

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2019/1883
<b>Site:</b>	Land off Broadmere Rise.
<b>Ward:</b>	Westwood.
<b>Proposal:</b>	Erection of six, detached dwellings with parking and access from Broadmere Rise.
<b>Case Officer:</b>	Emma Spandley.

## **SUMMARY**

The application seeks planning permission for the redevelopment of the existing site, a former paper and cardboard reclamation works, with the erection of six, four bedroomed detached houses, with associated parking and accessed via Broadmere Rise.

## **BACKGROUND**

The application site is an irregular shaped area of land; located to the north, the rear of properties No.281 – No.289 Broad Lane; West, 39no. – 18no Larch Tree Avenue, abutting the rear garden, sideways to No.16 Larch Tree Avenue; Southwards the Scout Hut, located and accessed via Fir Tree Avenue; Eastwards adjacent to No.30 Broadmere Rise and accessed via the existing turning head at the end of Broadmere Rise to the east.

## **KEY FACTS**

<b>Reason for report to committee:</b>	Over 5 objections against the officer recommendation
<b>Current use of site:</b>	Commercial (Vacant)
<b>Proposed use of site:</b>	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 accords with Policies: DS3, H3, H5, H9, DE1, AC1, AC2, AC3, GE3, GE4, EM1, EM2 & EM5 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## **BACKGROUND**

### **APPLICATION PROPOSAL**

The application seeks planning permission for the redevelopment of a former paper and cardboard reclamation works. The scheme proposes six, two storey, four bedroomed houses. Each house will have its own dedicated off-road parking of two spaces and required amenity space.

### **SITE DESCRIPTION**

The application site is an irregular shaped area of land nestled in between Broad Lane, Larch Tree Avenue, Fir Tree Avenue and Broadmere Rise.

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The existing site was a former paper and cardboard reclamation works, accessed via an entry located in between No.279 & No.281 Broad Lane.

### **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>
S/1951/0602	Use of premiese for business of landscape gardener (16 and land at rear Larch Tree Avenue	Approved as a personal, temporary permission until 30 <sup>th</sup> June 1952. 29 <sup>th</sup> May 1951.

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
S/1951/0134	Use of land and buildings for second hand car business (Rear of 279 and 281 Broad Lane).	Approved as a personal permission until 30 <sup>th</sup> June 1952. 30 <sup>th</sup> May 1951.

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
L/1993/0381	Demolition of existing buildings and erection of new bunglaow. (Land to the rear of 16-38 Larch Tree Avenue).	Refused 17 <sup>th</sup> May 1993
L/1994/0038	Construction of two bunglaows and alterations to vehicular access. (Land to the rear of 16-38 Larch Tree Avenue)	Refused 13 <sup>th</sup> April 1994.
L/1995/0488	Construction of two bungalows and alterations to vehicular access. (Land	Refused 12 <sup>th</sup> July 1995

	to the rear of 16-38 Larch Tree Avenue)..	
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**The applications were refused for the following reasons: -**

- a) The proposal constituted back land development, out of keeping with the established pattern of development;
- b) The accessway was substandard for a refuse vehicle
- c) Would prejudice a more satisfactory comprehensive development which could be served via Broadmere Rise.

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
S/1966/0167	Erection of dwelling house (outline) (279 and 281 Land at rear Broad Lane).	Refused 29 <sup>th</sup> April 1966

**The application was refused for the following reasons: -**

- a) The width and extreme length of access to the site would be not inappropriate and unsatisfactory;
- b) The prejudicial effect on the isolated development would have on adjoining land and it should be development comprehensively.

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
S/1974/0149	Erection of new cardboard store.	Approved 23 <sup>rd</sup> May 1974. Baling Machine only allowed to be used until 31 <sup>st</sup> December 1975
S/1975/4288	Erection of new cardboard store (Submission of revised details)	Approved 23 <sup>rd</sup> December 1975. Baling Machine only allowed to be used until 31 <sup>st</sup> December 1975
S/1975/4289	Proposed installtion of electric baling machine.	Approved 23 <sup>rd</sup> December 1975. Baling Machine only allowed to be used until 31 <sup>st</sup> December 1975
S/1976/1615	Retention and contiuned use of baling machine.	Approved 24 <sup>th</sup> February 1976. Baling Machine only allowed to be used until 31 <sup>st</sup> December 1978
S/1977/1606	Proposed erection of new store.	Approved 19 <sup>th</sup> May 1977.
S/1979/2066	Retention and contiuned use of baling machine.	Approved 17 <sup>th</sup> September 1979.
G/C/22048E	Retention and contiunied use of electric baling machine	Approved 9 <sup>th</sup> May 1979. Baling Machine only

		allowed to be used until 31 <sup>st</sup> December 1982
S/1982/1214	Prefabricated concrete store for paper storage.	Approved 18 <sup>th</sup> January 1982.
L/1995/1429	Extension to building to house new paper baling machine	Approved 20 <sup>th</sup> February 1996.

