

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2018/1300
<b>Site:</b>	Elliott's car accessories, Gulson Road
<b>Ward:</b>	St Michaels
<b>Proposal:</b>	Demolition of existing buildings and erection of two buildings up to 5 storeys and 16 storeys and plant, providing 167 dwellings including retail and / or café use at ground level with associated car parking, cycle parking, highways works, landscaping and other associated works
<b>Case Officer:</b>	Nigel Smith

## **SUMMARY**

The proposal would provide a significant number of open market city living style flats as well as regenerating a brownfield site in a prominent gateway location. The site lies in close proximity to the nearby Whitefriars Grade I listed building whilst concern has been raised regarding the impact on this listed building this reports sets out how any perceived harm is outweighed by the public benefits of the proposal. A number of contributions to infrastructure provision have been requested and, whilst the development is able to make a contribution to the requested amounts, due to the viability of the scheme contributions cannot be met in full.

## **BACKGROUND**

The site is located adjacent to the junction of Gulson Road and London Road, to the south east of the City Centre. It lies outside of the defined City Centre and measures 0.4 hectares in area. The site is currently occupied by Elliott's car accessories garage, which sells car and cycle parts and accessories. The proposal is to demolish the existing buildings and to erect two buildings up to a maximum of 5 storeys and 16 storeys, providing 167 flats with retail / café use at ground floor level on one building, with associated car and cycle parking and landscaping.

## **KEY FACTS**

<b>Reason for report to committee:</b>	There is an objection from an internal consultee (conservation)
<b>Current use of site:</b>	Retail of car parts, car repairs and car park
<b>Proposed use of site:</b>	Residential with retail / café at ground floor
<b>Number of flats</b>	167
<b>Number of 2 bedroom flats</b>	115
<b>Number of parking spaces</b>	43
<b>Contributions requested</b>	Affordable housing – 42 units Total financial contribution - £728,158
<b>Contributions offered</b>	Total financial contribution - £261,854

## **RECOMMENDATION**

Planning committee are recommended to grant planning permission subject to conditions and subject to the completion of a S106 Agreement to secure the contributions listed within the report.

## **REASON FOR DECISION**

- The proposal is acceptable in principle.

- The proposal will not significantly adversely impact upon highway safety or neighbouring amenity.
- The public benefits of the proposal would outweigh the harm to the significance of the Grade I listed Whitefriars building.
- The proposal accords with Policies: DS3, H3, H4, H9, R4, R6, GE3, DE1, AC2, AC3, AC4, EM4, EM5, EM6, EM7, IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## BACKGROUND

### **APPLICATION PROPOSAL**

Demolition of existing buildings and erection of two buildings up to a maximum of 5 storeys and 16 storeys, providing 167 flats with retail / café use at ground floor level on one building, with associated car and cycle parking and landscaping. Building A fronts the corner of London Road and Gulson Road and is an L-shaped building varying in height from 4-16 storeys. Part of the ground floor of this building would contain a retail / café use to create active frontage on the corner of London Road and Gulson Road at ground level. Undercroft parking would be provided in this building, as well as cycle and waste storage. Building B would be located in the centre of the site and would be smaller in scale at 3-5 storeys in height. This would also be L-shaped and both buildings would have flat roofs.

Building B and the lower floors of Building A will be constructed with a brick modular system with the frame for the upper floors of Block A constructed in pre-cast concrete panels with light metal framed glazing and metal framed ventilation panels. The panels will have splayed window openings and deep reveals to add interest and help divert views. Bronze coloured metal fins would be placed within some window reveals in order to divert views away from neighbouring gardens and houses.

A total of 43 parking spaces (including 3 disabled) would be provided on site with the existing access from Gulson Road slightly widened and remodelled. Access would also be retained to the allotments to the rear of the site. Of the 167 flats, 115 would have two bedrooms with 35 one bed roomed and 17 studios.

### **SITE DESCRIPTION**

The site is located adjacent to the junction of Gulson Road and London Road, to the south east of the City Centre. It lies outside of the defined City Centre and measures 0.4 hectares in area. The site is currently occupied by Elliott's car accessories garage, which sells car and cycle parts and accessories. The building is predominantly one storey in height with a central element which is two storeys high. The site also comprises a large area of surface car parking with access from Gulson Road. Some of this car park has always been associated with the car parts shop but the area behind 11-22 Gulson Road has been created in the last few years and does not benefit from planning consent. There is also a car wash and burger van located within the car park, although it is understood that these are closing down imminently. Land levels slope downwards from the North West corner of the site to the south east.

