

Planning Committee Report	
Planning Ref:	OM/2020/0935
Site:	Transco, Abbots Lane
Ward:	Sherbourne
Proposal:	An Outline Planning Application for up to 731 residential units and 711 sqm of retail and commercial space (use class E) 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.
Case Officer:	Dean Leadon

SUMMARY

This is an outline planning application for redevelopment of a vacant site for residential purposes, contained within 7 blocks across the site which vary in height from 4 storeys to 22 storeys.

BACKGROUND

The application site is the former gas works site on Abbots Lane. It is bounded by the ring road to the south-east, by Abbots Lane to the north and west and by Upper Hill Street to the south-east. It is an allocated housing site within the Coventry Local Plan. An application for creation of a linear park running across the site has recently been approved by planning committee.

KEY FACTS

Reason for report to committee:	More than 5 representations objecting to the proposed development
Current use of site:	The site is currently vacant but was previously used as a gas works
Proposed use of site:	Redevelopment for residential purposes to create up to 731 residential units, up to 711 sq.m of retail floorspace and the creation of a linear park to link the city centre to Nauls Mill Park

RECOMMENDATION

Planning committee are recommended to delegate the granting of planning permission to the Strategic Lead for Planning, 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 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 redevelopment of the site for up to 731 residential units to be provided within 7 blocks between 4 and 22 storeys in height and up to 711 sqm of retail/office floor space. Three access points would serve the development; one from Upper Hill Street and two from Abbots Lane, all of which utilise existing access positions. It includes the creation of a water feature utilising the culverted Radford Brook, and provision of a green link across the site in the form of a linear park which has already been granted permission under a separate application. Car parking and incidental landscaping is proposed between the blocks.

SITE DESCRIPTION

The application site is the former gas works site which is bounded by Abbots Lane to the north and west, the ring road to the south-east, and by Upper Hill Street to the south-east. There are significant level changes across the site with the highest point at the east corner at the Abbots Lane/ Upper Hill Street junction, then dropping down to the south and east. On Upper Hill Street are a group of locally listed buildings that back directly onto the site which are residential and opposite the listed St. Osburg's Church. St. Osburg's Primary School is located opposite the site on Upper Hill Street. The site is immediately adjacent the Spon End and Nauls Mill Conservation Area, the edge boundary of which runs along Abbots Lane. Abbots Lane comprises mainly residential properties, other than Britannia Tyres and a vacant commercial premises on the junction with Mill Street. At the top of Abbots Lane the residential properties are various heights and styles and are raised significantly above street level. At the lower end of Abbots Lane, near the junction with Mill Street there is a two-storey terrace of residential properties at street level.

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
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.	Approved 03/04/2013
FUL/2019/3199	Creation of new linear park from 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 a new pedestrian route from Abbots Lane to Middleborough Road.	Considered by planning committee on 2 July 2020 when it was agreed to grant planning permission subject to the completion of a S.106 agreement.

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 HW1: Health Impact Assessments (HIA)
Policy JE4: Location of office development
Policy H2: Housing allocation
Policy H3: Provision of new housing
Policy H4: Securing a mix of housing
Policy H6: Affordable Housing
Policy H9: Residential Density
Policy R4: Out of centre proposals
Policy R6: Restaurants, bars and Hot Food Takeaways
Policy GE1: Green Infrastructure
Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation
Policy GE4: Tree Protection
Policy DE1 Ensuring High Quality Design
Policy HE1: Conservation Areas
Policy HE2: Conservation and Heritage Assets
Policy AC1: Accessible Transport Network
Policy AC2: Road Network
Policy AC3: Demand Management
Policy AC4: Walking and Cycling
Policy EM1: Planning for Climate Change Adaptation
Policy EM2: Building standards
Policy EM4 Flood Risk Management
Policy EM5 Sustainable Drainage Systems (SuDS)
Policy EM6: Redevelopment of Previously Developed Land
Policy EM7: Air Quality
Policy EM8: Waste Management
Policy IM1: Developer Contributions for Infrastructure

