

Planning Committee Report	
Planning Ref:	FUL/2019/3199
Site:	Abbotts Lane
Ward:	Sherbourne
Proposal:	Creation of new linear park from the Belgrade Plaza to Naul's Mill Park, including upgrades to the existing underpass, the creation of a new water feature using the culverted Radford Brook; central landscape feature in conjunction with outline application ref: OUT/2019/2454, and new pedestrian route from Abbotts Lane to Middleborough Road.
Case Officer:	Hannah Holt

SUMMARY

This is a full planning application for the creation of a new linear park, running from Belgrade Plaza to Naul's Mill Park. The proposals will make significant improvements to the area and are considered to be acceptable in principle.

BACKGROUND

The application site runs from Belgrade Plaza, under the ring road, through the former gas works site on Abbotts Lane and through to Naul's Mill Park on Middleborough Road. A separate application for redevelopment of the former gas works site for residential development is currently under consideration.

KEY FACTS

Reason for report to committee:	More than 5 representations objecting to the proposed development
Current use of site:	The site is currently used for storage under the ring road and vacant where it runs between the ring road and Abbotts Lane. From Abbotts Lane to Middleborough Road the site runs between the existing Britannia Tyres facility and Millburn (a residential property) before the site joins Nauls Mill Park
Proposed use of site:	Creation of a linear park to link the city centre to Nauls Mill Park

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.
- The proposal accords with Policies GE1, HE2, AC4 and IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application proposes the creation of a linear park to run from Belgrade Plaza to Nauls Mill Park. Although the masterplan for the park includes the Britannia Tyres site on Abbotts Lane, this does not currently fall within the application site being considered as part of this application but may form a later phase of development.

SITE DESCRIPTION

The proposed linear park crosses a number of sites. From Belgrade Plaza it would run through the amenity space/service yard of the recently completed City Point student development on Gas Street and then under the ring road. The area under the ring road is currently used predominantly for Council storage which is fenced off, with a pedestrian route running around the edge of the storage compound. From there, the site runs across the vacant former gas works site onto Abbotts Lane. It runs between the side of Britannia Tyres and Millburn on Abbotts Lane uphill through to Middleborough Road where it crossed into Nauls Mill Park which lies within the Spon End and Nauls Mill Conservation Area.

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
OM/2020/0935	An Outline Planning Application for up to 731 residential units and 711 sqm of retail and commercial space (use class A1 / A2 / A3 / A4 / B1) provided in a series of buildings of 4 to 22 storeys, creation of a water feature utilising the culverted Radford Brook, creation of a green link across the site, and provision of parking and landscaping.	PENDING
OUT/2019/2454	Outline Planning Application for up to 731 residential units and 711 sqm of retail and commercial space (use class A1 / A2 / A3 / A4 / B1) provided in a series of buildings of 4 to 22 storeys, creation of a water feature utilising the culverted Radford Brook, creation of a green link across the site, and provision of parking and landscaping	WITHDRAWN
FUL/2013/0003	Engineering works to remediate contaminated material located below ground.	App/c 03/04/2013

All of this planning history relates to the former gas works site.

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 6th December 2017. Relevant policy relating to this application is:

Policy DS3: Sustainable Development Policy
Policy GB1: Green Belt and Local Green Space
Policy GE1 Green Infrastructure
Policy GE4: Tree Protection
Policy DE1 Ensuring High Quality Design
Policy HE2: Conservation and Heritage Assets
Policy AC1: Accessible Transport Network
Policy AC2: Road Network
Policy AC4: Walking and Cycling
Policy EM1: Planning for Climate Change Adaptation
Policy EM4 Flood Risk Management
Policy EM5 Sustainable Drainage Systems (SuDS)
Policy IM1: Developer Contributions for Infrastructure

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Delivering a More Sustainable City

CONSULTATION

No Objections received from:

- Conservation

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

- Environment Agency
- West Midlands Police
- Environmental Protection
- Highways
- Parks and Green Spaces
- Archaeology
- Urban Design and Landscape
- Ecology

At the time of writing the report comments have not been received from:

- Lead Local Flood Authority
- Trees

Immediate neighbours and local councillors have been notified; a site notice was posted on 24 February 2020. A press notice was displayed in the Coventry Telegraph on 27 February 2020.