The surrounding area comprises a mix of uses including residential, catering, retail and university buildings. The site is bounded to the north by Gulson Road, beyond which lies the Grade I listed Whitefriars Monastery. Next to Whitefriars is a 3-4 storey Student Centre building and further east is a 4-5 storey Engineering building. The north of the site is also partially bound by the gardens of a terrace of two storey residential properties and a car repair workshop on Gulson Road. To the east are rear gardens of two storey properties on Strathmore Avenue. To the south is a small area of allotments and the end of terraces of two storey dwellings on Seagrave Road. To the west of the site is London Road and the roundabout junction (J4 of the ring road), as well as a two storey Chinese restaurant.

### **PLANNING HISTORY**

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
FUL/2017/0901 relating to land to rear of 11-22 Gulson Road	Change of use to car park and alteration of land levels	Withdrawn (2017) due to outstanding drainage issues

## **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 6<sup>th</sup> December 2017. Relevant policy relating to this application is:

Policy DS1: Overall Development Needs  
 Policy DS3: Sustainable Development Policy  
 Policy DS4: (Part A) – General Masterplan Principles  
 Policy H1: Housing Land Requirements  
 Policy H3: Provision of New Housing  
 Policy H4: Securing a Mix of Housing  
 Policy H6: Affordable Housing  
 Policy H9: Residential Density  
 Policy R4: Out of centre proposals  
 Policy R6: Restaurants, bars and hot food takeaways  
 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 HE2: Conservation and Heritage Assets  
 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 EM3 Renewable Energy Generation  
 Policy EM4 Flood Risk Management  
 Policy EM5 Sustainable Drainage Systems (SuDS)  
 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:

- Public Health (CCC)
- Coventry Airport

No objections subject to conditions/contributions have been received from:

- Highways (CCC)
- Drainage (CCC)
- Waste Management (CCC)
- Sustainability Services (CCC)
- NHS
- Environmental Protection (CCC)

Objections have been received from:

- Coventry Society due to the scale of the proposal near the listed Whitefriars building
- Conservation (CCC) due to adverse impact of the proposed tower upon the setting and significance of the nearby Grade I listed Whitefriars building.

Education (CCC) have requested a contribution of £581,815, which comprises £541,304 towards secondary and sixth form and £40,511 towards special educational needs

Housing Policy have requested 25% affordable housing on site with 15% social rent and 10% intermediate tenure such as shared ownership

Historic England have expressed concern due to the scale of the proposed tower in proximity to the Grade I listed Whitefriars building

Immediate neighbours and local councillors have been notified; a site notice was posted on 29<sup>th</sup> May 2018. A press notice was displayed in the Coventry Telegraph on 24<sup>th</sup> May 2018.

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

- a) The design of the rear blocks is at odds with the character of the adjacent residential areas at Strathmore Avenue and Seagrave Road
- b) The building is too high next to Whitefriars Grade 1 listed building and would adversely affect its setting, as well as the character of the area
- c) The allotments need to be secured with a new security fence and gates as the gates at Gulson Road are currently locked at night.
- d) Drainage needs to make sure water does not run off the site onto the allotments
- e) Loss of privacy and overshadowing to existing gardens and houses
- f) Not enough parking is proposed to cater for the needs of the future occupants.
- g) Increased traffic congestion and therefore noise and air pollution on Gulson Road.
- h) Harm to mobile phone signals as more users compete for signal space.
- i) Water pressure may fall as more demand is placed on the supply.
- j) There are no available NHS dentist spaces in the area, as well as a shortage of doctor's surgeries.
- k) The introduction of a retail unit will adversely affect retail units in the area

2 letters of support have been received, raising the following material planning considerations:

- l) The provision of residential development in or near the City Centre will help to retain Graduates in the City and fuel the continued regeneration of the City.
- m) The flats are high quality and will improve the location.

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

- n) There is no need for a cafe

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issues in determining this application are: principle of development, design and the impact upon the character of the area and heritage assets, the impact upon neighbouring amenity, highway considerations and contributions.

