

Planning Committee Report	
Planning Ref:	OUT/2017/3015
Site:	108a Station Street East
Ward:	Foleshill
Applicant:	Mr A Ahmed
Proposal:	Outline application for the erection of 1 dwelling with associated works. Access only to be considered
Case Officer:	Pooja Kumar

SUMMARY

The application proposes to demolish all buildings on site and erect one detached dwelling on site. As part of the proposed development a new access would be created from Morey Street.

KEY FACTS

Reason for report to committee:	Representations from 5 local residents
Site area:	0.04 ha
Existing Use:	B8 Storage or Distribution
Proposed Use:	C3 Residential

RECOMMENDATION

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

REASON FOR DECISION

- The proposal will improve the character and appearance of the site.
- 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 DS1, DS3, HW1, JE3, H1, H10, GE3, DE1, HE3, AC3, AC4, EM1, EM2, EM3, EM4, EM5 and EM6 of the Coventry Local Plan, 2016, together with the aims of the of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application seeks outline planning permission for the erection of one dwelling at 108a Station Street East. The proposal includes the demolition of all buildings on site and creation of a new access from Morey Street, located to the north (rear) of the application site.

As an outline application, only matters relating to access are for consideration. Nevertheless, the applicant has submitted plan number 2169/1/B which includes an indicative site layout and floor plans for the proposed dwelling. This plan is however indicative only to demonstrate a dwelling can be accommodated on the site it is not for consideration as part of this application.

The application is supported by the following documentation:

- Location Plan
- Proposed Site Plan with indicative layout and floor plans (2169/1/B)

SITE DESCRIPTION

The site is located to the rear of properties located on the southern side of Station Street East. The site is roughly rectangular in shape at the rear with a narrow 2.9m wide by 12m long access from Station Street East.

Within the site there is a two storey brick built, pitched roof building; a single storey brick building which is in significant disrepair; a large canopy which is in some disrepair and; a smaller covered area. Due to the condition of the site it appears that it is not in regular use and the previous lawful use of the site was as a tool reconditioning workshop. Along the site's north-east boundary and rear of 108 Station Street East is a detached garage which serves the said property. All other properties which back onto the site do not have access to their rear gardens from the application site and boundary treatment consists of a 2 metre high brick wall.

This part of Station Street East is predominately characterised by two storey terraced dwellings with single and two storey rear extensions.

To the rear (south) of the site is Morey Street where the proposed new access would be located. Morey Street is a predominantly residential street comprising 2 storey terraced dwellings, the site previously accommodated Broad Heath School prior to being redeveloped for residential in 2003 following grant of planning permission R/2001/5153. The land immediately to the west of 20 Morey Street is open green space with formal visitor parking spaces along its western edge. The open space is raised above the street level of Morey Street by approximately 0.5 metres and is enclosed with black railing.

PLANNING HISTORY

Application Number	Description of Development	Decision and Date
S/2005/6933 (17206)	Use of existing joinery workshop for the purpose of tool reconditioning	Approved 22/12/1961 with a condition

		restricting the site to uses which fall within Class III of the Use Classes Order 1950. This class is specified as 'light industrial' in the Order
LDC/2012/1824	Lawful Development Certificate for existing use of site for motor vehicle repairs and servicing with ancillary vehicle storage and sales (Use Class B2)	Refused 12/12/2012

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, 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 -2031.

Policies within the Local Plan that are relevant include:

- Policy DS1 – Overall Development Needs
- Policy DS3 – Sustainable Development Policy
- Policy H1 – Housing Land Requirements
- Policy H3 – Provision of New housing
- Policy DE1 – Ensuring High Quality Design
- Policy AC1 – Accessible Transport Network
- Policy AC3 – Demand Management
- Policy AC4 – Walking and Cycling
- Policy EM1 – Planning for Climate Change Adaption
- Policy EM2 – Building Standards
- Policy EM5 – Sustainable Drainage System (SuDS)
- Policy EM6 – Redevelopment of previously Developed Land
- Policy EM7 – Air Quality

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 (CCC).

No Objection subject to informative received from:
Ecology (WCC)

Highways (CCC)

Immediately adjoining neighbours and local councillors have been notified in writing of the proposed development.

5 letters of objection, from 4 addresses have been received, raising the following material planning considerations:

- a) Noise and disturbance from the site being used;
- b) Lack of safety from the back for properties along Station Street East;
- c) High Rise building would result in the loss of light and loss of privacy to dwellings along Station Street East;
- d) There will be insufficient turning space for properties which use their garages for parking;
- e) Lack of available parking along Station Street East;
- f) There will be direct overlooking into the rear bedroom windows from the proposed building and;
- g) The proposal could result in potential theft from the change of use and closing up of the existing access.

