

Late Representations

Planning Committee 14 June 2018

Item No. 7	<p>Application No. - S73/2018/0583</p> <p>Description of Development - Variation of condition 2- to extend opening hours: imposed on planning permission FUL/2016/2113 for change of use from retail (A1) to cafe/take-away (A3 and A5), external extraction flue, alterations to shop front and raised planters granted on 30/09/2016</p> <p>Site Address - 8 Station Avenue</p> <p>Application proposal</p> <p>The applicant's agent has provided further correspondence to indicate that they would erect an acoustic screen to the adjoining neighbour. Although they do not believe this is necessary on this busy road. They also indicate that they would agree a twelve month temporary planning permission for the hours they have applied for. If the Environmental Protection Office is not in agreement with this then they would suggest 10.00pm every day and 30 minutes for cleaning time to finish the shift.</p> <p>The Planning Statement has been updated to support their application in respect of viability and vitality and photographs of other premises have been provided where the hours are later which they consider should be a precedent.</p> <p>The applicant's agent has also asked that the application be deferred to a later Planning Committee meeting to enable the Environmental Protection Officer to consider the additional information.</p> <p>Consultation</p> <p>Neighbours were re-notified of the application following receipt of amendments to the application form and additional information in the Planning Statement. Of the previous 16 representations, four neighbours have reiterated their previous objections. One of the neighbours has further pointed out that they consider this to be means to help a failing business to sell and nothing to do with vitality and viability of anything locally as indicated in the Planning Statement.</p> <p>Two additional representations have been received from local residents; one raising concern about parking and the other making reference to a news article about the property. In addition, an objection has been received from Councillor Mayer raising the following concerns:-</p> <ul style="list-style-type: none">• The hours extension would help sell the café undoubtedly but this should not be a reason to be considered by the Planning Committee.• The property has already had enforcement action against it and was open for more than a year despite being refused planning permission twice by Councillors on Planning Committee in 2013 and 2016. It has also lost two appeals to independent inspectors.• The concerns about disturbance to residents from early morning use and night time takeaway use was held by the inspectors so what has changed?• This extension of hours does not serve the community or residents in Tile Hill Village and should therefore be refused.
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	<p>Appraisal</p> <p>In respect of the request to defer the application, the agent was advised that the application is already on the Agenda for Planning Committee and that Officers would ensure that the additional information was considered by Environmental Protection. The points raised have been considered and they do not overcome the Environmental Protection Officer's objections. An acoustic fence is not considered a viable option. No details have been submitted in terms of height, position and construction.. Notwithstanding this lack of detail, it is unlikely to achieve sufficient height to provide protection to the first floor windows of no. 10. If it did achieve sufficient height it would result in a poor outlook for the occupiers from the bedroom and it is likely that it would appear intrusive in the street scene.</p> <p>The suggestion of a temporary extension of hours for twelve months until 8.00pm was to see if it resulted in any complaints from local residents. Environmental Protection consider 10.00pm to be too late given the proximity to no. 10 Station Avenue and having regard for the Inspector's previous decision that even 8.00pm would be too late. However, Environmental Protection are mindful that there has been a material change to the premises since the appeal decision in that the door has been moved and on this basis were proposing a temporary extension of hours until 8.00pm as a condition.</p> <p>The Planning Statement shows examples of other properties with later opening hours but these are not in the immediate vicinity and each application is considered on its own merits. Officers do not believe that these should set a precedent for extending the opening hours at no. 8 Station Avenue.</p>
<p>Item No. 9</p>	<p>Application No. - OUT/2018/0756</p> <p>Description of Development - Outline planning permission (matters relating to access and scale only) for the erection of a two-bedroomed dwelling house (two storey in height). All other matters reserved.</p> <p>Site Address - 56 Craven Street</p> <p>Consultation</p> <p>Two additional representation have been received.</p> <ol style="list-style-type: none"> 1. Councillor Innes - on the grounds that parking in the area is already limited and with this being across the road from The Craven Arms pub it will increase the strain on parking in the area 2. Council needs to make sure its Highways decisions comply with the Equality Act and Public Sector Equality Duty. This important and material Highways safety consideration needs to go in the report as there are significant levels of traffic anxiety on the street. Previous surveys have shown speeding to be a problem, yet officers have denied this. They can no longer do so. 15% of downhill drivers are breaking the law – this level of criminality would not be accepted in any other field. 3. Typo at point e) in Officer Report. The report should read No.41 Craven Street, not 14 Craven Street.

Response to Objection 1

Highways Officers have reviewed the parking survey which was submitted to support the planning application.