## **POLICY**

### **National Policy Guidance**

National Planning Policy Framework (NPPF). The NPPF 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 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) 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 H5: Existing Housing Stock;  
 Policy H9: Residential Density;  
 Policy DE1: Ensuring High Quality Design;  
 Policy AC1 Accessible Transport Network;  
 Policy AC2 Road Network;  
 Policy AC3: Demand Management;  
 Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation;  
 Policy GE4: Tree Protection;  
 Policy EM1: Planning for Climate Change Adaptation;  
 Policy EM2: Building Standards;  
 Policy EM5: Flood Risk Management.

### **Supplementary Planning Guidance/ Documents (SPG/ SPD):**

SPG Design Guidelines for New Residential Development  
 SPG 'Extending Your Home'  
 SPD Delivering a More Sustainable City  
 SPD Coventry Connected

## **CONSULTATION**

No Objections received from:  
 a) Archaeology

No objections subject to conditions have been received from:

- b) Environmental Protection
- c) Drainage
- d) Highways
- e) Ecology

Immediate neighbours and local councillors have been notified; a site notice was posted on 31<sup>st</sup> October 2019.

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

- a) Overlooking, overshadowing & loss of privacy;
- b) Highway safety with regards to the access being from Broadmere Rise;
- c) Utilise the access off Broad Lane;
- d) Concerns over the existing road of Broadmere Rise and whether it can take construction traffic;
- e) Impact on existing residents during construction phase;
- f) Noise, Dust & Air Pollution
- g) Change character of the area from a cul d sac;
- h) Access for emergency vehicles
- i) Increase traffic with extra houses;
- j) Parking for the extra houses;
- k) Removal of the existing trees

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

- l) Reuse of redundant land;
- m) The extra houses are needed;
- n) redeveloping land will eradicate anti-social behaviour.

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

- o) Loss of a view
- p) Land ownership issues
- q) Obstruction of existing drives
- r) Reducing market value of existing properties
- s) Disturbing dogs
- t) What happens if my fence is broken?
- u) Security Breaches
- v) Nightshift workers
- w) Personal circumstance or character of the person
- x) Rights to light
- y) Moral issues
- z) Covenants affecting properties
- aa) Nuisance caused by building work.
- bb) Water Pressure.

Any further comments received will be reported within late representations.

## **APPRAISAL**

The main issues in determining this application are: -

- Principle of development,
- Highway considerations
- The impact upon neighbouring amenity,
- Gardens
- Existing neighbouring amenity
- The impact upon the character of the area,
- Contaminated land,
- Air quality,
- Ecology, biodiversity and trees,
- Other issues,
- Equality issues.

### **Principle of development**

Policy H3 states that new developments must provide a high-quality residential environment which assists in delivering urban regeneration or creating sustainable communities and which overall enhances the built environment. A suitable residential environment includes safe and appropriate access, adequate amenity space and parking provision and be safe from pollution.

The application site is located within an existing sustainable location, within a predominately residential neighbourhood which is supported by sustainable transport modes, shops, schools, health facilities etc.

In respect of creating a suitable residential environment, these points are discussed in more detail below.

Therefore, the principle of redeveloping the site for housing is acceptable and in accordance with Policy H3 thus far.

### **Highway considerations**

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 is for six, four bedroomed houses, which require two spaces per dwelling and one unallocated space per five dwellings. The visitor spaces can be rounded up to two.

The proposed site plan shows two car parking spaces for each house, plus two visitor spaces. Therefore, the proposal is in accordance with Policy AC3, Coventry Connected SPD and Appendix 5 of the Coventry Local Plan.

Policy H3 also requires safe and appropriate access in order to create a suitable residential environment.

The comments are noted with regards to the increase in traffic and changing the nature of the cul de sac, however, it is considered that the inclusion of an additional six houses, at the end of an existing turning head will retain the cul de sac character and the associated trips with the houses will be low. There will be no through road from Broadmere Rise through to Broad Lane created.