2 letters of objection have been received, raising the following non-material planning considerations:

- h) The proposal blocks access to the rear garages for 108 Station Street East which have a right of access;

At the time of writing this report a further public consultation period is ongoing because revised plans have been received allowing access to be retained from Station Street East. This consultation period commenced on 15/02/2018 and ends on 06/03/2018.

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, contaminated land, and ecology.

Principle of development

At the heart of the NPPF is a presumption in favour of sustainable development and this report will demonstrate that the proposal is acceptable after consideration of a number of key issues and therefore the proposal is considered to accord with the aims of the NPPF.

Policy DS1 of the Local Plan states that except where specific proposals are shown on the proposals map, the general Policies of the plan will apply and developments should be compatible with nearby uses. Policy H3 of the Local Plan supports the development of housing in sustainable locations and within close proximity to existing services.

The application site is located within an existing built-up area and would be considered as being a brownfield site; as such the principle of re-developing the site for residential purposes is considered acceptable subject to complying with all other development plan policies.

Character and Design

Policy DE1 of the Local Plan requires development to be of good design whilst Policy H9 also seeks to ensure that development is appropriately designed. The NPPF further emphasises the importance of good design with paragraph 56 highlighting that good design is a key aspect of sustainable development and is indivisible from good planning.

As an outline application with only access to be considered, there are no detailed plans available to consider the proposal in respect of the detailed design. This would come forward as part of a subsequent reserved matters application. Nonetheless, the site is located between two residential streets and proposes a detached residential dwelling, which would relate positively to the local character and street scene. The local area, Station Street East and Morey Street, comprise two storey brick built terraced dwellings set in linear plots. The dwellings along Station Street East are typically terraced Victorian style and the dwellings along Morey Street are of a more modern style. There is no objection to the erection of a residential dwelling in this location as it is considered that such a development would have a positive impact on the character and appearance of the site which currently is in significant disrepair and the present use is at odds with the residential character of the local area.

In respect of the style of dwelling, the proposal is for a detached two storey dwelling (as per the indicative plans). Although a two storey dwelling would reflect the height and scale of adjacent built form, a detached dwelling would not conform with the prevailing character of terraced housing of both street scenes to the north and south. The introduction of a detached dwelling would appear different within the context of the street scene; however it is considered that the proposed residential use of the site would be more compatible with adjacent uses and the erection of a detached dwelling would not harmfully detract within the street scene of Morey Street, which has a more open character and appearance in comparison to Station Street East.

It is recognised that the plans outline the proposed dwelling to be orientated to be west facing, whereas all other dwellings along both adjacent road faces their respective highway. Although this is at odds with the existing pattern of development, the proposed residential use would be more in keeping within the local character and the proposal would improve the appearance of the site from public vantage points. The proposed development would not amount to harm in respect of character and appearance and therefore it is considered that the proposed orientation would be acceptable in this instance and a refusal on this basis cannot be justified.

Overall, it is considered that the proposed development is well designed and a subsequent reserved matters application can ensure that the development would be a high quality development and characteristic of the locality. As such, the proposal would accord with Policy DE1 of the Local Plan 2016.

Impact on neighbouring amenity

Paragraph 17 of the NPPF seeks to protect the amenities of all existing and future occupants of land and buildings. As indicated elsewhere in this report, the proposed use is considered to be appropriate for its location and is compatible with other nearby uses. SPD 'Design Guidelines for New Residential Development' provides guidance for new residential development. The document provides useful guidance on separation

distances. Generally, a side to front/back window distance should be a minimum of 12 metres, as outlined in paragraph 10.1.4 and figure 12 of the guidance.

The closest residential properties to the application site are located to the north of the site, along Station Street East, numbers 108, 110, 112 and 114. The indicative plans demonstrate a distance of 15 metres from the rear-most elevation of these dwellings which is in excess of the 12 metres recommended by the guidance to ensure no harm in respect of overlooking, loss of light and overbearing.

In respect of overlooking, the indicative plans demonstrate how the proposed dwelling could be designed not to have side windows facing the rear of properties along Station Street East which would ensure no overlooking to the properties along Station Street East; however this cannot be secured at this stage as the plans submitted are indicative only. The separation distance between the rear most elevation of 112 and 114 Station Street East (the closest dwellings to built form as indicated on plan 2169/1/B) and the boundary with the application site is 13 metres, and a further 1 metre can be achieved by setting the proposed dwelling away from the common boundary. As such, the proposed development would not result in any harmful overlooking to 112 and 114 Station Street East. Due to larger extensions at number 110 and 108 Station Street East, the distance between built form would be 13 metres, which is still in excess of the recommendation of the design guidance. As such the proposed development would not result in any harmful overlooking.