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Design Guidelines for New Residential Development
SPD Delivering a More Sustainable City
SPD - Coventry Connected
SPD – Air Quality
SPD – Health Impact Assessment
SPD – Spon End and Nauls Mill area of local distinctiveness

CONSULTATION

No objections received from:

- National Grid gas and electricity (Cadent)
- Public Health
- Waste Management

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

- Conservation
- Environmental Protection
- Highways
- Archaeology
- Urban Design and Landscape
- Ecology
- Education
- Planning Policy
- Housing Policy
- Lead Local Flood Authority
- NHS
- West Midlands Fire Service
- Trees

Objections received from:

- West Midlands Police – they have concerns that the road structure is inadequate to accommodate a development of this size so close to the Holyhead Road junction. They also have concerns regarding crime and anti-social behaviour given the high density nature of the scheme, these concerns have been addressed by proposed security measures such as a proposal to monitor the site by a 24/7 CCTV system. This has been conditioned.

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

- Severn Trent Water
- Network West Midlands

Immediate neighbours and local councillors have been notified; site notices were posted on 13 May 2020. A press notice was displayed in the Coventry Telegraph on 14 May 2020.

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

- a. Tall buildings will create shadows and loss of light
- b. Proposed Upper Hill Street access together with opening up of Upper Hill Street to traffic from the ring road will result in unmanageable increase in traffic
- c. Impact on 58-64 Upper Hill Street has not been correctly assessed as there are windows that have not been considered and therefore the sunlight and daylight assessment cannot be correct
- d. Opening up of Upper Hill Street will impact on schools and lead to air quality issues which have not been adequately considered in terms of modelling requirements and cumulative impact
- e. 4 storey block to the rear of houses on Upper Hill Street will be an invasion of privacy
- f. Shouldn't be building more homes in what is already a highly polluted area

- g. 14% parking for 731 residents is insufficient and cannot work as even though it is close to the city centre, residents will still have vehicles (to make visits at weekends, works vehicles that may require space)
- h. Although the development aims to attract residents who want to walk to the city centre/ train centre, this will not be sustained in the long term and future residents will demand parking which cannot be met on site and will then spill over into the surrounding areas
- i. City has already seen significant development around the ring road and this will be another development of excessive size
- j. High rise accommodation is out of character with the area and will impact on heritage buildings nearby
- k. There are already parking issues in the area, particularly at peak times and this development will make the situation worse
- l. The access proposed from the ring road into Upper Hill Street will be unsafe
- m. Insufficient separation between the proposed buildings and 58 Upper Hill Street and an access road running alongside this property will cause increased traffic movement and pollution
- n. Site is only allocated for 100 homes and development is over 7 times that
- o. No proper consultation has been carried out on the applications
- p. Scale and height of the buildings will cause detrimental loss of light to properties on Abbotts Lane
- q. There will be overlooking and loss of privacy to neighbouring properties
- r. Change in skyline will impact on visual amenity
- s. Density of 323dph is comparable with central London and not in accordance with local plan density of 44dph and is contrary to Policy H9
- t. Development of the site should be subject to a 'neighbourhood (development) plan'
- u. Developer is not making sufficient contributions as no affordable housing proposed
- v. Solar dazzle from the development could impact on highway safety on the ring road
- w. Daylight and sunlight assessment concludes that only 8 properties are impacted (but this is only out of 22) – this should not be overlooked
- x. Development will block the view of the landmark Holy Trinity and Cathedral spires from Barker Butts Lane
- y. Impact on footpaths around the site is unclear
- z. Buildings are too tall next to conservation area and will dwarf St Osburgs Church
- aa. There is insufficient green space in the area to serve the development and the area could not meet increased population in terms of schools, doctors etc
- bb. City needs family housing not flats
- cc. There are safeguarding issues for the St Osburgs School as the development will allow for overlooking of the playground
- dd. Concern about drainage of the site as neighbouring properties have been flooded in the past
- ee. Properties on Abbotts Lane will suffer 20-27% light loss during winter which is unacceptable
- ff. Properties on Middleborough Road should have been notified of the development as they are mentioned in the sunlight/daylight assessment.
- gg. Middleborough Road is prone to surface flooding and this is not addressed in the flood risk assessment or drainage strategy
- hh. Proposal is of no material benefit to the community as it would create a transient community
- ii. The development should include extension of the existing nearby residents parking scheme
- jj. Council has not enforced its views from the pre-application stage
- kk. Increase in traffic is contrary to the Council's clean air policy