Policy AC1 (Accessible Transport Network) of the Coventry Local Plan requires development which is expected to generate additional trips to integrate with existing transport networks and Policy AC3 (Demand Management) requires the provision of car parking to be assessed on the basis of the Parking Standards set out in Appendix 5.

The standards in the City Council's Local Plan have a maximum requirement 3 car parking spaces and 1 cycle space for the new dwelling.

The application proposes no on-site parking provision.

Appendix 5 states, it is recognised that in exceptional circumstances there may be occasions when it could be appropriate to have a lower or higher level of parking depending on the specific details of the application. In all cases, any departures from the standards should be fully and appropriately justified with detailed supporting evidence.

In this instance the justification for not providing any on-site parking and relying solely on on-street parking, has been submitted in the parking survey. The survey seeks to demonstrate the parking can be accommodated within the on-street parking areas surrounding the application site. The Survey demonstrates that there is capacity for on-street parking within easy reach of the site. The Survey shows that between 11 and 23 spaces or 20% and 43% of the 53 available spaces were available on each day. The results are listed below.

Parking Survey Methodology

The Parking Survey was carried out by visiting the streets immediately surrounding the site (i.e. the nearest sections of Lord Street and Craven Street).

Survey times over a one week period on Monday 5th, Tuesday 6th and Wednesday 7th March 2018.

The Survey established that the following lengths of road were available for parking:-

- Craven Street (outside the site and up to No.50) has 12 spaces available.
The road length = 72m or 12 x 6m long parking spaces and includes both sides of the road.
- Craven Street (from Lord Street to Mount Street) has 28 spaces available.
The road length = 170m or 28 x 6m long parking spaces.

This includes both sides of the road, but excludes 10m length of dropped kerb crossings to Hilton Court and opposite the site.
- Lord Street (up to No.16) has 13 spaces available.
The road length = 78m or 13 x 6m long parking spaces.

This includes both sides of the road, but excludes 10m length comprising dropped kerb crossings.

Parking Survey Results

The Survey has involved visits to the site on the following occasions -

Craven Street (outside the site and up to No.50) has 12 spaces available.

Monday 5 March 2018 at 19.20 hours - 7 parked cars = 5 spaces available

Tuesday 6 March 2018 at 19.40 hours - 10 parked cars = 2 spaces available

Wednesday 7 March 2018 at 19.50 hours - 8 parked cars = 4 spaces available

Craven Street (from Lord Street to Mount Street) has 28 spaces available.

Monday 5 March 2018 at 19.20 hours - 16 parked cars = 12 spaces available

Tuesday 6 March 2018 at 19.40 hours - 20 parked cars = 8 spaces available

Wednesday 7 March 2018 at 19.50 hours - 22 parked cars = 6 spaces available

Lord Street (up to No.16) has 13 spaces available.

Monday 5 March 2018 at 19.25 hours - 7 parked cars = 6 spaces available

Tuesday 6 March 2018 at 19.45 hours - 12 parked cars = 1 space available

Wednesday 7 March 2018 at 19.55 hours - 11 parked cars = 2 spaces available

Highways officers have reviewed the findings of the survey and are happy with the methodology used. Highways Officers consider the proposal will not cause a severe impact on the highways to the area surrounding the site.

Response to objection 2.

The implications of the Equality Act 2010 the Public Sector Equality Duty have not been mentioned explicitly within the content of the report. The report has referenced the planning content of the objection which was received. Officers do take into consideration the Equality Act in all assessments/recommendations and have done so in the assessment of this planning application. Officers have also taken into account other Acts of Parliament such as The Highways Act, Listed Building and Conservation Act and the Town and Country Planning Act within the application assessment. Whilst none of the above Acts are expressly written within the content of the officer's report, there is the general assumption these are the threads which run through the heart of all planning recommendations and decisions made by Coventry City Council.

In terms of the issue of speeding within the area of Craven Street, Highways Officers are satisfied that the proposed submission (outline only – for 1 dwelling house) has addressed the material highways considerations and are reasonable to this application. Matters of a wider speeding issue could never be addressed through this minor proposal and any imposition of conditions or legal requirements in the form of S106 agreements to do so, would not meeting the tests of reasonableness as defined by the NPPF.

In terms of officers denying driving speeds within the immediate vicinity of the site; the submitted survey refers to availability of parking. It was not a speed survey.

Response to objection 3.