Along the rear elevation of 112 and 114 Station Street East is a single storey pitched roof rear projection with windows whilst numbers 108 and 110 Station Street East have a two storey rear extension which have habitable bedroom windows at first floor level. As noted above, the separation distance between the rear most elevations of the Station Street East properties and the application site is in excess of the recommended minimum distance in the adopted SPG. Furthermore, the indicated layout of built form would not infringe on any imaginary 45 degree line from habitable room windows which would indicate harmful loss of light. Therefore the proposed development would not result in any harm to the residential amenity of nearby properties in respect of loss of light and overbearing.

There have been concerns raised from local residents in respect of noise and safety; although from the comments it is evident that local residents assumed that the proposal is for a number of plots as opposed to a single dwelling. The proposed development, if approved, would result in a change of use of the site from commercial to a residential use which is considered to be a use more compatible with the neighbouring residential properties. By virtue of the development, the site would be occupied (unlike at present) and would provide additional surveillance from the windows of the proposed dwelling. In comparison to the existing lawful use for commercial purposes the proposal would not result in any significant increase in noise to the detriment of local residents. As such, it is considered that the proposed development would not result in any harm in respect of safety and noise and therefore would not harm the amenity of residential neighbours, in accordance with Policy DE1 Local Plan 2016.

Highways considerations

Policies AC1 and AC3 of the Local Plan relate to highway and transport matters including highway safety. The NPPF also promotes sustainable travel.

The site is within walking and cycling distance of a range of amenities, shops, bus stops providing services around the City and Coventry Railway Station and therefore accords with Policies AC1 of the Local Plan. Further details of transport links and opportunities for vehicle and cycle parking would be submitted as part of a reserved matters application.

The application is for the consideration of means of access for the site, which is proposed to be off Morey Street. The access is currently part of the boundary wall between Morey Street and the application site where a two storey building is located. The proposed access has been considered by highways officers who have raised no objection subject to an informative.

Some objectors have commented on the loss of parking and turning space within the application site (and to the rear of 108 Station Street East to allow access to the garage at no. 108 Station Street East. The applicant has submitted a revised site plan and indicative plan (2169/1/B) which removes the closure of the access point and retains the parking and turning area to the rear of 108 Station Street East. Consultations on the revised plan is currently underway and at the time of writing this report, no further objections have been received in this respect. It is considered that the revised plans overcome the concerns of the objectors.

Concerns have been raised on the loss of a right of access to the garage at the rear of 108 Station Street East. This is a civil matter and not a material planning consideration.

As such, based on the information provided there are no Highways objections to the proposed development and it is considered that the proposal would not have an adverse impact on the local highway network.

Noise and Air Quality

Policy H3 (Provision of new housing) of the Local Plan states that a suitable residential environment will include safe and appropriate access, have adequate amenity space and parking provision and be safe from environmental pollutants such as land contamination, excessive noise and air quality issues.

Paragraph 129 of the NPPF also seeks to prevent new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.

Policy EM7 (Air Quality) states that where damage to air quality cannot be satisfactorily mitigated, development will not be permitted. Paragraph 124 of the NPPF also seeks to ensure that development within Air Quality Management Areas (which includes the whole of Coventry) is not harmful to air quality.

The applicant has not submitted any Air Quality information at this stage; however the Council's Environmental Protection team advises that for the proposal to accord with the NPPF, West Midlands LETCP guidance and the Local Plan, the proposal would need to mitigate the impact upon local air quality by the provision of 1x electric vehicle charge point and any gas boilers on site have to have a maximum dry NO_x emissions rate of 40mg/kWh which can be secured by way of condition. Subject to this the proposal is

considered to accord with policy EM7 of the Local Plan 2016 and the NPPF.

Contaminated Land

Local Plan Policy EM6 states that development on or adjacent to contaminated land will be permitted only if any measures for remediation and protection required to ensure the health and safety of the development proposed and its users are identified and implemented. Paragraphs 120-122 of the NPPF also seek to ensure that sites are suitable for their proposed use and that after remediation; land is not classed as contaminated land.

Historical maps, aerial photos and the planning history of the site indicate that there was a commercial use on site previously, although it is unclear whether the use is ongoing. The Council's Environmental Protection team have advised that there is no objection to the proposed development, and to ensure conformity with Policy EM6 of the Local Plan the four standard contamination conditions should be attached to planning permission.

In addition to the above, it is advised that a condition requiring the submission of a Construction Environmental Management Plan (CEMP) should be attached to planning permission to demonstrate how noise and dust will be mitigated during the construction of development. The Council's Environmental Protection team have advised that there appears to be an asbestos roof present on site and therefore the CEMP will also need to plan for how this will be removed safely with any other asbestos identified on site.

Ecology

The site has no specific nature conservation designation and there are no records of protected species within the application site. However the site is in some disrepair and potentially could host bats or bat roosts. WCC Ecology have advised that following the review of the site photos it appears unlikely that bats would use the buildings for roosting. However as a precaution, it is advised that a bat note should be attached to any decision notice.