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

ll. Area is in need of redevelopment and will allow people to live in the City Centre.

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

mm. Demand for apartment accommodation within the city may not continue in view of covid

nn. Flats will be occupied by students with no community values

oo. Consultation during lockdown has not allowed for due process

pp. Documents are not sufficiently detailed for a development of this scale

A petition bearing 45 signatures objecting to the application has been submitted and Councillor Lloyd is supporting aspects of the petition directly in relation to the proposed development of up to 731 residential units and 711 sqm of retail and commercial space (use class E).

The petitioners object to the closing of Barras Lane and opening of Upper Hill Street and the pollution resulting from this and the proposed population increase associated with the proposed 731 flats which will impact on air quality and the health of residents.

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, air quality, contaminated land and contributions.

Principle of development

Policy H2 of the Local Plan sets out site allocations for housing development. The former Transco site on Abbots lane is identified as previously developed land which can accommodate 100 dwellings. Whilst, at up to 731 residential units, this application is for considerably more units than set out in the allocation, the proposed development is for residential purposes. Clearly the principle of redevelopment for residential purposes is acceptable as this is an allocated housing site.

The proposals also includes a small element of retail/commercial use (Use Class E) which would provide for 711 sq.m at ground floor level. Policy R4 of the Local Plan states that proposals for retail and other Main Town Centre uses will not be permitted in out-of-centre locations unless they satisfy the Sequential Assessment. Although the site is located on the edge of the city centre, it is outside the defined city centre boundary and therefore consideration must be given to Policy R4. A sequential assessment has been provided with the application which does show availability of various size units within the city centre. However, any proposed retail element within the scheme is intended to provide a convenience type use for future residents and it is unlikely that such a use would adversely impact on the city centre.

Policy JE4 of the Local Plan states that new office development should normally be sited within Coventry city centre or other defined centres. The proposals would potentially allow for up to 711 sq.m of office use which would be located outside a defined centre. A sequential assessment submitted with the application shows that there remains vacant office space within the nearest defined centres. However, recent changes to permitted development rights would allow for unrestricted changes of use between retail and office

uses within the new 'E' Use Class and this is a material consideration. In view of these changes and the limited potential office floorspace that may come forward, it is not considered that this would adversely impact on nearby defined centres and is therefore considered to be acceptable.

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)."

This is an outline application so the full details of the proposals are not under consideration; rather the principle of development the site for residential purposes with the scale of development as indicated in the description of development and on the indicative plans. Full details of the proposed access to the site is provided, but all other matters, including appearance, landscaping, layout and scale are reserved for subsequent approval. The plans provided give an indicative indication of how the site could be developed for the number of units proposed and parameters to the scale of development could be restricted by condition.