### **Principle of development**

Policy H3 states that new residential development must provide a high quality residential environment which assists in delivering urban regeneration or contributes to creating sustainable communities and which overall enhances the built environment. 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.

The proposal would involve the redevelopment of a prominent brownfield site on the edge of the City Centre. It would help to regenerate the site and enhance the built environment. The development of high density housing in this location close to amenities, jobs and public transport is considered sustainable development. As discussed later in this report, the development benefits from a safe access and appropriate parking provision and would be safe from contamination, excessive noise and air quality issues. Overall, although there would be very limited outdoor amenity space, it is considered that occupiers of the flats would enjoy a suitable residential environment. Therefore the proposal complies with Policy H3.

Policy R4 states that out of centre retail will not be permitted unless they pass the sequential assessment and impact assessment as appropriate. In this case, the proposed ground floor retail / cafe unit (which would have a gross area of 114 sq. m) would replace the existing lawful car parts shop. As such it would not result in an increase in retail floorspace on the site. A condition is recommended to prevent a larger commercial unit being created on site.

### **Design and Impact on character of the area**

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.

It is considered that the proposal would result in a significant improvement to the visual amenity of the site and streetscene at a gateway location into to the City Centre. The tower would, in conjunction with the towers on the other side of London Road, form a gateway to the City Centre. Junction 4 is a vast space and, from an urban design perspective, requires buildings of height to provide spatial containment and a sense of arrival. The removal of the existing rather utilitarian building would be of benefit to the character of the streetscene.

The detailed design would be both interesting and high quality, with deep and angled window reveals providing depth and shadow lines. The use of brick at lower level provides a link to the smaller scale buildings immediately adjacent and give it a tactile quality at pedestrian level, whilst the upper levels are more typical of City scale development. The addition of the metal fins within window reveals at certain locations, adds further interest and colour to the design. The tower would have a tall and elegant sense of proportion and the facades have been designed with robust, sculptural pre-cast panels, which create an expressed grid with extensive floor to ceiling glazing set within chamfered panels.

The proposal complies with Policy DE1 and guidance contained within the NPPF.

### **Impact upon heritage asset**

Local Plan Policy HE2 reflects NPPF policy and states that development proposals involving heritage assets in general and listed buildings in particular, should acknowledge the significance of the existing building and the area by means of their siting, massing, form, scale, materials and detail.

Paragraph 132 of the NPPF states that when considering the impact of a development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to designated heritage assets of the highest significance (which includes Grade I listed buildings) should be wholly exceptional.

Paragraph 134 states that where a proposal will lead to less than substantial harm to the significance of the asset, this harm should be weighed against the public benefits of the proposal.

Further to this, Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 provides that "in considering whether to grant permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting".

The site lies around 60m to the south of the Grade I listed Whitefriars building. It is considered that this building is of high significance given its Grade I status. It dates from 1342 and the listing description refers to its Ashlar walls, tiled roof and various other architectural features. To the south of the building are landscaped grounds including some mature trees near Gulson Road.

The heritage statement submitted with the application, opines that the setting of Whitefriars only makes a limited contribution to its significance as a designated heritage asset. Whilst it concludes that there would be some harm resulting from the proposal contributing to the sense of modern enclosure around this asset, it would represent a small and peripheral change that would be at the lowest end of *less than substantial harm*, in terms of the NPPF.

Heritage England and the Conservation Officer both consider the level of harm to the asset to be greater than the consultant, and the Conservation Officer consequently objects to the development. Although the Conservation Officer considers the level of harm to the setting to be significant, it is common ground that the overall impact upon the designated asset would be less than substantial.

The applicant has offered £75,000 towards improvements to the setting of Whitefriars, which would most likely be spent on a planned improvement to the adjacent ring road junction 4, which would improve the setting of Whitefriars to the west. However, the view of the Conservation Officer is that the improvement would not balance out the harm to the setting caused by the erection of a 16 storey tower to the south.

In line with paragraph 132 of the NPPF, great weight should be given to the asset's conservation. Special regard should also be given to the desirability of preserving the setting of the asset. Therefore, when weighing the public benefits against the harm of the proposal (as directed by paragraph 134 of the NPPF) the decision maker must be clear that the benefits outweigh the great weight which must be attributed to the less than substantial harm to Whitefriars, if planning permission is to be granted.