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

- a) No need for an additional route alongside Britannia Tyres
- b) Existing route via Mill Street is sufficient

- c) Creation of additional alley way will generate more crime and anti-social behaviour
- d) New route alongside Britannia Tyres will compromise the safety and security of the four houses on Abbots Lane next to the proposed route.

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

- e) It will provide a much needed recreation area and extension of an existing park
- f) Will provide improved links to the city centre
- g) Will provide improvements to a run-down area
- h) There is a need for safer green links in the city

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

- i) It will affect the rights of way of neighbouring properties
- j) One landowner will not allow their land to be incorporated into 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, contaminated land and contributions.

Principle of development

Policy GE1 of the Local Plan seeks to protect green infrastructure and ensure new development makes provision for green infrastructure. Part 5 of this policy states; 'A key element of Coventry's approach to green infrastructure will be the continued development of a network of green spaces, water bodies, paths and cycle ways, with priority given to those parts of the city where there is an identified deficiency of green space. Where a development proposal lies adjacent to a river corridor or tributary, a natural sinuous river channel should be retained or, where possible, re-instated. Culverts should be removed unless it can be demonstrated that it is impractical to do so.'

The application proposes enhancements to an existing green space and creation of an extended linear park which allows for opening up of an existing culverted watercourse and provision of improved linkages to the city centre, all of which fully comply with the above policy. Therefore the principle of the development is considered to be acceptable.

The former Gasworks site on Abbots Lane is allocated within the Local Plan for residential development (Policy H2:14). Part of the proposed development will run through this site. In doing so the proposal is considered to provide valuable green and blue Infrastructure which would complement rather than hinder any wider proposals for residential development on the remainder of 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 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 proposals will provide significant enhancements to the area, with the provision of a linear park running from the city centre to Nauls Mill Park. Parts of this route are currently vacant land and unattractive and unwelcoming narrow footpaths running under the ring road. Opening up and landscaping of this area along with the opening up of the culverted watercourse across the former gas works site on Abbots Lane will significantly improve the appearance of the area and linkages through the site into Nauls Mill Park.

Improvements to the provision of green space within the locality are welcomed although it is important to make sure that the development is appropriately maintained in the future. The developer has agreed that they will take on the long term maintenance of the park and a condition is recommended to ensure an appropriate plan for future maintenance.

Impact on residential amenity

There are few residential properties immediately adjacent to the site given its location in close proximity to the city centre and within a mixed use area. There is a terrace of properties on Abbots Lane which would be impacted as the proposals involve opening up a small vacant piece of land alongside Millburn, Abbots Lane which is currently partly enclosed. Whilst the wider route through indicated on the masterplan which includes the Britannia Tyres site would be preferable as it would open up the route more, this does not form part of this application and it is the narrower route along the side of Millburn that is currently proposed. However, it is not considered that this would significantly impact on the safety and security of these properties as a well-used footpath link would provide better natural surveillance in this location. Whilst the police had raised concerns about aspects of the

design of the open space, discussions with the applicant have addressed these. The proposed park has been designed to allow for natural surveillance and provide a safer and more open route under the ring road towards Nauls Mill Park.

The proposals show the route of the proposed park running from Belgrade plaza through the amenity space/service yard of the recently completed City Point student accommodation. Access through this area has not been agreed, but this would not prevent implementation of the wider scheme as the proposed park runs around the rear of the building with an alternative means of access directly from Upper Well Street alongside the ring road. Should the direct route through to Belgrade Plaza become available at a later stage this could easily be incorporated into the development.

The proposed development would not have any significant impact on neighbouring residential amenity; in fact it would provide overall improvements to residential amenity in the immediate vicinity as it would provide for new open space and improved access for local residents.

Heritage character of the area and Heritage Assets

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.

It is considered that the proposal will lead to an enhancement of the character and appearance of the Nauls Mill Conservation Area by; enhancing the landscaping of Nauls Mill Park and encouraging increased use of the green space; and improving connectivity between the park, nearby housing and the city centre, which will enhance the amenity value of the conservation area. As such, the proposals accord with Policy HE2

In terms of archaeology the Conservation Officer has raised no objection to the scheme, subject to a condition to secure a programme of archaeological works.

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.

The proposals will provide improved pedestrian and cycle links from the city centre into Coundon via Nauls Mill Park which will be in accordance with the aims of Policy AC4. The shared pedestrian/cycle route is welcomed by the highway authority although contributions have been requested in order to ensure the provision of appropriate crossing points on Abbots Lane/ Middleborough Road. The developer has agreed to these contributions which will be secured through a Section 106 Agreement.