The site is located between the city centre and the boundary of the Spon End and Nauls Mill conservation Area, with a boundary the ring road. Recent developments have seen a number of high-rise accommodation blocks along the periphery of the ring road and this

scheme reflects the scale of those and the City village student accommodation on the opposite side of the ring road. The proposals indicate a number of high-rise blocks set at a right angle to the ring road, ranging in height from 6 storeys up to 22 storeys adjacent to the ring road junction with Radford Road. The buildings step down to a much more domestic scale of 4-5 storeys on Abbots Lane and Upper Hill Street. It is recognised that this is an extremely high-density scheme, but this is not considered inappropriate given its location immediately adjacent to the city centre. The development would provide good connectivity from the city centre and across the site through the recently approved linear park, which was considered under a separate application, and would form a green spine for the proposed residential development of the site. Supporting information submitted with the application demonstrates that the development would not adversely impact on views of the iconic three spires and that the development would appear at an appropriate scale in relation to its surroundings when seen from viewpoints around the locality. Some minor changes have been made to the indicative scale of the development to set back the upper storey of the blocks that front Abbots Lane and Upper Hill Street which would reduce the massing to provide a more domestic scale on these frontages. This information has been submitted to demonstrate that an appropriately scaled development can be achieved on the site although full details will be provided at the reserved matters stage. A parameters condition could ensure that such details are provided at the reserved matters stage.

Impact on residential amenity

Given the scale of the development, it has to be accepted that there will be some impact on neighbouring residential amenity, as the proposals will significantly alter the skyline and change the outlook for local residents. The proposals are indicated as between 4 and 22 storeys in height and therefore will impact on daylight and sunlight in the immediate vicinity of the site. Following concerns from residents as to how the original report had been applied a revised daylight and sunlight assessment has now been submitted, this looks at the impact on the closest residential properties to the site. This concludes that the majority of neighbouring properties will retain good levels of daylight (measured using the vertical sky component – VSC) in excess of the 27% target recommended in the BRE standards. The report does highlight that there are four houses on Abbots Lane and four houses on Upper Hill Street which will receive some reduction in light having VSC levels of 21% but notes that the BRE guidance suggests that the numerical targets given need to be interpreted flexibly and in consideration of other site constraints. In looking at the shadow tests, these again show relatively minor impact on neighbouring residential properties in the winter months when shadows are longer, but almost no impact in the summer months. In view of the limited number of properties impacted and the relatively high levels of daylight retained, the impact caused by the proposed development is considered to be broadly consistent with BRE guidance.

The proposed indicative layout shows a scheme that accords with the residential design guide in terms of separation distances between the proposed development and neighbouring residential properties. The closest residential properties to the development are the 3-storey terrace at 58-64 Upper Hill Street and a distance of 22m is retained between the rear of these properties and the proposed 3/4 storey block directly behind them. No.58 Upper Hill Street has its principle elevation facing the side and amendments have been made to the block proposed adjacent to this on Upper Hill Street to ensure a 20m separation and a reduction in height to 4 storeys in height at the north-west end of the block. Separation distances in excess of 30m are retained between the proposed development and properties on the opposite side of Abbots Lane. In view of the separation distance and the proposed blocks being in accordance with the residential SPG, it is not considered that the proposals would result in any significant loss of privacy or overlooking to neighbouring occupiers. A

condition setting out these parameters would ensure any future reserved matters submissions are made in accordance with these details.

In view of the indicative layout of the scheme and its setting around a linear park, it is considered that a satisfactory residential environment for any future occupiers could be achieved on the site.

The site is located adjacent to the ring road and therefore there is a potential for road noise to impact upon future occupiers. It is necessary to require a noise report to be submitted detailing any mitigation measures that are to be provided to ensure that an acceptable residential environment is provided for any future occupiers of the development, which can be dealt with by way of a planning condition.

This is a high-density scheme with the provision of limited amenity space within the site. The provision of up to 731 dwellings would require the provision of 1.48 hectares of Formal Green Space and 3.7 hectares of Informal Green Space in accordance with the City Councils Green Space standards. Whilst this level of provision cannot be achieved within the development, a swathe of green space will run through the development in the form of the recently approved linear park, which will provide approximately 0.4 hectares of amenity space within the site. Whilst this is clearly a shortfall from the 5.18 hectares required under the Green Space Standards it will provide a high-quality amenity space and an attractive residential environment for future residents along with providing improved linkages to the nearby Nauls Mill Park. Given that the development is located in such close proximity to a public open space and that there will be some provision within the site itself, it is considered that the development will provide an appropriate residential environment for future occupiers in terms of access to green space.

