

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2018/1348
<b>Site:</b>	Methodist church, Newhaven Close
<b>Ward:</b>	Sherbourne
<b>Proposal:</b>	Demolition of existing building and erection of 10 houses and a bungalow
<b>Case Officer:</b>	Nigel Smith

## **SUMMARY**

The proposal will provide 11 dwellings in a sustainable location. The proposal will provide a good living environment for future occupiers and will have adequate parking, and has been designed so as to not harm the amenity of existing residents or the character of the area. It has been demonstrated that the proposal would not be viable with payment of all requested contributions. The most it can support is £35,000 towards NHS and education.

## **BACKGROUND**

The site is currently occupied by a vacant church and associated parking. The surrounding area is residential with two storey development in a variety of building styles.

## **KEY FACTS**

<b>Reason for report to committee:</b>	5 or more objections raising material planning considerations from members of the public
<b>Current use of site:</b>	Vacant - last used as place of worship
<b>Proposed use of site:</b>	Residential
<b>No. dwellings</b>	11
<b>No. parking spaces</b>	22
<b>Total contributions requested</b>	£55,303
<b>Total contributions agreed to</b>	£35,000

## **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 adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal makes provision for necessary developer contributions, if viable.
- The proposal accords with Policies: H3, AC1, AC3, GE3, CO2, DE1, EM5, EM6, EM7 and IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## **BACKGROUND**

### **APPLICATION PROPOSAL**

The proposal is to demolish the existing building on site and erect 10 houses and a one bungalow. The bungalow, which is designed to be accessible for a wheelchair user, would go on the small section of land to the east with 8 of the two storey houses being arranged in a staggered line on an east-west axis at the rear of the site, roughly where the church building is located. A pair of semi-detached dwellings would be positioned on the Dallington Road frontage next to No.39. All two storey houses would have 2 parking spaces with one for the bungalow and one visitor space.

### **SITE DESCRIPTION**

The site comprises two tracts of land to either side of Newhaven Close in Coundon. The larger area of land is currently occupied by a vacant church building, which is double storey in height to the east and single storey to the west, with car parking to the north of the building leading up to Dallington Road. A smaller area of land to the east of Newhaven Close was also used for car parking for the church and has a small area of soft landscaping.

The area is residential in character, with modern elderly person's houses to the east of the church building at the end of Newhaven Close. Dallington Road is characterised by large mid-20<sup>th</sup> century semi-detached houses on its northern edge and interwar terraced houses on its southern edge either side of its junction with Newhaven Close. To the south of the site are garages and accessways serving properties on Forfield Road.

### **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/2017/2576	Demolition of church and erection of 3 houses and 14 flats	Withdrawn (2018)

### **POLICY**

#### **National Policy Guidance**

National Planning Policy Framework (NPPF). The new NPPF published on 24 July 2018 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 new NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) 2018, 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 DS3: Sustainable Development Policy

Policy H3: Provision of New Housing

Policy H4: Securing a Mix of Housing

Policy H9: Residential Density  
Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation  
Policy DE1: Ensuring High Quality Design  
Policy CO2: Re-use of community facilities  
Policy AC2: Road Network  
Policy AC3: Demand Management  
Policy AC4: Walking and Cycling  
Policy EM6 Contaminated Land  
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 subject to conditions/contributions have been received from:

- Highways (CCC)
- Environmental Protection (CCC)
- Drainage (CCC)

The NHS have requested £5687 towards acute and emergency healthcare.

Education (CCC) have requested £49616 towards secondary education.

Immediate neighbours and local councillors have been notified; site and press notices were posted.

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

- a) Inadequate parking spaces provided will lead to more on street parking on Dallington Road where there are already lots of parked cars;
- b) Increased traffic in the area;
- c) Increased noise from new residents;
- d) Potential overlooking of neighbours;
- e) Need to ensure drainage prevents flooding of neighbouring gardens;
- f) The houses would look out of place;
- g) Disruption during construction.

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

- h) The existing boundary hedges on the site have caused damage to neighbouring property;
- i) Loss of view.