The comments are noted with regards to the existing access located off Broad Lane, however, whilst it is acknowledged that this access is available to use and up until 2000 was used in connection with the commercial aspect of the land which was a recycling place (Use Class B1c *light industrial*), this access is substandard in width, and has woefully, substandard visibility. It measures 3 metres wide for a length of 55 metres with no opportunities for passing by, by two vehicles.

Highways would object to the use of this access to serve the proposed six houses. This formed one of the previous reasons for refusal as it was inadequate for a refuse lorry to access and to provide access to residential dwellings.

The proposed development will be accessed via an existing turning head at the top of Broadmere Rise, in line with the aspiration of the council when they refused the previous applications for residential developments.

Broadmere Rise is an existing adopted highway and therefore is maintained at public expense. Highways raise no objection to the proposal subject to conditions requiring the turning areas and parking facilities to be available for use prior to occupation and a Construction Method Statement (CMS) to manage site operatives, vehicles and visitors; deliveries and loading and unloading of materials; hoarding; wheel washing facilities and measures to control dust and dirt during construction. Please see condition No.11.

The proposal would result in a high-quality residential environment which would provide safe and appropriate access with the required quantum of off-road car parking spaces and therefore the proposals would contribute to a sustainable community in accordance with Policy H3.

Policy H3 requires adequate amenity space for each dwelling in order to create a suitable residential environment also. This element is discussed in more detail below.

### **Impact on residential amenity**

#### *Garden's*

Policy H3 requires, amongst other items, appropriate levels of amenity space for the occupiers of the proposed houses.

The Design Guidance for new residential development sets out the criteria that all new homes are required to meet. It states a 3+ bedroom house requires 50 square metres of useable, private amenity space. All the properties have a rear garden area in excess of 50 square metres, ranging from Plot 1 – depth of 12 metres & 93 square metres; Plot 2 – depth of 10 metres & 81 square metres; Plot 3 – depth of 10 metres & 114 square metres; Plot 4 – depth of 14 metres & 151 square metres; Plot 5 – depth of 13 metres & 166 square metres and Plot 6 – depth of 14 metres & 127 square metres.

The proposal therefore accords with the adopted SPG and Policy H3 of the Coventry Local Plan 2016.

*Existing neighbouring amenity*

The comments are noted with respect to the impact on the existing houses that surround the site.

Policy H5 requires new development to be designed and positioned so it does not adversely affect the amenities of the occupiers of neighbouring properties.

The SPG states a minimum rear garden depth of 10 metres is required, this is to ensure that a) adequate amenity space is provided for the dwellings, and b) the minimum 20m window to window separation distances are achieved. As mentioned above, all the plots are in excess of the guidelines for garden depth and overall square metres of useable, private amenity space.

The rear gardens of the properties located to the north, on Broad Lane have garden depths in excess of 20 metres, except No.269 which is set back from Broad Lane and sits further in the plot; No.269 Broad Lane has a 17m separate distance to the rear boundary. However, the 20-metre window to window separation distance is exceeded between No.296 Broad Lane and Plot 4 & Plot 5 of the proposal due to the garden depths of the Plots taken together with the separation distance to the rear boundary of No.269 Broad Lane.

The properties located with Larch Tree Avenue will have Plot 5 & Plot 6 side onto their rear gardens. The SPG states a minimum of 12 metres is required between the rear of one property and the side, blank gable of another property. 22metres is retained from the rear of the properties located within Larch Tree Avenue and the boundary of the site; 25 metres to the blank end gable of Plot 5 & Plot 6.

The proposal accords with the adopted SPG and Policy H3 of the Coventry Local Plan 2016.

The Supplementary Planning Guidance 'Extending your Home' states new buildings should not breach a 45-degree sightline taken from the middle of the nearest habitable room windows taken from the neighbouring property.

None of the proposed houses will impact on any existing neighbouring property by breaching the 45-degree sightline, all of the proposed houses are positioned so that there will be no breach of the 45-degree sightline between any of the new house. However, due to the orientation and stagger in building line between Plots 4 & 5 it is considered reasonable to remove the Permitted Development Rights for Class A extensions to a house on Plot 5 only and to remove the Permitted Development Rights for front boundary treatment to any of the plots in order to retain the openness and character of the site. Please refer to condition No.15 & No.16.