In this case it is considered that public benefits of the proposal are extensive. They include the provision of a significant number of open market dwellings in a sustainable location. The development would be one of the 1<sup>st</sup> modern open market city living style developments in and around the City Centre. This would help to widen the choice of homes for people who may otherwise choose to live in different cities, such as recent graduates. The proposal will also form a high quality landmark development in place of an unattractive brownfield site making better use of the site. Jobs would be created during construction and economic benefits would be felt by local businesses from the extra spending power of the new residents. Unlike with student development, the benefits to local businesses would be felt all year around. Financial contributions to improve the setting of Whitefriars is a further public benefit that should be recognised in the determination of this application.

Having weighed up the public benefits of the proposal and the identified harm to the significance of the Grade I listed building, it is considered that the benefits outweigh the harm.

### **Impact on residential amenity**

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

Proposed Block B is situated at the rear of houses on Gulson Road and Strathmore Avenue, as well as to the side of No.60 (the end terraced house) on Seagrave Road. The 6 storey return of Block A also faces the rear gardens of houses fronting Gulson Road, and extends towards the side elevation of 59 Seagrave Road. Therefore there is potential for adverse impact to residential amenity via loss of outlook, light and privacy.

Taking each street in turn, the houses on Gulson Road would be located to the north of Block B and to some extent Block A. The height of Block B at this point would be 12.6m. However the properties on Gulson Road (which vary in height due to the change in land levels) would have a ground floor level higher than the proposed development, therefore the difference in height would vary between 10.8m and 11.3m at a distance of around 22m. Small windows in this elevation would be obscure glazed. It is considered that this relationship is just acceptable from a loss of outlook / overbearing perspective. Furthermore, windows in Block A facing towards the rear gardens of 11-17 Gulson Road would have obscure glazing fading to clear which would prevent views below 1.1m above floor level and limit vision between 1.1m and 1.4m above finished floor level in affected rooms. The windows also have metal fins within the window reveal which help to restrict outlook. With these restrictions in place it is considered that the loss of privacy to these properties would not be significant.



Turning to Strathmore Avenue, the easternmost section of Block B would be 9.6m high. However, the houses on Strathmore Avenue are set some 3.5m below the proposed finished floor level of the new flats. Therefore there would be a height difference of 13.1m. The most affected property would be No.4a Strathmore, which has a single storey rear extension, which would directly face the side of the stairwell at the end of the Block at a distance of 23m. However, this section would be relatively narrow (5.4m wide) and on balance it is considered to be acceptable. There would be no windows in this elevation of the building but care will need to be taken to avoid overlooking from the proposed car park into neighbours gardens, as existing fences are set at the bottom of a slope. The erection of fence at the edge of the parking spaces could prevent this and could be secured through a landscaping condition. The nearest windows in the southern elevation of the proposed block would have fins to prevent overlooking of gardens.

Finally, the southern elevation of Block B would face the side of 60 Seagrave Close. The finished floor level of the new build would be almost identical to the finished floor level at No.6, although the garden of this existing dwelling slopes downwards to the east. Therefore the proposed block would form a wall of around 9m high at a distance of circa 7m to the side of the garden. This would be to the north of the affected dwelling and therefore no loss of light would result. Windows which directly face the garden would be treated with obscure glazing fading to clear and also have fins to divert occupants gaze away. There are a few ground floor windows in the north side elevation of No.60, with one likely to serve a habitable room. However, these north facing windows would face the gap between blocks A and B. Taking all this into account, the impact upon the occupants of No.60 would be acceptable.

A daylight sunlight report has been submitted and identifies a few instances of windows or gardens being adversely affected. These include a bedroom window at No.11 Gulson Road and the gardens of 13-16 Gulson Road. The gardens of houses in Strathmore Avenue would still retain over 2 hours of direct sunlight to over 50% of their area on 21<sup>st</sup> March, which is the measure used in British Research Establishment (BRE) guidelines. Two window panels in the rear doors of number 2 and 2a Strathmore Avenue would fall below the recommended winter sunlight hours, but would meet the annual sunlight figure, therefore the impact upon amenity to these properties would be limited. It is also not clear that these door panels are the main sources of light to habitable rooms.