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issues in determining this application are: principle of development; the impact upon the character of the area; the impact upon neighbouring amenity; highway considerations; and s106 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.

The proposal is located in a sustainable location and would create a decent living environment for future occupiers. Rear garden areas are all in excess of 30 sq. m and reflect the amenity areas of properties on Newhaven Close and should be sufficient for the mainly two bedroomed dwellings proposed. The site is located in a predominantly residential area and not expected to have any significant ground contamination. It is also considered that the proposal will enhance the built environment, as explained in more detail later in the report.

Policy CO2 seeks to protect sites used for community uses. In this case, the church has become derelict and not been used for a couple of years as the congregation now worship at another Methodist church. The site was not viable due to high running and maintenance costs. Therefore the proposal will not result in the loss of an existing community use and will help to regenerate the site.

### **Impact on visual amenity**

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. The NPPF requires that planning should always seek to secure high quality design.

The church is a relatively plain red brick and brown concrete tiled building. Its loss would not result in any harm to the visual amenity of the area. Furthermore, the hardstanding areas in front of the church do not contribute positively to the streetscene.

The proposal would replace this with mainly two storey dwellings in a traditional form with a mix of brick and render facades and tiled roofs. The row of houses to the rear would have traditional porch canopies and the occasional front gable to add interest. Whilst not copying the adjacent terrace architecture, the pair of semi-detached houses on the Dallington Road frontage would reflect the adjacent terrace by using a hipped roof and including a full height bay stack on the front elevation. The bungalow would have the same materials but would be set back from the road frontage and would front onto Newhaven Close at a distance of 2m from the back of footpath.

There is a variety of styles in the immediate vicinity, including the houses at the end of Newhaven being fairly plain late 20<sup>th</sup> century brick and tile structures; the interwar terraces on the southern side of Dallington Road and the mid-20<sup>th</sup> century semi-detached houses to the north. Given this variety the proposed solution fits in well in terms of scale and form and will not result in harm to the character of the area.

### **Impact on residential amenity**

The proposal complies with the SPG separation distances, which require at least 20m between facing windows. Plot 3 would not interrupt a 45 degree line drawn from the centre of the nearest habitable room window at 39 Dallington Road and plot 1 would be separated from 13 Dallington Road by an existing vehicular accessway and fencing. The proposed bungalow would have a roof sloping away from this house and due to its modest size and the separation any harm via visual intrusion or loss of light would be minimal.

Plots 4-11 mainly overlook garage courts and there is a separation of well over 20m to houses on Forfield Road to the south. Plot 11 would be close to the rear of a pair of semi-detached houses (Nos.2 and 4 Newhaven Close) but the small non-habitable room windows on the rear of these houses currently look directly onto the side of the church and as such the proposal will not result in any harm.

Plot 6 is set significantly forward of plot 7 but as this is to the north it will have little impact in terms of loss of light to windows. Furthermore, as plot 7 would have an open outlook to the east it is not considered that the impact upon its outlook would be unacceptable.

Objections have been received on the basis of additional noise to neighbours, as well as disruption during construction. However, construction noise is, by its nature, time limited, and noise post occupation would be no more harmful than in any residential area.

### **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 proposal includes 22 parking spaces for the 11 dwellings, only three of which would have more than 2 bedrooms. The parking space for the bungalow would be wider to accommodate a wheelchair user. This meets the parking requirements in the Local Plan and as such there would be no harm to highway safety from additional on street parking. There is also no concern from highways about an increase in trips on the surrounding highway network, given the modest scale of the proposal. The proposal complies with Policies AC1 and AC3.

### **Other**

Conditions are recommended in line with consultee comments to cover issues including land contamination, the provision of car parking and accesses and air quality mitigation measures (electric vehicle charging points and low NOx boilers).

Concerns have been raised by some neighbours regarding potential drainage problems and a condition is recommended to ensure that drainage details are submitted and approved in writing prior to their installation.

A bat survey concludes that there are no bats present in the buildings and that no further surveys are required.

