

Planning Committee Report	
Planning Ref:	S73/2018/0812
Site:	Land at Scots Lane
Ward:	Bablake
Proposal:	Removal / Variation of condition No. 6 (in part, 6(i) only) to exclude pedestrians/cycle link between the northern part of the site and the bus stop on Holloway Field: imposed upon planning permission OUT/2016/2918 for 'Outline application with all matters reserved except for means of access, for residential development of up to 70 dwellings and landscaping with associated public open space and car parking'.
Case Officer:	Shamim Chowdhury

SUMMARY

An outline planning permission (OUT/2016/2918) was granted in May 2017 for residential development of 70 houses on the former reservoir site on Scots Lane. The current application has proposed to vary condition 6, precisely 6(i) through the deletion of the words: "Pedestrians/Cycle link between the northern part of the site and the bus stop on Holloway Field;" and insertion of words: "Pedestrian link between the north-eastern part of the site and Scots Lane".

BACKGROUND

An outline application was approved by the Planning Committee in May 2017 subject to a number of conditions and completion of a s106 agreement to secure developer contributions. One of the conditions imposed (condition No.6) stated: "The reserved matters to be submitted under condition 1 shall include the following details indicated in the application documentation: (i) Pedestrians/Cycle link between the northern part of the site and the bus stop on Holloway Field; (ii) Noise Assessment together with detail mitigation measures; (iii) Air Quality Assessment with detail mitigation measures (iv) Arboricultural report including tree protection plan; (v) Further Great Crested Newts Survey".

The condition 6(i) required the inclusion of a pedestrians/cycle link between the northern part of the site and the bus stop on Holloway Field to be submitted as part of the reserved matters application. In addition, a contribution to provide the pedestrians/cycle link was included in the S.106 agreement. This application seeks to exclude the provision of the pedestrians/cycle link from the development. The developer has also submitted a deed of variation to the s106 agreement to omit reference to the provision of the pedestrian/cycle link. An amended s106 agreement has been submitted to the legal team for completion.

Since the grant of the outline planning permission and as part of the consultation on the reserved matters application, the indication of a pedestrians/cycle link across the village green to connect bus stop on Holloway Filed has raised significant concerns from the local residents. In response, officers suggested exclusion of the pedestrians/cycle link from the proposal.

KEY FACTS

Reason for report to committee:	This application is to be determined in conjunction with the reserved matter application contained in this report
Current use of site:	Vacant
Proposed use of site:	Residential dwellings

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions and subject to the completion of the amended S106 Agreement to exclude the pedestrians/cycle link from the proposed development together with relevant contribution. All other contributions in relation to education, affordable housing, to enhance and secure long term management of biodiversity, and to fund emergency admission to NHS remain as agreed in the original s106 agreement.

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: H3, H4, H6, H9, DE1, DS1, DS3, EM1, EM2, EM4, EM6, EM7, GE1, GE3, GE4, AC1, AC2, AC3 and AC4 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application seeks to vary/remove the condition No. 6(i) to exclude the requirement for a pedestrians/cycle link between the northern part of the site and the bus stop on Holloway Field which was imposed on outline permission. This change would also require amendment to the existing S106 agreement.

SITE DESCRIPTION

The application site was the former Coundon Reservoir which was decommissioned and cleared in 2011 and has re-naturalised over time. The site also comprises of a pond, an orchard and some allotment plots on the eastern part. The proposed development site adjoins Radford Road Allotment gardens to the east and a village green to the northeast corner between No. 26 and No. 50 Holloway Field. The site is bound to the north by residential properties on Holloway Field and to the south by a covered reservoir operated by Severn Trent Water and beyond that by residential properties on Christchurch Road. Bablake School Playing Fields is to the west opposite the application site.

The site has not been designated for specific development in the current Coventry Local Plan 2016 and is currently a site with low to medium ecology/biodiversity interest. The site is located in Flood Zone 1. The general character of the area is predominantly residential with no special designation or interest such as conservation area or area of special interest.

