additional pressure on the electric substation and cause power cuts.
- What are the developers doing for local residents?
- There will be no public access ensuring that alternative plans and the councils bid for city of culture will be curtailed.
- The only access to the site is via harper road meaning the noise survey is wrong.

Historic Coventry Trust

A summary of comments is below;

Is the land intended to be transferred to the council, it is to become public highway or will there be a series of individual parcels of private land that have some public right over them?

The report makes reference to Environment Agency advice which has not been shared with the Trust.

The Consultation Responses have not been available online during the 10 day period and are still not available today. We consequently cannot consider their advice.

The previous Warwickshire Wildlife objection required an 8m gap between the new building and the wall line of the existing building – they had specified this in view of the uncertain use of the definition ‘riverbank’.

The officer’s report suggests that their position has changed – is this correct

Significant new evidence has appeared since 2016 determination on the level of demand for digital offices which require reappraisal of the justification for a wholly student development

- Warwick Business School Report Oct 2017 – highlights £500m pa impact, shortage of the right type of office space and the importance of the Riverside location – see attached.
- Planning consent for an office development has been granted FUL/2016/ 3054
- Surveyors report highlighting high demand levels for recent nearby development and no stock availability in the locality

- There is an identified digital creative occupier – a local business, Live Buzz, with 80 staff and operating globally, but locally grown. Live Buzz take the best graduates from both Universities and retain their expertise in the city. Graduate retention is a key issue for Coventry.

Ownership and the owner's desire for 100% student is not a Planning consideration and should not be reported as such.

Blindness to ownership is a core Planning principle and the use of the owner's wishes to ignore priority, but lower value, employment use is not defensible.

We would be grateful if you could make this clear to committee.

A hybrid scheme including student and creative offices is viable but has not been explored. The owner is clearly unlikely to do so unless Planning require it as it will result in a reduction their land sale receipt.

Fall back to the consented student scheme is not an option as suggested in the officer's report as it is undeliverable due to the 8m river walk condition requiring the building foot print to be moved and a new application.

Committee may well be misled by statements that this fall back exists and again you should be careful not to highlight this as likely, presenting the current scheme as better than an alternative which appear impossible to deliver.

River Route

We are concerned at the reduction in the width of the cycle and footpath from the 8m specified as a condition in the previous application to 5m now proposed. Sustrans guidance is an 8m width for a segregated path.

The officer's report suggests a 'combined foot/cycle path' which we take to mean a non-segregated path.

This would be disappointing if it is the case as the Trust have been working on plans with Sustrans and Highways for a segregated route provide safe and fast cycle linkage along the Sherbourne to Jaguar land Rover from the city centre. Some clarity on this issue would be welcome.

The Trust is also working on plans with Imagineer and other Art groups for a variety of cycling contraptions to be developed for the tourist experience that will use this route. The first of these, the Sonic Bike, is already funded and is part of City of Culture. We would welcome confirmation that these factors have been taken into account in determining that the width reduction from 8 to 5m is acceptable to Highways.

Finally can you confirm whether a measured survey of the river bank has been undertaken as we have requested.

We note that a revised 'indicative' section has been submitted but believe this to be inaccurate as evidenced by the photographs below taken from the opposite bank of the river.

The photos show a steep overgrown bank which is not as shown on the section and may well give problems for the EA and ecologists in terms of access.

The Trust wishes to maintain its objection to the loss of all employment on the site with particular reference to the unique opportunity for the development of the digital creative sector in the city.

Without further information as requested above, we cannot determine whether our objection to the reduction from 8m to 5 m is acceptable or whether the overshadowing/ ecology concerns remain valid.

RESPONSE TO ISSUES RAISED:

Land ownership

In terms of the ownership of the land; the land is not proposed to become public land and will not be transferred to the City Council. It will remain in private ownership in the same way that all publicly accessible footpaths are in many residential and commercial developments.

As is stated in the comments from the trust, landownership is not a planning matter.

Access to consultation responses

The website has been checked and documents were available (to the best of our knowledge). An additional copy of consultation responses was sent to the Trust on 12/02/2018 following receipt of the email received by the Trust on 11/02/2018. No further response has been received to date.

One neighbour has also stated they had not received a notification. All residents and consultees which were consulted in the first round of consultation on this application, including all those which provided comment, have been re-consulted.

Employment

It is considered the proposal is in accordance with the local plan, as detailed in the officer's report. The principal of development has already been established under the previous planning permission FUL/2016/2087.