The proposal will not have an adverse impact on the amenity levels of the existing adjacent properties through increased visual intrusion, loss of light and loss of privacy. It is considered that the proposal will create a suitable and satisfactory residential environment and is in accordance with Policy H3 of the Coventry Local Plan, the paragraphs contained within the NPPF and the aforementioned SPG's and SPDS.



## **Impact on Pollution**

### *Contaminated Land*

Historical maps together with the Planning History, mentioned above, indicates that a commercial activity had taken place on the land, however, the exact use is unknown. Therefore, Environmental Protection have raised no objections subject to a full contaminated land investigation, this can be controlled by suitable worded conditions. Please see conditions No.5, 6, 7 & 8.

### *Air Quality*

The application site is located within our Air Quality Management Area (AQA) declared for NO<sub>x</sub>. In line with the NPPF paragraph 181, the Air Quality SPD and with Chapter 11 (on air quality) as well as policies H3, DS3 and EM2 of the Coventry Local Plan the air quality impact of the development needs to be mitigated. Therefore, Environmental Health have raised no objections subject to a conditioning requiring the following: -

- Any gas boilers installed must have a maximum dry NO<sub>x</sub> emissions rate of 40mg/kWh
- Provision of at least one electric vehicle recharging point per property.
- A method statement detailing the control of emissions to air during the construction phase should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. Such a method statement should be in-line with the Best Practice Guidance entitled 'The control of dust and emissions from construction and demolition'

Please see condition No.9.

## **Impact on visual amenity**

The National Planning Policy Framework, paragraph 127 states that "Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 130) "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.

Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)."

The previous reasons for refusal centred around isolated and piecemeal developments which were out of character with the established pattern of development. The desire of the City Council was to have a comprehensive form of development which included all of the undeveloped land to form one comprehensive development accessed via Broadmere Rise. In respect of Policy DE1; the proposed development is considered to have been designed to enhance the area having regard to the existing physical context of the site which is comprised primarily of disused commercial land, with a number of dilapidated buildings.

The form of the buildings has been arranged to form the head of a cul de sac, which will follow the existing established character of Broadmere Rise.

The houses will be two storey with a mix of two-house types, that take on a simple form. The houses will be constructed from materials to match the existing built form. This is controlled by a suitably worded condition. Please see condition No. 4.

The proposal would result in a high-quality residential environment. Therefore, the proposal complies with Policy DE1 of the Coventry Local Plan 2016.

### **Ecology, Biodiversity and Trees**

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.

The site was previously used by a business that has been abandoned. The site has, over time developed into woodland, scrub and ruderal vegetation. The site is in an area with relatively larger gardens with good tree cover providing connectivity between the ancient woodlands in Tile Hill and City Centre/War Memorial Park. The site has been partially cleared.

The application is accompanied by a Preliminary Ecological Appraisal (PEA) (Martin Ecology, June 2019) which assesses the status of protected species on the site and general habitats.

The Primary Ecological Appraisal (PEA) report provides sufficient reassurance that no protected species are present on the site and that a normal precautionary approach to clearing the site and construction will be acceptable. No further survey work is therefore required.

Policy GE3 establishes that developments should provide a net gain and where this is not possible provide some form of off-setting. The development proposes to install bird/bat boxes. Please see condition No. 13.

Policy GE4 states that trees make a valuable contribution to the city's green landscape. New developments should seek to retain existing trees and other landscape features,

incorporating them into a high-quality design and landscape proposals where possible. Should loss be unavoidable, compensatory provision of new trees should be proposed as part of a well-designed landscape scheme.

The existing trees on the site are not protected by a Tree Preservation Order (TPO) nor is the site located within a Conservation Area, therefore the removal of the existing trees whilst unfortunate, is not something that can be controlled by Planning Legislation.

Notwithstanding the above, The Tree Report (Beechwood, 2019) considers that the trees on the site had/have a low amenity value and none deserve to be retained on Arboricultural grounds.

## **Other matters**

### *Access for Emergency Vehicles*

West Midlands Fire Service were consulted as part of the application. They raise no objection to the proposal. The access and facilities for the fire service is covered by Building Regulations most specifically Approved Document B, Volume 1, Dwelling Houses.

Access for all other emergency services, in particular ambulances, will be via the existing adopted highway, Broadmere Rise. The access required from Broadmere Rise is required to be constructed to adoptable highway standards and is controlled under the Highway Act 1980.

### *Land Ownership*

A number of queries and comments have been received regarding the ownership of the land, rights of access over the land and possession of the land by maintaining it.