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. Careful consideration has been given to the proposals. The application is supported by a heritage statement and the massing of the proposed buildings have been modelled in terms of their impact on the adjacent Conservation Area and view cones from the three spires. The massing study indicates that there will be limited views of the proposed development from the wider area. The conservation officer initially objected to the proposals, as they noted that the proposed development would represent a notable degree of change to the built environment in close proximity to multiple designated and non-designated heritage assets, introducing elements of substantive scale, massing and footprint. However, following the provision of a massing study and minor changes to the indicative scale and massing, it is accepted that there will be no direct impacts to designated or non-designated heritage assets and that the indirect impact of the proposals are not so significant that they would harm the setting of nearby heritage assets.

One of the most important historic features directly associated with the site itself are the sandstone boundary retaining walls that border the site boundary along parts of Abbots Lane and Upper Hill Street. These are important features in terms of the historic character of the area and other than where these need to be altered slightly to provide the appropriate visibility at the entrance points, they are to be retained. A condition is recommended to ensure their retention as they are an important feature within the immediate locality.

Whilst it is recognised that the development is of a significant scale and will have some impact on the setting of neighbouring listed and locally listed buildings, and on the character and appearance of the neighbouring conservation area, on balance, the impact is considered to be acceptable.

Highway considerations

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high-quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

The car parking standards set out in Appendix 5 to the Local Plan indicate that the provision of private car parking will not generally be promoted within the City Centre as it is highly accessible by a range of transport modes and there is already an adequate supply of publicly available car parking.

Although this is not a city centre site, it is directly on the edge of the city centre and therefore in this particular instance it is considered appropriate to assess the proposals against the city centre standards rather than the outer city standards, as the site is directly linked to the city centre. The provision of a maximum of 195 spaces is indicated in the transport statement to serve the proposed development, 25% of which would be provided as electric vehicle parking spaces. The transport statement submitted with the application justifies this level of provision as the scheme is intended to be an exemplar development that promotes sustainable travel through the provision of car clubs and mobility credits. Such provision would be secured through a condition requiring the submission of full travel plan details, setting out how this would be made available for future residents of the development on a long-term basis.

Direct access into the site would be from the existing access points on Abbots Lane and Upper Hill Street. These access points are considered to be appropriate to serve the development subject to some minor changes to the entrance points and alignment in order to achieve suitable visibility. Clearly a development of this size will result in increased traffic from the currently vacant site, but the transport statement submitted predicts that this will be of a level which can be accommodated on the local road network. The acceptability of the access to the development will be dependent upon proposed changes to the existing highway network coming forward. These changes involve changes in road priorities, with the proposed opening of an access from the ring road into Upper Hill Street which would provide a through route to Coundon Road, with the existing link from Holyhead Road to Coundon Road via Barras Lane being closed to through traffic. These changes will require the provision of a pedestrian crossing point on Upper Hill Street. It would be necessary to

impose a condition to ensure that no development commences until these changes have been made.

The highways authority is supportive of this approach and have no objections to the proposed development, subject to the details mentioned above.

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.

A flood risk assessment has been submitted with the application. This concludes that the development site is at low risk from flooding and therefore the site should not be precluded from development. Subject to conditions to ensure the submission of drainage details which incorporate sustainable drainage techniques, it is considered that the site can be appropriately developed in accordance with Policy EM4.

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.

The site was formerly a gas works and therefore there is a risk of contamination. However, provided that the appropriate investigations and remediation is carried out there is no significant risk associated with the development. Conditions are recommended to ensure that such information is provided.

Air quality

Policy EM7 states that major development schemes should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality. The previous application was withdrawn due to concerns over air quality and impact from increased traffic on the Holyhead Road corridor. The whole of Coventry lies within an air quality management area and Holyhead Road corridor is a location where no additional traffic can be accommodated due to the associated negative impact on air quality.