Conclusion

Having regard to the pattern of existing development in the area, representations received and the relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the suggested conditions the proposed development would be in accordance with the development plan.

By virtue of the acceptable design, no adverse impact upon neighbouring amenity, suitable highway impact and appropriateness of the development in all other respects, the proposal is in accordance with Policies DS1, DS3, H1, H3, DE1, AC1, AC3, AC4, EM1, EM2, EM5, EM6 and EM7 of the Local Plan 2016 together with relevant SPG/SPD and the NPPF.

CONDITIONS/REASON

1. Details of the appearance of the building(s), landscaping of the site, layout of the site and its relationship with adjoining development, and the scale of building(s) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the

development shall be carried out in full accordance with these reserved matters as approved.

Reason: *To comply with Article 3(1) of the Town and Country Planning (General Development Procedure) Order 1995.*

2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years of the date of this permission.

Reason: *To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).*

3. The development to which this permission relates shall begin within three years of the date of permission or within two years of the final approval of the reserved matters, whichever is the later.

Reason: *To comply with Section 92 of the Town and Country Planning Act 1990 (as amended).*

4. The development hereby permitted shall be carried out in accordance with the following approved documents Location Plan and Proposed Site Plan and Indicative Layout Plan 2169/1/B.

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

5. The reserved matters to be submitted in accordance with Condition 1 shall include details of all earthworks, mounding and the finished floor levels of all buildings, together with details of existing and proposed site levels on the application site and the relationship with adjacent land and buildings, and the development shall be carried out in strict accordance with these approved details.

Reason: *To ensure sufficient information is submitted to demonstrate a satisfactory relationship between the proposed development and adjacent land and buildings in the interests of amenity in accordance with Policy DE1 of the Coventry Local Plan 2016.*

6. The dwelling shall not be occupied unless and until the access indicated on the approved drawings has been provided and thereafter the access shall be kept available for such use at all times.

Reason: *To ensure adequate access in the interests of both highway safety and visual amenity in accordance with Policies AC1 and AC3 of the Coventry Local Plan 2016.*

7. Prior to the commencement of the development hereby approved, samples of the materials to be used in the external finishes of the proposed dwelling shall be made available for inspection on site and must be approved in writing by the local planning authority.

Reason: *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policy DE1 of the Coventry*

Local Plan 2016.

8. The development hereby permitted shall only be undertaken in strict accordance with details of hard landscaping works which have been 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 colour of the railings and gates; 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 full accordance with the approved details within three months of the first occupation of the dwelling hereby permitted.

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 GB1, GE1 and DE1 of the Coventry Local Plan 2016.*

9. Notwithstanding the details shown on the approved plans, the development hereby approved shall not be occupied unless and until details of the cycle parking and bin storage facilities are submitted to and approved in writing by the local planning authority and once occupied shall be maintained in accordance with the approved details and made available for use at all times.

Reason: *In the interests of the visual amenities of the development and 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 DE1, DS3 and, AC1 and AC4 of the Coventry Local Plan 2016.*

10. The development (including any works of demolition) shall proceed only in strict accordance with a construction environmental method statement which has been submitted to and approved in writing by the local planning authority. The approved statement shall be strictly adhered to throughout the construction period and shall provide for: the parking of vehicles of site operatives and visitors; the loading and unloading of plant and materials; 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 construction; a scheme for recycling / disposing of waste resulting from demolition and construction works; and a plan for how asbestos on site will be identified and safely removed.

Reason: *In the interests of highway safety and the amenities of the occupiers of nearby properties, the free flow of traffic and the visual amenities of the locality in accordance with Policies AC1, AC3, EM1, EM6 and DE1 of the Coventry Local Plan 2016.*

11. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site and any report of the findings must be submitted to and approved in

writing by the local planning authority prior to first occupation. The report of the findings, to be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risk to; human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monument; and
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: *To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM6 of the Coventry Local Plan 2016.*

12. The development shall be undertaken in accordance with a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared which shall be submitted to and approved in writing by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: *To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM6 of the Coventry Local Plan 2016.*

13. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced shall be submitted to and approved in writing by the local planning authority.

Reason: *To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM6 of the Coventry Local Plan 2016.*

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition (No.11), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition (No.12), which shall be submitted to and approved in writing by the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with condition (No.13).

Reason: *To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled water, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM6 of the Coventry Local Plan 2016.*

15. Any gas boilers installed on site shall achieve a dry NO_x emission rate of <40mg/kWh.

Reason: *To mitigate the impact of the development upon air quality, in accordance with Policy EM7 of the Coventry Local Plan 2016.*

16. The development hereby approved, must include provision for at least 1 electric vehicle charging point.

Reason: *To mitigate harm in respect of air quality in accordance with policy EM7 of the Coventry Local Plan 2017.*

[Location Plan](#)
[Proposed Site Plan](#)