Notwithstanding the above planning permission, the previous permission (FUL/2016/3054) for the change of use to B1 offices which was granted 01/02/2017 is still extant and can also be implemented. The approval of this current proposal does not preclude the implementation of that development, should the landowner decide to implement that permission.

8m walk condition on previous planning approval (FUL/2016/2087)

The previous permission did not specify the width of the riverside walk. The previous condition stated:

'Notwithstanding the submitted drawing 894.104D, prior to commencement of development (including demolition) a scheme and implementation strategy shall be submitted to and approved in writing by the LPA that makes provision for a riverside walk link route along the eastern edge of the site. This scheme shall include the location of the walkway, materials, landscaping, levels and future

access within an 8 metre strip. The development shall be carried out in accordance with the approved details.

The condition above refers to the 8 metre easement strip as required by the Environment Agency. It does not require an 8 metre cycle path. It simply requires the cycle/ footpath to be located within this 8 metre zone.

River route

Coventry City Council Highways guidance stated that a shared foot/cycle path should be no less than 3 metres wide. Since the submission of the amended plans, the path has been increased to 5 metres wide, a betterment of 2 metres above the standard requirement.

The gap between the river bank and the proposed building ranges from 9.6 m to 11.5 metres which can accommodate the 8 metre easement strip.

Furthermore, whilst Sustrans do provide guidance as a charitable organisation, their guidance is not adopted policy therefore carries limited weight in the determination of planning applications.

With regards to the question regarding the accuracy of the plans, it is considered the information submitted is an accurate reflection of the onsite conditions. Additional information is also required through condition 24, which requests further levels and information on the riverside walk prior to the commencement of the development.

Ecological issues

The officer's report is clear that both the Environment Agency and Warwickshire County Council Ecology do not object to the application. The 8 metre distance which has been requested, and will be secured by condition is evident on the submitted plans.

Noise

It has been suggested that the noise report which has been submitted with the application is incorrect. Environmental Protection officers are satisfied that the report is correct and have not objected to, or raised issues with the information submitted. It is therefore considered the report is correct.

Concern has been raised from local residents regarding increased noise and disturbance from students occupying the development. It is accepted there will be an increase in footfall around the site due to the increased number of people at the development and surrounding site, however the proposal seeks to provide a high quality residential environment. This is considered to be a betterment to the existing on site conditions. Any nuisance noise can be managed through separate legislation.

Parking and highways

Concern has been raised regarding the potential for increased on street parking. The student scheme will be a 'no car' scheme. This will be a term of the student's tenancy and is referenced in the student management plan, which is secured by

condition. Highways officers are satisfied that the proposal can be managed to ensure the existing on street parking situation will not be exacerbated.

In terms of details of cycle parking. Drawing, DWG: AL-04-001 - REV P04 clearly shows the location of the cycle storage. Condition 5 also requests additional details for the cycle parking and bin storage areas. Highways officers are satisfied that the area set aside for cycle parking is adequate and can accommodate the level of cycle parking required.

Flooding and drainage

Comments have been received in regards to the ability of the sewers to cope with the increase in students. Flood risk officers are content with the level of information submitted with the proposal. Notwithstanding this, additional conditions relating to drainage are requested in condition 17 ensuring the development will not exacerbate the existing on site drainage issues. In terms of the capacity of sewers, this is a matter which will be addressed through building regulations.

Additional/Amended Conditions

The applicant has requested a minor amendment to condition 24.

The condition currently reads:

Notwithstanding the submitted drawing AS-04-001 REV P03 illustrating the relationship to the River Sherbourne, prior to the commencement of development (including demolition) a scheme and implementation strategy shall be submitted to and approved in writing by the local planning authority that makes provision for a riverside walk link route along the eastern edge of the site. This scheme shall include location of a 5 metre wide combined foot/ cycle pathway, materials, landscaping, levels and future access within the inclusion of an 8 metre easement strip for the Environment Agency. The development shall be carried out in accordance with the approved details.

It is requested the words 'including demolition' should be removed from the above condition in order to allow the developer to begin demolition works on site, prior to the submission of the requested details.

Conditions must meet the '6 tests for planning conditions' as set out in the NPPF. One such test is reasonableness. The timing for the submission of details should not needlessly halt development without good reason. No consultees have requested this wording to be included. Given there is no justification from consultees for this information to be submitted prior to the demolition of the buildings on site, it is considered that it is reasonable to remove the wording '*including demolition*' to allow demolition to commence prior to the submission of the details requested in the condition.