There is a flat above the Chinese restaurant on London Road, and a window in its northern elevation will suffer a loss of daylight due to the impact of the proposed tower. However, rooms facing the rear elevation would retain adequate daylight. The overall impact upon this flat is not considered to be so severe as to justify withholding permission.

A neighbour from further along Seagrave Road has objected due to loss of privacy, however, the impact upon other properties would be less than those analysed above and would consequently not be considered significant.

### **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 submitted Transport Statement explains that the proposal is expected to have a demand for 63 car parking spaces, based on City Centre car ownership levels. The justification for using the City Centre ownership levels is that the site is located on the edge of the City Centre, and the development proposed is of a city living style. On street parking is heavily restricted and the development is located within the Charterhouse Residents Parking Scheme. 167 cycle parking spaces are proposed at level 0 of Block A. The statement goes on to assert that the proposal would result in a low trip generation (maximum 47 vehicle movements in the PM peak) and that the impact upon the local highway network would be minimal.

Highways raise no objection to the proposal subject to conditions requiring the access and car and cycle parking spaces being provided as per the submitted plans, as well as contributions towards the running of the parking scheme (£35,000) and a junction improvement scheme at the adjacent ring road junction 4 (£25,000 to improve walking and cycling infrastructure).

The applicant has agreed to the requested contributions and as such the proposal is considered to comply with highway policies contained within the Local Plan.

### **Developer Contributions**

Policy IM1 'Developer Contributions for Infrastructure' states that development will be expected to provide, or contribute towards provision of: a) Measures to directly mitigate its impact and make it acceptable in planning terms; and b) Physical, social and green infrastructure to support the needs associated with the development.

The following requests have been made for contributions to be secured under a Section 106 Legal Agreement:

- NHS - £86,343 towards acute and emergency healthcare
- Highways - £25,000 towards junction 4 improvement scheme to improve pedestrian and cycling infrastructure, and £35,000 towards management of the Charterhouse Residents Parking Scheme
- Education – request a contribution of £581,815, which comprises £541,304 towards secondary and sixth form and £40,511 towards special educational needs
- Housing Policy – request 25% affordable housing on site

It is considered that all of the requests comply with the relevant Community Infrastructure Levy regulations governing such requests.

The developer has agreed to the NHS and highway contributions in full, and to the special needs education request of £40,511. Further to that, a contribution of £75,000 has been offered towards public realm improvements to improve the setting of the Grade I listed Whitefriars building. This gives a total of £261,854.

A viability assessment has been submitted by the developer, which demonstrates that the proposal would not be viable with any affordable housing or financial contributions. This assessment has been verified by the Council's development surveyor. Therefore the financial contributions offered by the developer have been made as a commercial decision which would further reduce the profit from the scheme.

Whilst it is acknowledged that the contributions offered fall short of those requested, the commentary to Policy IM1 states that the NPPF requires that careful attention is given to viability and costs of development and that development should provide competitive returns for a willing developer and a willing landowner. If specific circumstances make a development, which otherwise positively contributes to the delivery of the local plan, unviable, a viability assessment shall be undertaken and reviewed by the Council. This has been done.

### **Other**

Coventry Airport initially objected to the development as the proposed tower will penetrate something called an inner horizontal surface (IHS), which is used to prevent obstacles which might pose a hazard for air traffic. This is a circle of radius 4000m from each end of the runway, at a height of 125.775 AOD. As the proposed tower would be within 4000 sq. m of the runway and would extend to over 138 AOD, it would clearly infringe the IHS. A shielding report was commissioned by the applicant and this demonstrated that an existing tower at the waste to energy plant on Bar Road is both taller and closer to the airport than the proposed tower and is on a direct line between the two. Therefore it has been accepted that the proposed tower is shielded by the existing one and Coventry Airport were able to withdraw their objection.

The proposal includes an array of solar PV panels on part of the roof of the buildings, which would provide for a reduction in the regulated energy consumption on site. However this would be less than the 10% required by policy. However it is possible that the development would be connected to the heatline network, which runs past the site underneath London Road. Investigations are ongoing with regard to this. If the development does connect to heatline then the smaller PV array would be acceptable. A condition is recommended to deal with this issue.