There is a typo in the report. The report should state the following at Point e) of the consultation responses section;

	<p>e) Cumulative effect on other developments in the street (No.41 Craven Street) will add to the on street parking issues.</p>
<p>Item No. 10</p>	<p>Application No. - RMM/2018/0316</p> <p>Description of Development - Reserved matters application for the erection of 69 houses, landscaping, associated public open space and car parking served by new access onto Scots Lane (serving plots 4-69) and upgrade/improvements to existing access (serving plots 1-3). Submission of details pursuant to outline planning permission OUT/2016/2918</p> <p>Site Address - Land at Scots Lane</p> <p>Application proposal</p> <p>The application proposal has been changed following the submission of amendments to the layout of the site which provides visibility splays free from obstruction and more detailed landscaping proposals. Due to the removal of one plot from the site the plot numbers have changed. For Clarity, the plots referred to on Page 51, Highway considerations, paragraph 3 are now Plots 59, 64, 56 and 65.</p> <p>The proposal is now for the erection of 69 houses and associated works instead of 70. As a result, two 3-bedroom and one 2 bedroom houses would be replaced by two 4 bedroom houses.</p> <p>Consultation</p> <p>One letter of representation has been received querying developer consultation with Severn Trent Water and objecting on the grounds of sewer capacity issues if connected to Holloway Field. This resident also considers that the sewer pipe can be laid under the allotments garden and therefore the drainage should not be an issue for this development.</p> <p>Appraisal</p> <p>The layout plan has been amended to provide satisfactory visibility splays around the corner of the shared surface/roads and to ensure satisfactory landscaping and amenity areas are provided within the development. These changes have a positive impact on highway and future occupier residential amenities.</p> <p>Officers have chased Severn Trent Water for comments however at the time of writing this report none have been received. Drainage matters have been removed from consideration in this application and are considered under condition 15 of the outline permission.</p> <p>RECOMMENDATION:</p> <p>Planning committee are recommended to grant planning permission subject to conditions.</p> <p>Amendment to Conditions:</p> <p>Condition No. 1 to be amended to read:</p>

	<p>“The development hereby permitted shall be carried out in accordance with the following approved documents: Dwg:P006 - Rev B-Electric Charging Point; Streetscenes DWG: P104; Dwg:P003 - Rev B- Boundary Treatments; Dwg:P002 - Rev B - Material Distribution Plan; Site Location Plan DWG:P010; Planning Statement (amended); Noise Assessment Final Issue V2; Dwg:P005 - Rev D - Detailed Landscape Proposals; House Type Pack; Highway Construction Details dwg No. 301; Highway Construction Details dwg No. 300; Highway Construction Details Dwg No. 302 A; Dwg:100 - Rev E - General Arrangement; Dwg:103 - Rev D - Kerbing & Surface Finishes Layout; Refuse Vehicle Tracking DWG:106 C; Dwg:104 - Rev F - Section 38 Layout; Dwg:P001 - Rev J - Layout Plan; Tree Quality report.”</p> <p>Condition No. 2 to be amended to read:</p> <p>“The development hereby permitted shall be carried out only in strict accordance with the facing and roofing material details provided in the Material Distribution Plan DWG: P002 Rev B.”</p> <p>Condition No. 6 to be amended to read</p> <p>“Prior to the occupation of plots, the visibility splays shown on drawing ‘General Arrangement ‘Dwg: 100 - Rev E’ shall be laid out and surfaced in accordance those details and kept free of obstructions thereafter.</p>
<p>Item No. 12</p>	<p>Application No. - PA/2018/1215</p> <p>Description of Development - Notification for Prior Approval for a Proposed Change of Use of a building from Office Use (Class BI(a)) to 49 self-contained apartments (Class C3).</p> <p>Site Address - Leamington House 2 Brindle Avenue</p> <p>Consultation</p> <p>Five further representations have been received. Two indicate that they do not object but want to ensure the tree planting line to the rear of properties on Copsewood Terrace is maintained and one also indicates that there should be planting to the central courtyard.</p> <p>The three objections raise the following issues:-</p> <ul style="list-style-type: none"> • The proposed conversion is out of keeping with the area and should be demolished and replaced with quality housing. • Flats are out of keeping with the modern detached housing. • Impact on on-street parking. • Prior to the overall site redevelopment, residents on Copsewood Terrace could park on Brindle Avenue. The precedent for providing replacement parking should apply to this site also. • Loss of privacy and overlooking from upper floors. <p>Appraisal</p> <p>The prior approval process does not enable consideration of open space, design and residential amenity. Therefore, in respect of the additional representations, the only matters that can be considered are the issues of parking.</p>