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/2010/1474	Demolition of existing covered reservoir and construction of new covered reservoir	Approved 06/01/2011
OUT/2016/2918	Outline application with all matters reserved except for means of access, for residential development of up to 70 dwellings and landscaping with associated public open space and car parking	Approved 11/05/2017
DC/2018/0318	Submission details to discharge condition No. 8 - Construction and Ecological Management Plan imposed on planning permission OUT/2016/2918 determined 11 May 2017 (decision notice issued 29/09/17) for an outline application with all matters reserved except for means of access, for residential development of up to 70 dwellings and landscaping	Approved 22/03/2018

	with associated public open space and car parking.	
DC/2018/1049	Submission of details to discharge condition No. 6(iii) Air Quality Assessment and mitigation measures and condition No. 7 details of construction method statement, imposed on planning permission OUT/2016/2918 for Outline application with all matters reserved except for means of access, for residential development of up to 70 dwellings and landscaping with associated public open space and car parking granted on 11/05/2017.	Approved 24/05/2018
RMM/2018/0316	Reserved matters application for the erection of 70 houses, landscaping, associated public open space and car parking served by new access onto Scots Lane (serving plots 4-70) and upgrade/improvements to existing access (serving plots 1-3). Submission of details pursuant to outline planning permission OUT/2016/2918	Pending

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 Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS1: Overall Development Needs

Policy DS3: Sustainable Development Policy

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 AC1: Accessible Transport Network
Policy AC2: Road Network
Policy AC3: Demand Management
Policy AC4: Walking and Cycling
Policy EM1: Planning for Climate Change Adaptation
Policy EM2: Building Standards
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

CONSULTATION

No Objections received from:
Highways (CCC)
Environmental Protection (CCC)
Ecology (CCC)
Drainage (CCC)
Tree Officer (CCC)

University Hospitals Coventry and Warwickshire NHS Trust have sought contribution, however, this has already been agreed and part of the S106 agreement.

At the time of writing the report comments have not been received from:
Severn Trent Water, Central Networks, Centro

Immediate neighbours and local councillors have been notified; four site notices were posted on 20 April 2018. A press notice was displayed in the Coventry Telegraph on 26 April 2018.

One letter of support has been received expressing delight to see exclusion of pedestrians/cycle link over the village green.

Any further comments received will be reported within late representations.

APPRAISAL

The main issue in determining this application is the sustainability of the proposed development in terms of pedestrian access to the nearest public transport/bus stops and subsequent impact on the adjacent village green. In the outline permission, the reason(s) for the creation of pedestrians/cycle link condition were to ensure that the development is sustainable, provides a satisfactory residential environment for future occupiers and does not have an adverse impact upon highway safety.

Impact on village green

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 17 of the NPPF requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Paragraph 17 of the NPPF seeks to protect the amenities of all existing and future occupants of land and buildings.

Upon consultation on the reserved matters application (reference RMM/2018/0316), local residents raised substantial concerns on the proposed pedestrians/cycle link and its potential interference to the village green. In the outline application, Highways Officers recommended a pedestrians/cycle link to connect the nearest bus stop on Holloway Field across the village green, which abuts the site. A petition with more than 100 signatures was submitted to oppose the pedestrians/cycle link over the village green. The residents were assured that further consultation would be carried out before implementation of the proposed pedestrians/cycle link over the village green.

In the reserved matters application, it became apparent that there are substantial local concerns on the matter of the pedestrians/cycle link, which would run across the village green. The local residents strongly objected to any works related to the proposed residential development which would affect the village green. The village green is a protected land and has statutory protection. Any works on or under a village green requires prior consent and some cases needs permission from the Secretary of State. It is a criminal offence to undertake any works on a village green which contravene relevant acts in connection with the village green.

In this circumstance, officers suggested to remove the proposed pedestrians/cycle link over the village and provide alternative pedestrian access within the scheme. The developer has agreed to replace the initial pedestrians/cycle link with a pedestrian link only. The alternative pedestrian link would run from the end of the existing vehicular access off Scots Lane (adjacent to Scots Lane and Holloway Field junction) to connect the new estate via the proposed public open space. This arrangement would retain the village green and its boundary hedge unaffected. At the same time this arrangement would provide a quality pedestrian access to Scots Lane and beyond as well as access to the proposed public open space.

The proposed modification would still allow pedestrian access to the bus stop on Holloway Field which is nearer to the junction of Holloway Field and Scots Lane. Although the distance is slightly longer (approximately an additional 30 meters) to the bus stop, which is nearer to the village green, it still maintains a good quality pedestrian link that would be separated from vehicle traffic for around half its overall route. Cycle links would remain via the internal shared surface access road and onto Scots Lane via the principal junction into the estate. In addition, there are bus stops on Scots Lane nearer to its junction with Christchurch Road to the south/southwest and within short walk from the proposed development.

Therefore, it is considered that the removal of the initial proposed pedestrians/cycle link to connect the bus stop on Holloway Field over the village green would not make the proposed residential development unsustainable nor would it cause any highway safety concerns. Instead it would protect the village green and subsequently address the local residents' concerns. The proposed development would be served by an alternative pedestrian access from the end of the existing vehicular access off Scots Lane (to the north, adjacent to Scots Lane and Holloway Field). The shared surface area and the proposed roads within the development would be satisfactory for cyclists and pedestrians. This change would not have any impact in the creation of a satisfactory residential environment for future occupiers within the development. Highways Officers have not raised any concerns in this modification.