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. A submitted Flood Risk Assessment and Drainage Strategy explains that site is not located in a flood zone and is therefore at low risk of flooding. The drainage strategy would provide drainage with a Greenfield surface water run-off rate of 5.0 litres per second, in line with Policy. Two below ground attenuation tanks (with a volume of 270 cubic metres) and porous paving would be required in order to achieve this. Notwithstanding the general acceptance of the strategy, the drainage team recommend a condition requiring further drainage information to be submitted and agreed in writing.

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. A preliminary site investigation report recommends an intrusive ground investigation should be undertaken, and as such conditions are recommended in line with the recommendations of Environmental Protection.

A noise assessment has been submitted, which concludes that a glazing specification providing a sound reduction of 33dB would be required on the Gulson Road façade and 34dB on the London Road façade. The report also accepts that noise levels would be above standards if windows were opened for rapid ventilation or summertime cooling purposes. Environmental Protection are content that an acceptable noise environment can be created for residents, however they recommend conditions requiring further survey work covering commercial activities and plant in the immediate vicinity, as well as modelling work to more accurately assess the noise environment at the junction of Gulson and London Road. The proposed glazing specifications in the submitted report may need to be revised following this work. Furthermore, alternative ventilation will be required for habitable rooms fronting London Road and Gulson Road. Finally, any proposed plant on site will need to be assessed and taken into account prior to installation.

Policy EM7 states that major development schemes should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality. Environmental Protection recommend conditions requiring electric vehicle charging points (1 per 10 unallocated spaces, so 5 in this case), low NOx boilers and a method statement to control the emissions to air during demolition and construction.

Policy GE3 of the Local Plan states that Sites of Special Scientific Interest (SSSIs), Local Nature Reserves (LNRs), Ancient Woodlands, Local Wildlife and Geological Sites will be protected and enhanced. An ecological appraisal of the site concluded that the building to be demolished offers little opportunity for roosting bats and the surrounding habitat is poor for foraging and commuting bats. No evidence or suitable habitats for other protected or rare species were found.

## **Conclusion**

The proposed development is considered make good use of a brownfield site removing an existing use that is not particularly compatible with surrounding residential uses and not visually attractive thereby not contributing positively to the character of the surrounding area. As such it is considered to be acceptable in principle, it has been carefully designed to ensure it does not result in any significant impact upon neighbour amenity, highway safety or infrastructure, subject to relevant conditions and contributions. Whilst the proposal would result in harm to the significance of the Grade I listed Whitefriars building this harm is less than substantial and would be outweighed by the public benefits of the development as discussed in this report. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, H3, H4, H9, R4, R6, GE3, DE1, AC2, AC3, AC4, EM4, EM5, EM6, EM7, IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## **CONDITIONS/REASON**

1. The development hereby permitted shall begin no later than three years from the date of this permission.

**Reason:** *To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved documents: 001A; 002A; 101C; 102B; 104B; 105B; 200B; 201B; 202B; 203B; 204B; 205B; 206B; 210C; 211C; 212C; 213B; 214B; 215B; 301B; 302C; 303B; 304B; 305B; 306C; 307C; 308A; 309A; 310; 361; 362; 363; 401; 403B; 404A; 405A; 406B

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

3. Prior to commencement of construction, details of the external facing materials shall be submitted to and 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.*

4. The development shall proceed in accordance with the finished floor levels indicated on the approved drawings.

**Reason:** *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality and neighbours in accordance with Policy DE1 of the Coventry Local Plan 2016.*

5. The development (including any works of demolition) shall proceed only in strict accordance with a construction 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; hours of construction; and a scheme for recycling / disposing of waste resulting from demolition and construction works.

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

6. The flats shall not be occupied unless and until the approved cycle parking facilities have been provided and made available for use in accordance with the details on the approved drawings and thereafter those facilities shall remain available for use at all times.

**Reason:** *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 HW1 and DS3 & AC1, AC3 of the Coventry Local Plan 2016.*

7. The flats shall not be occupied unless and until the site access and car parking and manoeuvring areas indicated on the approved drawings have been provided and thereafter those areas shall be kept marked out and available for such use at all times.

**Reason:** *To ensure adequate off-street car parking and servicing facilities in the interests of both highway safety and visual amenity in accordance with Policies AC1 and AC3 of the Coventry Local Plan 2016.*

8. Notwithstanding the submitted energy statement, prior to commencement of construction, an energy strategy shall be submitted to and approved in writing by the local planning authority. This shall include assessment of whether it is possible to connect to the Coventry district heating network (Heatline).

