

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2020/0011
<b>Site:</b>	Garages at Capmartin Road CV6 3FW
<b>Ward:</b>	Radford
<b>Proposal:</b>	Demolition of existing garages and development of x2 4-bed houses
<b>Case Officer:</b>	Ayesha Saleem

## **SUMMARY**

The application proposes the erection of a pair of semi-detached two storey dwellings with associated parking and garden amenity space. The proposal is considered to have an acceptable impact upon the street scene and the no detrimental impact upon the existing neighbouring properties.

## **BACKGROUND**

The application has been recommended for approval. The application has received more than 5 public representations objecting to the proposal

## **KEY FACTS**

<b>Reason for report to committee:</b>	More than 5 objections have been received
<b>Current use of site:</b>	The site is currently vacant having previously had approximately 16 garages on site and retention of substation.
<b>Proposed use of site:</b>	Erection of two residential dwellings

## **RECOMMENDATION**

Planning committee are recommended to approve planning permission subject to conditions.

## **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 AC2, AC4, DE1, DS3, H3, H4, H5, H9, EM7 and GE3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## **BACKGROUND**

### **APPLICATION PROPOSAL**

The proposal is for the erection of a pair of semi-detached dwellings. The properties are to front Chorley Way and Vehicle access is to be from Capmartin Road in which there is to be a small parking forecourt to the side of the properties. The dwellings are to accommodate a hallway, W/C, store room, living room and kitchen/ dining area. On the upper levels the properties are to accommodate four bedrooms and bathroom. The dwellings are to be 2.5 storey houses with the 4<sup>th</sup> bedroom in the loft space. The properties are to be designed in a gable roof form in grey concrete roof tiles and brick slips to the facing walls. The garden amenity space is to the rear of the properties. The bins are to be stored to the side of each property.

### **SITE DESCRIPTION**

The application site is a triangular site located between Capmartin Road and Chorley Way. The access to the site is from Capmartin Road. The site contains a sub station and did previously have approximately 16 garages on site. The site is currently surrounded by palisade green metal fencing.

### **PLANNING HISTORY**

There is no planning history for the site.

### **POLICY**

#### **National Policy Guidance**

National Planning Policy Framework (NPPF). The NPPF published 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 6<sup>th</sup> December 2017. Relevant policies relating to this application are:

Policy DE1- Ensuring high quality design

Policy DS3- Sustainable Development Policy

Policy H3 - Provision of new housing

Policy H4 - Securing a Mix of Housing

Policy H5 - Managing Existing Housing Stock

Policy H9- Residential Density

Policy AC2- Road Network

Policy AC4- Walking and Cycling

Policy EM7- Air Quality

Policy GE3- Ecology and biodiversity

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

SPG Extending Your Home- A Design Guide  
SPG Design Guidelines for New Residential Development  
SPD Delivering a More Sustainable City 2009  
SPD Coventry Connected (Transport and Accessibility) 2019  
SPD Air Quality 2019

**STATUTORY CONSULTATION RESPONSES**

Highways- No objections subject conditions  
Environmental Protection- No objections subject to condition  
Planning Policy- No objections  
Ecology- No objections  
Urban Design- No objections  
Trees- No objections subject to conditions

**PUBLIC RESPONSES**

Notification letters were sent out to adjoining neighbouring houses and site notices were displayed initially on the 28<sup>th</sup> January 2020, due to a discrepancy within the site notices these were reposted on the 6<sup>th</sup> February 2020.

Nine letters of objection were received raising the following material planning considerations:

- a) Noise impact
- b) Lack of notice of the application
- c) Visual amenity- out of character
- d) Previous refusals for 3 storeys on the opposite corner
- e) This is for HMO opposed by residents
- f) Highway safety
- g) Access is dangerous to close to corner
- h) Existing parking is an issue
- i) Loss of light
- j) Increase anti-social behaviour within the area
- k) Garages should be replaced with garages
- l) Invasion of privacy
- m) Not all neighbours have been notified
- n) Incorrect site notices displayed
- o) Three storey properties higher than neighbouring properties

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

- p) Could attract the wrong people to live here
- q) Devaluation of properties

Following an initial period of consultation amendments were made to the design of the dwellings to replicate window proportions, window detailing and facing brick materials of the properties on Chorley Way. There were also amendments to the site layout to include bin storage and to confirm all boundary treatments and the house type has been changed from 5 bed (8 person) to 4 bed (6 person).

The neighbours were re-notified for a further 10 days on the 12<sup>th</sup> March 2020.

