

Planning Committee Report	
Planning Ref:	S73/2019/0078
Site:	9 North Avenue
Ward:	Lower Stoke
Proposal:	Variation of Condition 2 - plan numbers to allow minor alterations/changes to extension, imposed upon FUL/2018/2294 for the proposed alterations and extensions to 9 North Avenue, comprising 5no. one bedroom apartments and 9no. two bedroom apartments with associated works and parking: granted 13/12/18.
Case Officer:	Liam D'Onofrio

SUMMARY

This Section 73 application seeks to make minor material amendments to the original planning permission FUL/2018/2294 granted on 13/12/18. The changes to the approved plans include internal layout changes, changes to door and window positions and a increase in the size of an extension. Condition 2 of the original application will be updated accordingly to reflect the amended plan numbers.

KEY FACTS

Reason for report to committee:	Objections have been received from 5 or more members of the public.
Current use of site:	Vacant – the site is currently being re-developed under planning permission FUL/2018/2294.
Proposed use of site:	Residential.

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions 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.
- The proposal accords with Policies: DS3, H3, H9, GE3, GE4, JE7, DE1, HE2, AC2, AC3, AC4, EM5, EM6, EM7 and IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

Planning permission is sought to make minor material amendments to the original planning permission FUL/2018/2294 granted on 13/12/18. The changes to the approved plans include internal:

- Apartment 3: Window removed in kitchen and window added to living space.
- Apartment 5: Rear window and door positions swapped.
- Apartment 7: New build extension increased by 450mm with subsequent window positions revised.
- Apartment 8: Extension size increased by 450mm with subsequent window positions revised.
- Apartment 15: Layout revised to comply with fire regulations. Roof light to be added to dining space. Family bathroom with shower to be created within the roof space.

The scheme includes some other minor changes included within the documentation that do not require planning permission:

- Apartment 11: Minor Internal alterations to layout (no external changes).
- Apartment number 13 renamed Apartment 15.

This Section 73 application will vary Condition 2 of the original application FUL/2018/2294 to enable the previously approved plan numbers to be updated to reflect the amended plan numbers.

SITE DESCRIPTION

The site is located in the Stoke Park Conservation Area, which is a Victorian residential suburb, with sandstone walls on the southern, eastern and northern sides and gated entrances leading onto Binley Road and Brays Lane. No.9 North Avenue (also known as Elm Bank) is a substantial property dating from around 1870 and is locally listed. The site was home to Siegfried Bettman, who was one of the founders of the Triumph Cycle and Motorcycle companies and has also been used by Coventry City Council for training and as offices from the mid-20th century before being left vacant.

The eastern portion of the grounds are given over to hardstanding with some soft landscaping to the west. The boundaries of the plot are marked by mature hedgerows and trees, as is typical of the Conservation Area. To the east and west of the property are detached dwellings, whilst Sacred Heart Primary School is located to the north. The site benefits from two vehicular access to its southern and eastern boundaries.

PLANNING HISTORY

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

Application Number	Description of Development	Decision and Date
FUL/2018/2294	Proposed alterations and extensions to 9 North Avenue, comprising 5no. one bedroom apartments and 9no. two bedroom apartments with associated works and parking	Granted 13/12/18
S/1973/1892	Change of use to child guidance centre	Granted (1973)

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF updated in February 2019 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, this adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

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

Policy DS3: Sustainable Development Policy
Policy H3: Provision of New Housing
Policy H6: Affordable Housing
Policy H9: Residential Density
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 AC2: Road Network
Policy AC3: Demand Management
Policy AC4: Walking and Cycling
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
Local Plan Appendix 5 Car and Cycle Parking

CONSULTATION

No Objections received from:

- West Midlands Fire Service

Drainage

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

- Highway (CCC)
- Drainage (CCC)
- Tree Officer (CCC)
- Environmental Protection (CCC)

Immediate neighbours and local councillors have been notified; a site notice was posted on 01/02/19. A press notice was displayed in the Coventry Telegraph on 31/01/19.

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

- a) Objection to increased size of extension encroaching closer to neighbouring properties and closer to the root protection areas of very significant trees.

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

- b) Reference to original objections regarding the principle of the development.

Any further comments received will be reported within late representations.

APPRAISAL

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

Principle of development

The principle of development, design, impact on neighbours' amenity, highway safety, air quality, drainage and ecology/landscaping matters have been considered and accepted under the approved planning application FUL/2018/2294. The proposed design and layout changes are all minor in nature and the residential development remains acceptable in principle.