**Reason:** *To comply with the provision the National Planning Policy Framework and in accordance with Policy HW1 and DS3 of the Coventry Local Plan 2016.*

9. Notwithstanding the submitted noise assessment, prior to the commencement of construction, a revised noise assessment shall be submitted to and approved in writing by the local planning authority. The assessment shall include additional modelling and monitoring to include the impact of existing plant and noise related to the commercial units on London Road during the evenings / night, as well as assessing the noise impact upon receptors at the corner of Gulson Road / London Road. Revised glazing specifications shall be included in the report and once approved these shall be installed in accordance with the approved details and thereafter retained or replaced with glazing of a similar rating.

**Reason:** *To ensure a satisfactory residential environment, in accordance with Policy H3 of the Coventry Local Plan 2016.*

10. Prior to the commencement of construction, details of ventilation shall be submitted and approved in writing by the local planning authority.

**Reason:** *To ensure a satisfactory residential environment, in accordance with Policy H3 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; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

**Reason:** *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Development Plan 2001.*

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 safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Development Plan 2001.*

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, unless otherwise agreed in writing by the local planning authority. 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 safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Development Plan 2001.*

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 safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Development Plan 2001.*

15. Prior to occupation of the flats, at least 5 electric vehicle charging points shall be provided on site.

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

16. Any boilers installed on site shall have a dry NOx 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.*

17. The development shall proceed in accordance with the recommendations contained within the approved Unexploded Ordnance assessment prepared by Alpha Associates (ref.70036073-011)

**Reason:** *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Development Plan 2001.*

18. The development hereby permitted shall only be undertaken in strict accordance with details of both hard and soft landscaping works which shall be 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 (to include the boundary with the allotments), specifying the colour of the railings and gates; footpaths; 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 flats hereby permitted; and all planting shall be carried out in accordance with the approved details in the first planting and seeding seasons following the first occupation. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes in the opinion of the local planning authority seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species, unless the local planning authority gives written consent to any variation. All hedging, tree(s) and shrub(s) shall be planted in accordance with British Standard BS 8545:2014 Trees: from nursery to independence in the landscape - Recommendations 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 GB1, GE1, DE1 and HE2 of the Coventry Local Plan 2016.*

19. The gross floorspace of the proposed retail / cafe unit shall not exceed 114 sq m

**Reason:** *To ensure the proposal does not adversely impact upon defined centres in accordance with Policy R4 of the Coventry Local Plan 2016.*

20. The flats containing windows identified with window manifestation treatment on the approved drawings, shall not be occupied until the windows have been treated in accordance with the details on drawing number 310. Thereafter the manifestation shall be retained and any reglazing shall include the same manifestation.

**Reason:** *To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policies DE1 and H5 of the Coventry Local Plan 2016*

21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification) the window(s) to be formed in the north facing 4 storey elevation of Block B hereby permitted shall only be glazed or re-glazed with obscure glass and any opening part of any window shall be at least 1.7m above the floor of any room in which the window is installed.



**Reason:** *To ensure the amenities of adjoining properties are not detrimentally affected through overlooking or loss of privacy in accordance with Policies DE1 and H5 of the Coventry Local Plan 2016*

22. Notwithstanding the submitted flood risk assessment and drainage strategy, the development hereby permitted shall only be undertaken in strict accordance with drainage details, including a long term management and maintenance plan, which shall be submitted to and approved in writing by the local planning authority. The approved details shall include:
- (i) a scheme for the provision of surface water drainage with a development discharge rate of no more than 5.0l/s;
  - (ii) no temporary increase in flood risk during construction;
  - (iii) evidence that the receiving water bodies or sewers are capable of receiving the attenuated flows and that this shall not increase flood risk on or off site;
  - (iv) Evidence to show the management of overland flow routes in the event of blockage or exceedance of the drainage system;
  - (v) Provision to ensure no discharge of surface water onto public highway or from the allotment access road onto the allotments;
  - (vi) if the development results in severance, diversion or reception of natural land drainage flow, existing flow routes shall be maintained (if safe) or intercepted and discharged; and
  - (vii) foul drainage plans
- the approved details shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details.

**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 EM4 and HW1 and DS3 of the Coventry Local Plan 2016.*