Five letters of objection were received raising the following material planning considerations:

- r) Noise impact
- s) Letters not sent to all affected properties.
- t) Visual amenity- out of character
- u) Highway safety
- v) Access is dangerous
- w) Access is shared access for neighbouring property
- x) Existing parking is an issue and had reached its capacity
- y) Loss of privacy
- z) Loss of light
- aa) Increase anti-social behaviour within the area
- bb) Incorrect site notices displayed
- cc) Three storey properties higher than neighbouring properties

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

- dd) Devaluation of properties

Any further comments received will be reported within late representations.

## **ASSESSMENT**

### Principle of Development:

Policy H3: Provision of New Housing states that new residential development must provide a high-quality residential environment which assists in delivering urban regeneration or contributes to creating sustainable communities and which overall enhances the built environment. A suitable residential environment will be within a sustainable location and include safe and appropriate access, have adequate amenity space and parking provision and be safe from environmental pollutants such as land contamination, excessive noise and air quality issues.

The proposed development is within a sustainable location, close public transport routes, local shops and services. The proposed development will create a high-quality residential environment. The scheme does provide direct access to outside amenity space for both dwellings and the Parking provision have also been met. No issues are raised in terms of environmental pollution. The proposed residential uses will remain compatible with surrounding residential uses.

The scheme is considered to be acceptable in principle.

### 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.

Chapter 12 of the NPPF requires that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The layout of the dwellings is positive as they include on site parking and bin storage. When considering the landscaping there are further positive elements. The boundary treatment is advantageous with the provision of the rear close boarding fencing as well as the front 450 mm knee high timber rail fence which is beneficial in providing a visual barrier. This creates a clear separation between private and public space whilst providing a softer material finish, which further compliments the existing greenspace onto Chorley way which is to be retained.

Since the proposed changes to the appearance of the properties, the suggested design characteristics are positive when considering the surrounding context. The brick detailing around the window aspects is reflective of the local characteristics that are present on Chorley Way as well as the porch element, also reflecting the existing surroundings. Additionally, the higher roofline of the design does not pose a concern as there is an existing presence of a varying roofline currently on Chorley way.

The choice of a brick slip facade is positive in considering the local vernacular on Chorley way, however, when considering the local context it is evident that there are two variations that could be reflected, one with a lighter orange brick façade with darker brick detailing around the windows or the other option being a darker red brick vernacular with lighter brick window detailing. The preferred options for either would be the use of Heritage Soft Orange reclaimed brick slips or the Hastings Red Blend Brick Slips. The materials details will be conditioned. It is considered that the proposed dwellings will have an acceptable impact upon the visual amenity of both Capmartin Road and Chorley Way.

Impact on residential amenity:

No 58 Capmartin Road is located north to the application site in which plot 1 is located circa 17.0 metres away from the rear elevation of this property and circa 9.7 metres from the boundary in between the properties. No 58 Capmartin Road is an end of terrace property. There are no openings proposed to the side elevation of Plot 1 which is not considered to cause any harmful overlooking. This neighbouring property also does not have any openings to the side elevation. Given the orientation of the dwellings and Plot 1 achieving a garden rear depth of circa 11.7 metres. The proposal is not considered to cause harmful overlooking, loss of light or invasion of privacy to the amenity of this occupant.

No 72 Chorley Way is located south east to Plot 2 which is located circa 8.06 metres away from this neighbouring property. No 72 Chorley Way is a detached property. There are no windows on the side of the proposed Plot 2 and the neighbouring property, thus the proposal is not considered to cause any harmful overlooking. The proposed dwellings are set slightly forward to the front elevation of 72 Chorley Way. The closest elevation has an integral garage at ground floor level and habitable room at first floor level. In regard to the 45-degree guideline the dwellings do not infringe or have a detrimental impact upon this habitable opening in regards to loss of light. The proposal is not considered to cause harmful overlooking, loss of light or invasion privacy to the amenity of this occupant.

The proposal is deemed acceptable in accordance with the council's adopted SPG on new residential dwellings and relationship with neighbouring properties.

Highway considerations:

Coventry Local Plan 2016 Appendix 5 Car & Cycle Parking Standards requires the following parking provision for C3 Residential Dwellings (Per Unit) 3 or more bedrooms house/flat - 2 per dwelling + 1 unallocated space per 5 dwellings for visitors. Therefore, the requirement for this development is four spaces which are provided on site.

Highway officers have no objections to the proposal subject to a condition in relation to a car parking, construction method statement and informatives.

Other Matters:

Environmental Protection officers have no objections to the proposals subject to conditions in relation to contaminated land, air quality, UXO, and a construction environmental management plan

The Councils Ecology officer has no objections to the proposal.

