

Planning Committee Report	
Planning Ref:	PA/2018/1215
Site:	Leamington House, 2 Brindle Avenue
Ward:	Lower Stoke
Applicant:	Rainier Developments Limited
Proposal:	Notification for Prior Approval for a Proposed Change of Use of a building from Office Use (Class B1(a)) to 49 self-contained apartments (Class C3)
Case Officer:	Anne Lynch

SUMMARY

The application is giving Notification for prior approval for the proposed change of use of the building from Office Use (Class B1(a)) to 49 self-contained apartments (Class C3). The change of use is permitted under the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class O subject to the applicant giving prior notification to the local planning authority.

BACKGROUND

The site has been in office use for a number of years but is currently vacant. This application is giving prior notification of change of use of the premises to residential apartments as permitted development.

KEY FACTS

Reason for report to committee:	Representations are expected from more than 5 properties
Current use of site:	Office (B1(a))
Proposed use of site:	Residential for 49 self-contained apartments.

RECOMMENDATION

Planning committee are recommended to indicate that prior approval is not required.

REASON FOR DECISION

- The proposal will not adversely impact upon highway safety.
- The proposal is unlikely to impact on ground contamination.
- The proposal is not in a known flood risk areas so is unlikely to impact on flood risk.

BACKGROUND

APPLICATION PROPOSAL

The notification proposes conversion to 49 residential apartments. Floor layouts are provided for a mixture of one and two bed self-contained apartments.

The proposals indicate a parking arrangement around the building for 111 parking spaces to include 5 parking bays for disabled persons and 7 visitor parking spaces together with cycle parking and bin storage.

SITE DESCRIPTION

The site is located to the western side of Brindle Avenue, close to the junction with Binley Road and has been used as offices for a number of years. The building is square shaped with a central courtyard area and parking areas around the building. There are a number of trees to the northern side of the site and the site is enclosed by palisade style fencing.

There are residential dwellings to the north of the site, separated by a vehicular access. There are more recently constructed residential dwellings to the east, south and west with the access road between the site and the properties to the east.

There is an existing vehicular access to the site from Brindle Avenue to the existing car park which is surfaced and laid out.

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
51795/B	Variation of conditions No.6, No.7 & No.8 imposed on planning permission number 51795/A granted on 14th October 2008 for external cladding, plant enclosure, extension to car park and to building to form canteen, bin store, cycle parking, landscaping works and closure of existing access:- to allow the noise from the air handling units, standby generator and condenser units to not exceed +3dB over the background noise level of 45dB between the hours of 07.00-23.00 and +3dB overnight time background noise levels of 30dB at any other time as measured at the nearest residential property.	Approved 1 st May 2009

POLICY Legislation

The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class O

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 notification is:

Policy AC1: Accessible Transport Network

Policy AC2: Road Network

Policy AC3: Demand Management

Policy EM4 Flood Risk Management

Policy EM5 Sustainable Drainage Systems (SuDS)

CONSULTATION

No Objections received from:

- Highways
- Environmental Protection
- Flood Risk and Drainage

Immediate neighbours and local councillors have been notified; a site notice was posted on 11th May 2018.

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

- a) Impact of the proposals on the existing parking situation with people parking close to the junction with Binley Road and impeding access to the residential estate
- b) Additional cars will cause further congestion at this junction.
- c) There are already too many cars on this estate and this will be made worse unless there is parking for at least two cars per flat.

1 letter of support has been received, raising the following material planning considerations:

- d) They welcome the re-use of the building but indicate that some consideration should be given for the parking and traffic situation when there are potentially 49 or more cars exiting the site in the morning. Cars park on the single yellow lines close to the junction and this causes problems for cars and buses entering the site.

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

- e) Concern about the potential loss of conifer trees to the north which currently provide privacy.
- f) Concern about the height of the boundary fence between Leamington House and the vehicular entry to the rear of properties on Copsewood Terrace.
- g) There are already too many flats in the area and they do not want a view of flats from their window.

Any further comments received will be reported within late representations.

APPRAISAL

The application is for prior approval for a permitted change of use. The only matters that the local planning authority can consider are highway safety, flood risk and ground contamination. Matters such as design, landscaping, visual amenity and residential amenity are not matters that can be considered by the local planning authority as part of the prior approval process for this change of use.

Highway considerations

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

The floor space is understood to be approximately 3,190 square metres which would require 71 parking spaces for office use on the basis of one space per 45 square metres. The application proposes 111 parking spaces for 49 units of accommodation. The parking standards set out in Appendix 5 would require 1 space per dwelling for a one bed unit and one space per 5 units for visitors and 2 spaces per dwelling for a two bed unit and one space per 10 units for visitors. The internal layout is not a matter for consideration as part of this prior notification. However, if all units were one bed then 59 parking spaces would be required. If the units were two bed then 103 spaces would be required. Therefore the provision of 111 spaces is more than required by the parking standards. Residents have raised concern about the parking arrangement around the junction with Binley Road. This is an existing situation and problems were experienced with staff from the offices parking on the street. The change to residential use of the building is not considered to result in an increase in on-street parking. The provision accords with the parking standards with a sufficient number of parking spaces provided for 49 apartments and is not considered to have a detrimental impact on highway safety.

Flood Risk

Policy EM4 states that all major developments must be assessed in respect of the level of flood risk from all sources. If development in areas at risk of flooding is the only option following the application of the sequential test, it will only be permitted where the criteria set out in Policy EM4 are met. The site is in Flood Zone 1 where there is not considered to be a risk of flooding. Flood Risk and Drainage do not consider the proposals will have an impact on flooding and have no objections. They indicate that any development would need to consider SUDs but no operational development is proposed as part of this prior notification.

Contaminated land

Policy EM6 seeks to ensure that redevelopment of previously developed land does not have a negative impact on water quality, either directly through pollution of surface or ground water or indirectly through the treatment of waste water by whatever means. The application documentation indicates that there will be no penetration of the ground that could risk pollutants. Environmental Protection have indicated no objections as long as there are no intrusive works, which there are not. Therefore there are no objections in respect of contaminated land.

Other matters

Residents have raised concerns about loss of privacy and overlooking, the view of flats and that there are enough flats already. These are indicated as non-material objections which would could consider as material objections if it were an application for planning permission but they are not matters for consideration as part of the prior approval process.

CONCLUSION

The proposed development is not considered to have a detrimental impact on highway safety, flood risk or ground contamination and therefore it is recommended that further details are not required for approval in respect of these matters.

[Site & Location Plan](#)

[Proposed Ground Floor Plan](#)

[Proposed First Floor Plan](#)