Flood Risk

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.

The proposals involve opening up of an existing culverted watercourse to provide a water feature through the park. Details of this have been considered by the Environment Agency, who have no objections to the proposed works. It is not considered that the proposals will result in any increased flood risk.

Contaminated land

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.

Part of the site is currently used for storage and part of the site was previously occupied by the gas works. Consequently there is potential for contamination to be present. Environmental protection are satisfied that this can be dealt with through the imposition of conditions to ensure that the appropriate testing and remediation is carried out prior to development.

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 would trigger the need for the following contributions to be secured under a Section 106 Legal Agreement. The heads of terms are as follows:

A contribution of £90k towards two safe pedestrian/cycle crossing points on Middleborough Road and Abbots Lane.

The developer has agreed to the requested contribution.

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 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 GE1, HE2, AC4 and IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS:/REASON

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: *To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
RG-L-08-01
RG-L-08-02
RG-L-09-02
RG-L-10-01 Rev A
RG-L-15-01
RG-L-07-01 Rev A
RG-L-07-02 Rev A
RG-L-07-03 Rev A
08 Rev D
Design and Access Statement
Flood Risk Assessment and Outline Surface Water Drainage Strategy 8818559-R1(00)-FRA
Supplementary Geo-environmental Report 325192-01(01)
Heritage Assessment.

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

3. No development or any other works shall commence unless and until a written scheme of investigation which shall detail a programme of historic building recording and analysis has been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in full accordance with the approved details.

Reason: *The submission of these details prior to the commencement of development is fundamental to ensure that an Appropriate record is made of the historic building fabric that may be affected by the development and to ensure that information regarding these heritage assets is preserved by record for this and future generations in accordance with Policy HE2 of the Coventry Local Plan 2016.*

4. Prior to the first use of the of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management, including mitigation and enhancement for species identified on site;

- d) Appropriate management option for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
 - g) Details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation;
 - h) Ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met.
- The LEMP plan shall be implemented in strict accordance with the approved details within three months of the first occupation of the development and thereafter shall not be withdrawn or amended in any way.

Reason: *In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain in accordance with Policy GE3 of the Coventry Local Plan 2016*

5. Prior to the installation of any street lighting or any external lighting to be fixed to any structure, an external lighting strategy (including a plan) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate that lighting shall be kept to a minimum at night in order to minimise impact on emerging and foraging bats, and to restrict light spillage onto foraging corridors. The lighting shall be installed in full accordance with the approved strategy and all lighting thereafter shall be subsequently maintained in strict accordance with the approved details.

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.*

6. 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 the commencement of development (including any demolition). 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 Local Plan 2016 and the aims and objectives of the NPPF.*

7. 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 EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

8. 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 EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

9. Prior to occupation of the development hereby permitted and following completion of the measures identified within the remediation scheme approved under condition No.8, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and submitted to the Local Planning Authority for approval in writing.

Reason: *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

10. 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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 7.

Reason: *To safeguard health, safety and the environment in accordance with Policy EM6 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

11. Any landscaping (other than the planting of trees and shrubs) including the erection of boundary treatment, and the installation of paving and footpaths shown on the approved plans shall be completed in all respects prior to the first use of the linear park and the tree(s) and shrub(s) shall be planted within the first planting season following that first use. Any tree(s) or shrub(s) removed, dying, or becoming; in the opinion of the Local Planning Authority; seriously damaged, defective or diseased within five years from the substantial completion of the scheme shall be replaced within the next planting season by tree(s) or shrub(s) of similar size and species to those originally required to be planted. 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*

12. Prior to the first use of the development hereby permitted, a landscape management plan, including long term design objectives, long term management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be implemented as soon as the approved landscaping is carried out and shall not be withdrawn or altered in any way.

Reason: *To ensure a satisfactory standard of appearance over the lifetime of the development in the interests of the visual amenities of the area in accordance with Policy GE1 and DE1 of the Coventry Local Plan 2016.*

13. No development shall commence until a mechanism to secure the long term maintenance of the linear park has been submitted to and approved in writing by the local planning authority. The development shall only be carried out and maintained in full accordance with such approved details.

Reason: *To ensure that a satisfactory standard of appearance of the development is maintained long term in the interests of the visual amenities of the area in accordance with Policies GE1 and DE1 of the Coventry Local Plan 2016.*