The application was first received in the middle of July, however, after the initial comments regarding land ownership, the application was subsequently made invalid in order that the Case Officer could be sure that the correct ownership certificates had been signed in relation to land ownership.

The applicant provided land registry documents that proved the ownership and when these areas of land came into the applicant's ownership.

Contained within the resubmission was a letter from Payne Skillington Solicitors, dated 11<sup>th</sup> October 2019 which was produced to confirm the extent of the ownership and who had rights of access of the land the subject of this application. This letter is and has been publicly viewable.

Notwithstanding the above, the grant of planning permission does not overcome private law restrictions on development; and the principle remains that private law interest such as restrictive covenants are not material considerations for the purposes of determining planning applications. The City Council as local planning authority has a statutory obligation to determine all applications submitted in accordance with the development plan and other material considerations (Section 70 TCPA 1990 provides that a local planning authority, when determining an application '*should have regard to the provisions for the development plan in so far as material to the application and to other material considerations*'). Covenants and private law restrictions are not material considerations and therefore to take them into account when determining a planning application would be ultra vires, i.e. outside the legislative scope of the local planning authority; which could

result in the decision (if planning permission were to be refused) being challenge at appeal to the Secretary of State or in the Courts by way of Judicial Review.

### *Drainage*

The application is located within Flood Zone 1 and therefore there is no risk of flooding. The Drainage Team raises no objections to the proposal subject to a condition requiring Sustainable Urban Drainage (SuDs). Please condition No.18.

### **Equality implications**

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

### **Conclusion**

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, highway safety or ecology subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, H3, H5, H9, DE1, AC1, AC2, AC3, GE3, GE4, EM1, EM2 & EM5 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 and Block Plan - Drawing No.1485-01\_C;  
Proposed Plans and Elevations Plots 2 and 3 - Drawing No.1485-02;  
Proposed Plans and Elevations Plots 1,4,5 and 6 - Drawing No. 1485-02\_;  
Tree report - Land Behind 281 - 289 Broad Lane - Report No.114, dated 1st July 2019; Preliminary Ecological Appraisal, Land Off Broad Lane and Broadmere Rise.

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

4. The development shall be carried out only in full accordance with details of the external facing and roofing materials which 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.*

5. 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. 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 DS3 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

6. The development shall only 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, 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 DS3 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

7. 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 the remediation. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

**Reason:** *To safeguard health, safety and the environment in accordance with Policy DS3 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

8. 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.1], and where remediation is necessary a remediation scheme must be prepared in

accordance with the requirements of condition [NO.2], 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.3].

**Reason:** *To safeguard health, safety and the environment in accordance with Policy DS3 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

9. Any gas boilers installed on site shall have a dry NO<sub>x</sub> emission rate of no more than 40mg/kWh. One electric vehicle recharging point per dwelling shall be provided prior to occupation and shall not be removed or altered in any way and shall be kept available for such use by residents at all times.

**Reason:** *To mitigate the impacts of development on air quality in accordance with Policy DS3 of the Coventry Local Plan 2016 and the aims and the objectives of the NPPF.*

10. Prior to the commencement of development, a method statement detailing the control of emissions into the air during the demolition/construction phase should be submitted to and approved in writing by the Local Planning Authority. The method statement should accord with the Best Practice Guidance - 'The control of dust and emissions from construction and demolition' and include:-
  - a) proposed hours of work;
  - b) map with nearest receptors and distances for dust and noise;
  - c) noise impact on nearest neighbours and control measures as required;
  - d) monitoring methods and measurement locations for dust and noise recording details;
  - e) dust mitigation measures;
  - f) contact details for responsible persons and site personnel training; and
  - g) information provision and liaison with local residents. The development shall only proceed in full accordance with the approved details.

**Reason:** *To protect the amenity of the occupiers of the residential accommodation hereby approved in accordance with Policies DS3 of the Coventry Local Plan 2016.*

11. The dwellings shall not be occupied unless and until the turning areas & 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 unless otherwise agreed in writing by the local planning authority.

**Reason:** *In the interests of highway and pedestrian safety in accordance with Policies AC1 and AC3 of the Coventry Local Plan 2016.*

12. No development (including any demolition) shall take place unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:
  - hours of work;
  - hours of deliveries to the site;
  - the parking of vehicles of site operatives and visitors during the demolition/construction phase;
  - the delivery access point;
  - the loading and unloading of plant and materials;

- anticipated size and frequency of vehicles moving to/from the site;
- 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 demolition and construction;
- measures to control the presence of asbestos;
- measures to minimise noise disturbance to neighbouring properties during demolition and construction;
- details of any piling together with details of how any associated vibration will be monitored and controlled; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Thereafter, the approved details within the CMP shall be strictly adhered to throughout the construction period and shall not be amended in any way.