Implementation of the initial proposed pedestrians/cycle link was a requirement of the outline planning permission and S106 agreement, both of which require amending in order to ensure a lawful implementation of the planning permission. Therefore, the current application has proposed to vary condition 6 through the deletion of the words: "Pedestrians/Cycle link between the northern part of the site and the bus stop on Holloway Field;" and insertion of words: "Pedestrian link between the north-eastern part of the site and Scots Lane".

The varied condition (No. 6) together with all other conditions which were imposed in the outline permission have been included in the decision notice of this application. An amended S106 agreement has also been completed to reflect the changes and exclude the highways contribution. All other conditions and contributions remain unchanged in the original S106 agreement.

Conclusion

The proposed variation of condition is considered to be acceptable 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: DE1, DS3, H3, H4, H6, H9, AC2, AC3, AC4, EM1, EM2, EM7, GE1, GE3, GE4 of the Coventry Local Plan 2016, SPG, together with the aims of the NPPF.

CONDITIONS/REASON

1. Details of the appearance, layout and scale of the buildings and landscaping of the site (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 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.*

2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from 29 september 2017 being the date of the approved outline permission Ref. OUT/2018/2918.

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 no later than two years of the final approval of the reserved matters.

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: Site Location Plan DWG:01; Transport Statement; Topographic Survey; Boundry Plan; Flood Risk Assessment; Tree Quality Survey Findings and Preliminary Development Implications; PHASE I SITE APPRAISAL (DESK STUDY); Noise Assessment; Design and Access Statement; Ecology Assessment; Final Planning Statement; Appendix 9 Biodiversity Impact Assessment Calculator; Proposed Site Access Dwg PB5432/SK001 Rev 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 or any subsequently approved amendments .

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 reserved matters to be submitted under condition 1 shall include the following details indicated in the application documentation: (i) Pedestrian link between the north-eastern part of the site and Scots Lane; (ii) Noise Assessment together with detail mitigation measures; (iii) Air Quality Assessment with detail mitigation measures (iv) Arboricultural report including tree protection plan; (v) Further Great Crested Newts Survey.

Reason: *As supporting technical reports have been based on this quantum of development and to ensure that the development is sustainable and does not have an adverse impact upon ecology or trees, in accordance with Policies DS3, GE1, GE2, GE3 and GE4 of the Coventry Local Plan 2016.*

7. The development (including any works of demolition and site clearance) shall proceed only in strict accordance with the construction method statement approved under application ref. DC/2018/1049 on 24 May 2018.

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, EM7 and DE1 of the Coventry Local Plan 2016.*

8. The Construction and Ecological Management Plan shall be implemented in strict accordance with the details approved under application ref. DC/2018/0318 on 22 March 2018.

Reason: *To safeguard the presence and population of a protected species in line with UK and European Law, The Conservation of Habitats and Species Regulations 2010 and Policy GE3 of the Coventry Local Plan 2016.*

9. A landscape management plan, including long term design objectives, long term management responsibilities and maintenance schedules for all landscape areas (other than domestic gardens within the curtilage of a single dwelling house), shall be submitted to and approved in writing by the local planning authority before the first occupation of the development hereby permitted. The landscape management plan shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way without the prior written approval of the local planning authority.

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, GE2, GE3 and DE1 and of the Coventry Local Plan 2016.*

10. The development shall proceed in accordance with the site investigation and risk assessment approved under application ref. DC/2018/0284 on 22 March 2018.

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.*

11. The development shall proceed in accordance with the remediation scheme approved under application ref. DC/2018/0284 on 22 March 2018.

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 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 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.

13. 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. 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition No 11, 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.12.

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. Any landscaping (other than the planting of trees and shrubs) including boundary treatment, paving and footpaths referred to in condition one shall be completed in all respects, with the exception of tree(s) and shrub(s) planting, within the first planting season following the first occupation of any dwelling and the tree(s) and shrub(s) shall be planted within six months of that first use. Any tree(s) or shrub(s) removed, dying, or becoming in the opinion of the local planning authority seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-balled Trees 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, GE2, GE3 and DE1 and of the Coventry Local Plan 2016.*

15. Notwithstanding the Flood Risk Assessment and Drainage Strategy already submitted, the development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating open air SuDS with particular emphasis on attenuation techniques. There must be consideration of features such as green roofs, rain gardens and swales, for the management of surface water peak and total flows, biodiversity and water filtering, in accordance with Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'. The details of Drainage and Flood Risk Management plan have been submitted to and approved in writing by the local planning authority. Drainage detail shall also include followings:

- i. A detailed strategy for the long-term maintenance of the SuDS and other surface water drainage systems on site.
- ii. Development discharge rates to be managed to Qbar greenfield rates minus 20%. The discharge rates for brownfield sites shall be considered as greenfield in

accordance with the SFRA.

iii. Provisions must be made for the drainage of the site to ensure there are no temporary increases in flood risk, on or off site, during the construction phase.

iv. Evidence that receiving water bodies or sewers are capable of accepting the attenuated flows specified by the Lead Local Flood Authority and that this will not exacerbate the flood risk on or off site. This will include capacity calculations and outcomes, not just the correspondence from Severn Trent Water Ltd in isolation, accepting the point discharges. Evidence of existing sub catchments within the site are needed to support the connectivity survey and confirm the acceptability of proposed point discharges to the watercourses and infrastructure sewers. This must be submitted to, and agreed by, the Local Planning Authority and Lead Local Flood Authority.

v. No ordinary watercourse shall be culverted unless there is an overriding need to do so, and justified in line with the Environment Agency's current policy. If possible, any existing surface water culverts should be opened and restored to a natural channel.

vi. Single discharge points to water bodies will be discouraged on larger sites, as discharge points are to be located to best mimic the natural discharge condition.

vii. The surface water flood mapping indicates that the site is vulnerable to surface water flooding at site boundary. An appropriately scaled flood risk assessment is required to establish the risk to the development, as well as the appropriate mitigation measures.

viii. Information held by Coventry City Council indicates that the site and site entrance may be subject to surface water flooding during a 1:30 year event. The development must not exacerbate this flood risk and where possible reduce this. On this basis, a site specific flood risk assessment considering surface water and appropriate mitigation measures to manage down this risk will be required.

ix. Mapping of the 1 in 100 and 1 in 1000 year surface water flood extents is required, to indicate the exceedance flows to inform building floor level design and general ground levels, and to consider flood flow routing off site. This must be submitted to, and agreed by, the Local Planning Authority and Lead Local Flood Authority.

x. Evidence of the 1 in 100 year plus climate change events will be held within the site boundaries.

xi. A 5m way leave must be provided from the top bank of any ordinary watercourse to the building line.

xii. An intrusive ground investigation report to establish the depth and type of strata, including percolation results in accordance with BRE 365 and the presence and risk associated with migrant contaminants. Provide evidence of existing groundwater levels and seasonal variation, in order to inform the drainage design.

xiii. The development must be considered for the implementation of permeable paving for the management of total surface water flows, and water filtering in accordance with Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'.

xiv. Evidence to show the management of overland flow routes in the event of exceedance or blockage to the drainage system. Details should include demonstration of how the building will be protected in such an event.

xv. Provisions must be made for the drainage of the site to ensure there is no discharge of surface water to the Public Highway.

xvi. Where new or redevelopment site levels result in the severance, diversion or

the reception of natural land drainage flow, the developer shall maintain existing flow routes (where there are no flood risk or safety implications) or intercept these flows and discharge these by a method approved by the Local Planning Authority.

xvii. Foul drainage plans.

Once approved, the development shall only proceed in accordance with the approved details including any recommended mitigation measures and shall remain in place thereafter.

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, EM1, EM4, EM5 and DS3 of the Coventry Local Plan 2016.*

16. The dwellings hereby permitted shall not be occupied unless and until the means of access to the site has been provided in full accordance with details on drawing number Dwg PB5432/SK001 Rev B and thereafter the means of access shall be kept available for use by vehicular traffic at all times.

Reason: *In the interests of highway safety in accordance with Policies AC1 and AC3 of the Coventry Local Plan 2016.*

17. Any gas boilers or Combined Heat and Power systems serving the development must have a maximum dry NO_x emissions rate of 40mg/kWh.

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

18. Electric vehicle recharging points shall be provided at a rate of 1 per allocated space and 1 per 10 unallocated spaces as recommended by the West Midlands LETCP guidance.

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

19. No development shall take place until a scheme for targeting and utilising local people for construction and post construction employment has been submitted to and approved in writing by the local planning authority. Thereafter, the scheme shall be implemented in full accordance with the approved details.

Reason: *In the interests of promoting employment opportunities for local people in accordance with Policy JE7 of the Coventry Local Plan 2016.*

20. Prior to the commencement of the dwellings hereby approved details for the installation of two variable message warning signs shall be submitted to and approved in writing by the Local Planning Authority, then prior to occupation of the first dwelling the approved signs shall be implemented in accordance with the approved plans.

Reason: *In the interests of highway safety in accordance with Policies AC1 and AC3 of the Coventry Local Plan 2016.*

Site Location Plan