	<p>The redevelopment of the New Century Park site for housing incorporated a new parking court for the residents on Copsewood Terrace on the opposite side of the road to Leamington House. Those residents did not have parking spaces in front of their properties so would park on Brindle Avenue. The properties that back on to Leamington House have on-street parking in front of their properties. As already set out in the Officer's report to Planning Committee, there is sufficient parking provided for the conversion to residential in line with the Council's parking standards and Highways have no objection.</p>
<p>Item No. 13</p>	<p>Application No. - FUL/2018/0618</p> <p>Description of Development - Erection of two flats with associated parking</p> <p>Site Address - Land Adjacent to 66 To 72 Greendale Road</p> <p>Consultation</p> <p>Following the submission of a revised Parking Survey, neighbours were consulted for a period of 10 days starting on 24th May 2018.</p> <p>A total of 4 additional representations were received, from 3 separate residential addresses. Objections are summarised by number below and arranged by subject.</p> <p>Trees</p> <ol style="list-style-type: none"> 1. Within the application form, Question 15 – states there are no trees and hedges adjacent to the site. This is incorrect. 2. Has a tree report been submitted with the application? 3. How will the trees be protected? <p><u>Response to 1:</u> It is acknowledged Question 15 has been completed inaccurately by the applicant on the application form, however the officer's report clearly assesses the impact of the development on the nearby trees and a recommended condition has been added (Condition 10) which requires tree protection measures, including the protection of tree roots, to be submitted to the local planning authority prior to the commencement of development.</p> <p><u>Response to 2:</u> A tree report has not been submitted with the application. This requirement is at the discretion of the local planning authority. It was considered in this instance it was not necessary for this to be received prior to determination of the application. The required information could be provided by way of a discharge of condition application, which has been attached to the decision notice (Condition 10).</p> <p><u>Response to 3:</u> The trees will be protected by the details required by Condition 10. This condition requires information to be submitted which considers the position of every tree on site, and every tree on land adjacent to the site which is likely to be affected by the development and measures which will be employed to protect the trees and their future growth. These details must be approved by the Local Planning Authority before any development can commence on site.</p> <p>Application site address</p>

4. Application site address states the site is Residential Development of Land Adjacent to 70-72 Greendale Road. The land is also adjacent to other properties directly opposite 66-72 namely 40 42 44 46. These will also be affected so it is not just 66-72 that are affected by the proposed build.

Response to 4: The site address does not infer the properties listed as adjacent to the site are the only properties which may be affected by the development.

Parking and highways

5. The proposed parking arrangement on the original plans are inadequate.
6. Not enough on street parking in the area.
7. What guarantees if there are two cars that they will use the space and not park in other areas?
8. Peak times for parking is around 10pm, not at the times the survey was required. Photographs were also submitted showing the parking situation at this time.
9. Parking survey assumes people can parallel park correctly
10. Application FUL/2017/1375, granted on 10/01/2018 at Garage court adjacent to 2 Overdale Road. This will also increase on street parking problems and has not been assessed.

Response to 5, 6, 7

Policy AC1 (Accessible Transport Network) of the Coventry Local Plan requires development which is expected to generate additional trips to integrate with existing transport networks and Policy AC3 (Demand Management) requires the provision of car parking to be assessed on the basis of the Parking Standards set out in Appendix 5.

The standards in the City Council's Local Plan have a maximum requirement of 2 car parking spaces per 2 bedroom flat. There is also a requirement for 1 unallocated space for visitors, meaning the development would require up to 5 car parking spaces.

The application provides 4 parking spaces (2 for each flat) within the application site. Therefore, the only additional requirement would be for 1 unallocated visitor space, off site.

Appendix 5 states, it is recognised that in exceptional circumstances there may be occasions when it could be appropriate to have a lower or higher level of parking depending on the specific details of the application. In all cases, any departures from the standards should be fully and appropriately justified with detailed supporting evidence.

In this instance the justification for not providing the additional 1 visitor parking space on site has been submitted in the revised parking survey. The survey seeks to demonstrate the additional visitor space can be accommodated within the on-street parking areas surrounding the application site.

The Survey demonstrates that on-street parking spaces were regularly available within easy reach of the site. The survey shows that between 20 and 23 spaces (or 37% and 43%) of the 54 available spaces were available on each day the survey was undertaken.

Parking Survey Methodology

The parking survey was carried out by visiting the section of Greendale Road to the south its junction with Brookside Avenue (see map below) on Friday 27th April, Sunday 29th April and Monday 30th April 2018.

The survey area was divided into three areas;

- i. The northern end of Greendale Road towards the bottom of the hill has up to 22 spaces available.
- ii. The cul-de-sac adjacent to the application site has up to 14 spaces available;
- iii. The southern end of Greendale Road towards the top of the hill has up to 18 spaces available.
- iv.

Parking survey results

The Survey has involved visits to the site on the following occasions -

Lower (northern) end of Greendale Road has 22 spaces available.