Impact on character of the area/heritage assets

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

The site relates to No.9 North Avenue (also known as Elm Bank), which dates from around 1870 and is locally listed and located within the Stoke Park Conservation Area. The scheme was carefully considered under FUL/2018/2294 and was considered to cause no significant harm to the character of the conservation area or the locally listed building in accordance with Policy DE1 and HE2.

The proposed changes subject to this application are minor in nature, the extension remains well-proportioned and the scheme remains in accordance with Policy DE1 and HE2.

Impact on residential amenity

The previous scheme noted that the proposed extensions would be single storey and would not be located close to neighbour's boundaries and was not considered to result in any significant loss of light, outlook or privacy to any neighbours. Comings and goings associated with the residential use were not considered to result in any significant noise or disturbance to surrounding neighbours.

The proposed changes subject to this application are minor in nature and do not raise any additional concerns in terms of neighbouring amenity.

Highways

The amended scheme does not propose any changes to the access or parking provision approved under FUL/2018/2294.

Ecology/landscaping

The Policy GE4 seeks to protect important landscape features. The original application was accompanied by a detailed arboricultural survey, method statement and protection plan. The Tree Officer was content that the proposals would be acceptable subject to a condition to require compliance with the submitted protection measures.

The amended scheme initially sought to increase the size of the extension relating to apartments 7 & 8 by 450mm to the northern boundary, which encroached further towards the root protection area of mature trees within this area. Local residents have also raised concern regarding the impact upon the health and amenity of these trees due to the closer proximity of the extension.

Through agreement with the Tree Officer the plans have been amended to extend the extension to the south instead so that the footprint of the approved extension moves no closer to the adjacent mature trees. The tree protection measures will be conditioned accordingly.

The amended scheme raises no Ecology issues.

Equality implications

The majority of the apartments are accessible as they are located on the ground floor of the building. Works would also have to comply with Building Regulations. No equality implications are raised by the proposed changes.

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 development triggers the need for £6,820 in NHS contributions. The developer has already agreed to the requested contributions and completed a S106 Legal Agreement under FUL/2018/2294. This legal agreement includes a clause that binds the legal agreement to any subsequent Section 73 applications. No further legal agreement is therefore required.

Other matters

In addition to varying condition 2, original conditions 3 (materials) and 11 (local employment) imposed upon FUL/2018/2294 have already been discharged under DC/2019/0050 and these will be updated accordingly on the new decision notice (now conditions No.2 and No.10). The three year time limit condition does not need to be re-applied as the original permission has been implemented.

Conclusion

The variation of condition 2 is appropriate and the application is considered to remain acceptable in terms of principle, design, the impact upon heritage assets/neighbouring amenity and highway safety. The application is therefore recommended for approval. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, H3, H9, GE3, GE4, JE7, DE1, HE2, AC2, AC3, AC4,

EM5, EM6, EM7 and IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF 2019.

CONDITIONS:/REASON

1. The development hereby permitted shall be carried out in accordance with the following approved documents: 06E; 07B; 09B; 10B; 11A; 12C; 13A; 14A; Tree constraints, impact assessment and protection details dated 15th October 2018.

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

2. Development shall proceed in accordance with sample details of the proposed external facing and roofing materials, which were granted under DC/2019/0050 on 04/02/19.

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.*

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

4. The flats shall not be occupied unless and until cycle parking facilities for 14 cycles have been provided and made available for use in accordance with the submitted details. 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.*

5. Prior to occupation of any of the flats hereby permitted, at least 2 electric vehicle charging points shall be provided on site

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

6. Any gas 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.*

7. Prior to any demolition works occurring an assessment of the material to be demolished shall be made. If any material is identified as containing asbestos, a suitably qualified person shall be employed to safely remove and dispose of the material.

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

8. The development hereby permitted shall only be undertaken in strict accordance with drainage details, incorporating a Sustainable Drainage System (SUDS) where possible 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 approved systems shall have a surface water discharge rate of 5l/s and 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.*

9. No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the approved application documentation have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).

Reason: *In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policy GE3 of the Coventry Local Plan 2016.*

10. The development shall proceed in full accordance with the Skills and Employment Plan approved under DC/2019/0050 on 04/02/19.

Reason: *In accordance with the Council's job strategy and Policy JE7 of the Coventry Local Plan 2016.*

11. The flats hereby approved shall not be occupied until the refuse store indicated on the approved documentation has been erected and is available for use.

Reason: *In the interests of the amenity of future occupiers and the visual amenities of the area in accordance with Policies HE2 and H3 of the Coventry Local Plan 2016.*

12. Prior to any existing windows and doors being altered, full details, including drawings at a scale of 1:10, shall be submitted to and approved in writing by the local planning authority. thereafter 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.*