**Reason:** *The agreement of a Construction Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; to minimise disturbance to local residents and in the interests of highway safety during the construction process in accordance with Policies AC1 and AC2 of the Coventry Local Plan 2016.*

13. Prior to the first occupation of the development hereby permitted details of bat & Bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The bat & bird boxes shall be fully installed in strict accordance with the approved details prior to the first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

**Reason:** *To ensure that protected species are not harmed by the development in accordance with Policy GE3 of the Coventry Local Plan 2016 and the advice contained within the NPPF 2018.*

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory instrument amending, revoking and/or replacing that Order, no extension, enlargement or addition under Class A shall be erected or constructed to Plot 5 hereby permitted without the prior grant of planning permission by the Local Planning Authority.

**Reason:** *Due to the restricted nature of the application site and its relationship with adjoining properties it is considered important to ensure that no additional development is carried out without the permission of the Local Planning Authority in accordance with Policies H3 and DE1 of the Coventry Local Plan 2016.*

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any statutory instrument amending, revoking and/or replacing that Order, no gate, fence, wall or other means of enclosure shall be erected, constructed or improved or altered such as to place the structure in front of the forwardmost part of any dwellinghouses fronting a highway or footpath without the prior grant of planning permission by the Local Planning

Authority.

**Reason:** *Having regard to the open plan layout and general nature of the proposed development it is important to ensure that no development is carried out except with the permission of the Local Planning Authority, which would detract from the appearance of the area and affect the amenities of adjacent properties in accordance with Policies H3 and DE1 of the Coventry Local Plan 2016.*

17. Prior to the first occupation of the development hereby permitted, details of both hard and soft landscaping works 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, specifying the type of bricks and 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 strict accordance with the approved details within three months of the first occupation of the dwellinghouses hereby permitted; and all planting shall be carried out in accordance with the approved details within 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. 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 GE1 and DE1 of the Coventry Local Plan 2016.*

18. The development hereby permitted shall be carried out only in strict accordance with details of a scheme for the provision of surface water drainage incorporating infiltration SuDS or attenuation techniques. There must also be consideration of features such as green roof technology for the management of surface water peak and total flows, biodiversity and water filtering, in accordance with Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'.
- i. A detailed strategy for the long-term maintenance of the SuDS and other surface water drainage systems on site.
  - ii. Development discharge rates for the individual projects on the site to be managed to Qbar greenfield rates or 5 l/s whichever is greater. The discharge rates for brownfield sites shall be considered as greenfield in accordance with the SFRA.
  - iii. Provisions must be made for the drainage of the site to ensure there are no temporary increases in flood risk, on or off site, during the construction phase.
  - iv. Evidence that receiving water bodies or sewers are capable of accepting the attenuated flows specified by the Lead Local Flood Authority and that this will not exacerbate the flood risk on or off site. This will include capacity calculations and



outcomes, not just the correspondence from Severn Trent Water Ltd in isolation, accepting the point discharges. Evidence of existing sub catchments within the site are needed to support the connectivity survey and confirm the acceptability of proposed point discharges to the watercourses and infrastructure sewers. This must be submitted to, and agreed by, the Local Planning Authority and Lead Local Flood Authority.

v. The surface water flood mapping indicates that the site is vulnerable to surface water flooding. An appropriately scaled flood risk assessment is required to establish the risk to the development, as well as the appropriate mitigation measures.

vi. Mapping of the 1 in 100 year surface water flood extents is required, to indicate the exceedance and conveyance flows to inform building floor level design and general ground levels, and to consider flood flow routing off site. This must be submitted to, and agreed by, the Local Planning Authority and Lead Local Flood Authority.

vii. The development must be considered for the implementation of permeable paving or similar permeable material for the management of total surface water flows, and water filtering in accordance with Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'.

viii. Provisions must be made for the drainage of the site to ensure there is no discharge of surface water to the Public Highway.

ix. Where new or redevelopment site levels result in the severance, diversion or the reception of natural land drainage flow, the developer shall maintain existing flow routes (where there are no flood risk or safety implications) or intercept these flows and discharge these by a method approved 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.*