Friday 27 April 2018 at 17.45 hours - 7 parked cars = 15 spaces available

Sunday 29 April 2018 at 17.00 hours - 8 parked cars = 14 spaces available

Monday 30 April 2018 at 18.50 hours - 10 parked cars = 12 spaces available

Cul-de-sac off Greendale Road) has up to 14 spaces available.

Friday 27 April 2018 at 17.50 hours - 11 parked cars = 3 spaces available

Sunday 29 April 2018 at 17.10 hours - 12 parked cars = 2 spaces available

Monday 30 April 2018 at 18.55 hours - 9 parked cars = 5 spaces available

Upper (southern) end of Greendale Road has 18 spaces available.

Friday 27 April 2018 at 17.55 hours - 13 parked cars = 5 spaces available

Sunday 29 April 2018 at 17.05 hours - 14 parked cars = 4 spaces available

Monday 30 April 2018 at 19.00 hours - 13 parked cars = 5 spaces available

The revised parking survey was submitted in accordance with the survey times which were requested by Highways Officers. These times were, two weekday evenings between 17:00 – 19:00 and one weekend evening 17:00 –19:00. Highways officers have reviewed the findings of the survey and conclude that the proposal will not cause a severe impact on the highways to the area surrounding the site.

Response to 8: Following concerns which were raised by residents regarding the on-street parking situation, Highways offers requested an updated survey. Highways officers stipulated the times when the revised survey should be undertaken based on standard accepted peak times.

Response to 9: The survey has been assessed by the highway officer.

Response to 10: Application FUL/2017/1375 was granted for Demolition of existing garages and redevelopment of site for 9 dwellings and associated parking and amenity space and improvements to existing communal parking and amenity areas and stopping up of public highway within the site. This application is considered to be sited sufficiently

	<p>far away from the site to not impact the on-street parking situation for this current application. Notwithstanding this, the Officer's report for application FUL/2017/1375 assessed the parking provision as follows;</p> <p>'Each 3 bedroomed house would have two parking spaces and the 2 bedroom house and flats would have one space each. This parking provision is in addition to 9 communal parking spaces adjacent to Overdale Road. This arrangement would provide one visitor space per dwelling. The proposal also includes 8 additional spaces to Lyndale Road, as well as around 29 spaces to be created by alterations/demarcation of the existing parking areas around the site. It is considered that the proposed parking spaces for the new development would be sufficient and would not have any additional impact on existing parking provision than that which already exists. The re-arrangement of the existing off-street parking provision in the area as well as the provision of new parking spaces are considered satisfactory in the mitigation of the loss of existing off-street parking on this garage court'.</p>
<p>Item No. 14</p>	<p>Application No. - FUL/2018/0800</p> <p>Description of Development - Demolition of existing buildings on site and erection of new building to provide 29 student accommodation units (210 bedrooms)</p> <p>Site Address - 429 Fletchamstead Highway</p> <p>Additional consultation</p> <p>Severn Trent Water has raised no objections to the scheme, subject to a condition (covered by condition 17 requested by the Council's Drainage Team) and a standard advisory note relating to the statutory protection of public sewers, which it is suggested to be applied accordingly.</p> <p>Additional representations</p> <p>Councillor Lapsa has objected to the scheme on the grounds of additional transport and parking in the area and is supporting a petition opposing the scheme.</p> <p>Councillor Mayer has objected to the scheme on the grounds that the development will not fit in with neighbouring properties, be of a sympathetic design or be in a similar scale and proportion. Local infrastructure will not cope with additional cars in densely populated area. Existing issues with road damage, parking and safety.</p> <p>A petition organised by Councillor Mayer and sponsored by Councillor Lapsa has been submitted with 305 signatures from local residents objecting to the scheme on the following grounds, summarised as: Concern regarding additional transport and parking problems (the parking survey highlights the fact that there isn't space for the number of extra cars that could be added) and safety issues for students walking to and from the site. It is considered that the site would be better suited to starter, affordable and family accommodation with adequate associated car parking and traffic improvement measures. It is noted that Sykes Planning are also looking at a location on Marler Road and there is another student block being built in Westwood Heath, equating to a possible 1000 beds.</p> <p>Appraisal</p> <p>The concerns raised within the Councillor's objections and petition are carefully noted. The Highway Authority has raised no objection to the proposed parking provision for this</p>

	<p>student scheme and the student tenure will be secured via a legal agreement. In terms of providing affordable/family homes on the site the application must be considered upon its own merits, however Officers recognised that the provision of purpose built student accommodation can help to alleviate pressure on the conversion of family homes to HMOs within the surrounding suburbs.</p>
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