### **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.

Paragraph 57 of the NPPF states that it is up to an applicant to demonstrate whether the particular circumstances justify the need for a viability assessment at application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all circumstances in the case.

The development would trigger the need for the following contributions to be secured under a Section 106 Legal Agreement:

NHS - £5687 towards acute and emergency healthcare

Education - £49616 towards secondary education

The revised NPPF imposes a requirement for at least 10% of all housing schemes with 10 or more units to be constructed as affordable housing. As the proposal is for 11 dwellings, the nearest whole unit required would be one. In such circumstances a registered social landlord would not be interested in taking on a single dwelling, so a financial contribution would be sought equivalent to 20% of the average open market sale value of one of the proposed dwellings. In this case that figure would equate to £36,600. Paragraph 63 of the revised NPPF goes on to state that the floorspace of a vacant building on site should be taken off the proposed floorspace when working out the affordable housing requirement, with the affordable housing requirement reduced by a proportionate amount. In this instance, when the floorspace of the existing building (716 sq. m) is taken off the floorspace of the proposed dwellings (759 sq. m), the remaining floorspace (43 sq. m) is so small that no affordable housing contribution is required in this instance.

The developer submitted a viability appraisal, which concluded that the scheme would not be viable with any financial contributions. This appraisal has been challenged by Officers and negotiations have been undertaken with the Council's surveyor and it has been agreed that the most the scheme could contribute, and still be viable, would be £35,000. Therefore it is proposed that this be split as £3,599 towards NHS and £31,401 towards education, with both figures being reduced by the same percentage.

### **Equality**

The bungalow has been specifically designed to be accessible for a wheelchair user, with wider doors and suitable manoeuvring space.

### **Conclusion**

The proposed development is considered to be acceptable in principle 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: Policies H3, AC1, AC3, GE3, CO2, DE1, EM5, EM6, EM7 and 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: location plan; 003A; 004A; 005A; 006A; 007A; 010A; 01A; 012; 013; 014; 015; 016; 017

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

3. Prior to the commencement of construction of the dwellings, details of the external facing and roofing materials shall be submitted to and approved in writing by the local planning authority. The development shall proceed in accordance with the approved details.

**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. Notwithstanding the submitted details, the development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) and responding to the hydrological conditions (soil permeability, watercourses etc) within the application site, including a long term management and maintenance plan, which shall be submitted to and approved in writing by the local planning authority. The system shall:
  - (i) Have a discharge rate of 5.0l/s;
  - (ii) ensure no temporary increases in flood risk during the construction phase;
  - (iii) evidence that the receiving water bodies or sewers are capable of accepting the attenuated flows specified by the Lead Local Flood Authority. This shall include capacity calculations and outcomes;
  - (iv) evidence of the 1:100 year plus climate change events being held within the site
  - (v) evidence to show the management of overland flow routes in the event of exceedance or blockage to the drainage system;
  - (vi) provisions to ensure no discharge of surface water to the public highway;
  - (vii) where site levels result in the severance, diversion or reception of natural land drainage flow, the developer shall maintain flow routes or intercept these flows and discharge them.The approved systems shall thereafter be retained and shall be managed and maintained in strict accordance with the approved details unless alternative drainage methods have been approved in writing by the local planning authority.

**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.

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; construction hours; measures to control the emission of dust and dirt during 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 dwellings shall not be occupied unless and until the accesses, 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:** *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 development hereby permitted shall only be undertaken in strict accordance with a scheme of site investigation of the nature and extent of contamination within the application site that shall be undertaken in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall not be occupied until remediation measures have been carried out in full accordance with such approved details and a soil validation report has been 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.*

8. Any boilers installed on site shall have a dry NOx emission rate of <40mg/kWh

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

9. None of the dwellings hereby permitted shall be occupied until an electric vehicle charging point has been installed for the use of that dwelling.



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

10. 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 prior to occupation of any dwelling. Details of hard landscaping works shall include boundary treatment, including full details of the proposed boundary walls, railings and gates to be erected, specifying the colour of the railings and gates; 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 dwellings 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.*