Whilst the proposals themselves have not changed significantly from the previously withdrawn scheme, there are now proposals to change road priorities in the immediate locality which will allow for access into Upper Hill Street directly from the ring road and therefore the site will not be accessed via Holyhead Road, but from Upper Hill Street, directly off the ring road. These changes address the original concerns in terms of impact on air quality on the Holyhead Road corridor. Provided that access to site is made from the ring road via Upper Hill Street, the modelling shows that the proposals do not raise any significant air quality issues. A condition is recommended to ensure that the development does not commence until the changes to the road network have been made. Provided that the site is not developed until the road network changes are made, it is not considered that the proposals will adversely impact on air quality

Ecology

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.

In view of the previous use of the site as a gas works, it has limited ecological value. The proposed development which includes the recently approved linear park will provide for an overall gain to biodiversity with the opening up of the culverted brook. These enhancements to biodiversity will make a positive contribution in the locality of the site for the benefit of both existing and future residents.

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 a number of contributions. However, the developer has put forward a viability report in respect of the development which concludes that taking account of a 25% affordable housing provision and including all construction and strategic costs, the resulting residual land value for the whole site equates to negative land value. Even with a 0% affordable housing provision and including all construction and strategic costs, the resulting residual land value for the whole site is slightly below the Site Value Benchmark, meaning the viability of the scheme is marginal.

The following contributions have been requested:

- **Affordable housing** would require the provision of 25% affordable housing within the development to be made up of 12.5% Social Rent and 12.5% Intermediate Tenure
- **Education** have requested a contribution of £2,376,173
- **NHS UHCW** have requested a contribution of £1,184,776
- **NHS CCG** previously requested a contribution of £231,021 on the previous application and their requirements are unlikely to have changed
- **Highways** have requested a contribution of £45,000 to provide a crossing on Upper Hill Street
- **Parks and open space** have requested a contribution of £283,759 towards provision/improvements to off-site informal open space provision which would be required in addition to the provision and maintenance of the linear park.

In view of the viability of the scheme indicated the developer has put forward lesser contributions than those requested and the justification for this:

- **Affordable Housing;** It has been accepted that the provision of affordable housing isn't viable and shouldn't be required as part of a S106 agreement, although the developer is in discussion with the West Midlands Combined Authority and Homes England about funding to support provision on site. No affordable housing is proposed as part of this application.
- **Education;** The developer does not consider the request to be proportionate to the impact of the scheme and are prepared to offer a contribution of £793,378 for education, which they consider to be in excess of other comparable schemes.
- **NHS;** The developer is prepared to offer a contribution of £376,465, which equates to over £500 a unit which they consider is in line with the contributions from other similar residential schemes.

- **Highways;** The contribution of £45,000 is agreed.
- **Parks and open space;** The developer considers that the open space investment on the linear park and off-site public realm works is way in excess of the £283,759 requested and are not proposing to offer any further contribution in this respect.

In summary, the developer is proposing on an ex gratia basis, to provide a total contribution of £1,214,843 as set out above, which is in addition to the c.£2.75m they are spending on off-site public realm and the considerable on-site provision.

Clearly the contribution proposed is a significant shortfall from the £4,120,729 requested and this is a significant concern for consultees. Education have stated that the provision of additional housing without the requested level of contributions increases the risk of the Council not being able to fulfil its statutory duty under the Education Act 1996 to provide a school place to all of its school-age resident children. The consequences of the City Council not meeting this duty are serious and could have considerable financial costs to the council.

The viability report has been assessed and is considered to be a reasonable reflection of the costs associated with the development. The proposed development is the largest private residential development proposed and delivered close to the city centre in several decades. As such and in light of the current uncertain economic times the delivery of these housing units has a high-risk profile. In view of this, it is accepted that the level of contributions requested is likely to make the scheme unviable. If the scheme is unviable the development will not go ahead, in which case the site is likely to remain vacant and undeveloped. Therefore, on balance it is recommended that the level of contributions proposed by the developer is accepted.