The Councils Tree officer has assessed the Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan that have been submitted. The Tree officer initially had no objections to the proposal subject to receiving a tree replacement plan in mitigation to losses of T6-8. This was submitted by the Agent and the Tree officer has raised no objections. The revised Replacement Tree Planting Plan (16<sup>th</sup> June 2020) is satisfactory in mitigation to the losses of T6-8, by the new plantings of x3 3m high Cherry trees to the rear boundary. The Tree officer has recommended a condition in relation to the replacement trees.

This application is for two residential dwellings and not HMO's. Given the size of the property any use of the property as a HMO would likely require planning permission for a change of use to a large HMO, meaning any such use could be controlled.

Notwithstanding the issues raised by objections, officers have been unable to identify any application refused on the opposite corner adjacent to the application site for a three-storey building. Notwithstanding this every application is assessed on its own merits.

The neighbours who abut the application site were notified on this application via neighbour letter in line with current planning legislation. A site notice was initially posted on 28<sup>th</sup> January 2020, which had an error in the application reference number. This was corrected and another site notice was displayed on 6<sup>th</sup> February 2020.

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**

In view of the acceptable principle, design and no detrimental impact upon neighbouring properties, the scheme accords with development plan policies, supplementary planning guidelines and the NPPF 2019 therefore the application is recommended for approval. The development is in accordance with Policy AC2, AC4, DE1, H3, H4, H5 and H9 of the Coventry Local Plan 2016.

## **REASONS/CONDITIONS**

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:  
Site Layout DWG:100-394 001F  
Location Plan DWG: 100-394AR/002  
Boundary Treatment Plan DWG:100-394 003D  
Type H DWG:100-394 006  
Street Scene DWG:100-394 007  
Topographic Survey DWG: 25080\_06\_170\_6  
Planning Statement Rev B  
Parking Review  
Utilities Search Report  
Underground Utility Survey  
Phase II Geo-environmental Report  
Tree Survey, Arboricultural Impact Assessment and Tree Constraints Plan-  
March 2020  
Replacement Tree Planting - June 2020

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

3. Prior to their incorporation into the development hereby permitted, sample details of all facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall be installed only in full

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 the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area in accordance with Policy DE1 of the Coventry Local Plan 2016.*

4. 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 dwellings 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.*

5. The residential accommodation hereby permitted shall not be occupied unless and until the bin storage areas have been provided in full accordance with the details shown on the approved plans and thereafter they shall remain available for use at all times and shall not be removed or altered in any way.

**Reason:** *In the interests of the amenities of the future occupants of the residential accommodation in accordance with Policy DE1 of the Coventry Local Plan 2016.*

6. 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 further development shall take place within the curtilage of any dwellinghouse hereby permitted without the prior grant of planning permission by the Local Planning Authority.

**Reason:** *Having regard to the design, layout and general nature of the proposed development it is important to ensure that no further development is carried out which would detract from the appearance of the area and affect the amenity of adjacent*



*properties. Therefore, no additional development is to be carried out without the permission of the Local Planning Authority in accordance with Policies H3 and DE1 of the Coventry Local Plan 2016.*

7. The development hereby permitted shall not be occupied unless and until the access to the site, manoeuvring space(s) and car parking area(s) indicated on the approved drawings have been provided in full accordance with those details and thereafter those areas shall be kept marked out and available for such use at all times.

**Reason:** *In the interests of highway safety in accordance with the aims and objectives of Policies AC1, AC2 and AC3 of the Coventry Local Plan 2016.*

8. 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.*

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 and EM7 of the Coventry Local Plan 2016.*

11. An investigation and risk assessment (in addition to any assessment provided with the planning application); must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, and any report of the findings must be submitted to and approved in writing by the local planning authority. 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.*

12. 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.*

13. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out 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.*

14. Prior to occupation of the development hereby permitted and following completion of the measures identified within the remediation scheme approved under condition No. 13, 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.*

15. 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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, which shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 13.

**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.*

16. Within nine months of the implementation of the works hereby permitted, replacement planting shall be undertaken in accordance with the details set out in the approved plans and application documentation. All tree(s) shall be planted in accordance with British Standard BS4043 - Transplanting Root-Balled Trees and BS4428 - Code of Practice for General Landscape Operations (excluding hard surfaces). Selection should be prioritised from local provenance and in compliance with current biosecurity guidelines. If within a period of five years from the date of planting the tree(s) (or any other tree(s) planted in replacement for it) is removed, uprooted, destroyed or dies or becomes; in the opinion of the Local Planning Authority; seriously damaged or defective, another tree(s) of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree(s). The replacement planting shall be maintained in

strict accordance with the approved schedule of maintenance until successfully established.

**Reason:** *In the interests of the visual amenities and natural environment of the area in accordance with Policies GE3, GE4, EM1 and DS3 of the Coventry Local Plan 2016.*