Other Matters

Concerns have been raised regarding the level of public consultation carried out in respect of the development. Pre-application consultation is recommended but not a statutory requirement and it is a decision for the developer as to what level of consultation they carry out. In respect of the planning application, consultation requirements are set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015 and consultation has been carried out in accordance with these requirements.

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 application raises a number of issues, but on balance 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. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced and the development shall be carried out in full accordance with those reserved matters as approved.

Reason: *To conform with Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015)*

2. Application for approval of the reserved matters listed at condition 1 shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission.

Reason: *To conform with Section 92 of the Town and Country Planning Act 1990 (as amended)*

3. The development hereby permitted shall begin within 3 years of the date of this permission or within 2 years of the final approval of the reserved matters, whichever is the later.

Reason: *To conform with Section 92 of the Town and Country Planning Act 1990 (as amended)*

4. The access shall be carried out in accordance with the following approved plans/documents: 03687-A-0106-P2; whilst the reserved matters shall be in accordance with the illustrative plan ref. 1706/SK/101/009/02 - Proposed building outlines and 1706/SK/101/009/05 - Proposed building heights and include the following specific requirements:
details of the extend of highway to be adopted within the site;
building heights which do not exceed those set out on drawing number 1706/SK/101/009/05; and
separation distances to the Abbots Lane and Upper Hill Street boundaries no less than those se out on drawing number 1706/SK/101/008/02.

Reason: *For the avoidance of doubt and in the interests of achieving sustainable development, having particular regard to the potential impact of the development in accordance with Policy DS3 of the Coventry Local Plan 2016.*

5. The development hereby permitted shall not commence until Upper Hill Street is directly accessible to vehicular traffic from the ring road and Barras Lane (between Holyhead Road and Coundon Road) has been closed to through traffic.

Reason: *In the interests of highway safety and to ensure the development does not adversely impact on air quality in accordance with the aims and objectives of Policies AC1, AC2 and EM7 of the Coventry Local Plan 2016.*

6. The sandstone boundary wall to Upper Hill Street and Abbots Lane shall be retained and shall not be altered in any way other than for highways access and visibility in accordance with details approved under this permission.

Reason: *To ensure that this historic boundary feature is retained to protect the character of the locality in accordance with Policies DE1 and H2 of the Coventry Local Plan 2016*

7. Before any development commences on site (including any demolition, site clearance or other preparatory works) the following shall be submitted to and approved in writing by the Local Planning Authority:
 - a) Tree Survey - a detailed scaled plan (to a scale and level of accuracy appropriate to the proposal) showing the position of every tree on the site, and every tree on land adjacent to the site (including street trees) that is likely to have an effect upon or be affected by the proposal (e.g. by shade, crown overhang from the boundary, intrusion of the Root Protection Area etc) with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres;
 - b) a schedule of the trees surveyed as specified in chapter 4.1-4.5 of BS 5837 : 2012 Trees in Relation to Design, Demolition and Construction - Recommendations;
 - c) a Tree Constraints Plan (5.1-5.3);
 - d) Arboricultural Impact Assessment (5.4) to assess the direct and indirect implications of trees upon the proposal and visa-versa, including locations for under-ground/ over-ground services, level changes within RPA's etc.;
 - e) Arboricultural Method Statement (6.1); and
 - f) a Dimensioned Tree Protection Plan (to include protection measures during and after construction and any construction exclusion zones) (in accordance with 5.5/ Table B.1), site monitoring (6.3) of British Standard BS5837:2012 - Trees in relation to design demolition and construction - Recommendations, which shall also include any proposal for pruning or other preventative works.The approved mitigation and / or protection measures shall be put into place prior to the commencement of any works and shall remain in place during all construction work.

Reason: *To protect those trees which are of significant amenity value to the Conservation Area and which would provide an enhanced standard of appearance to the development in accordance with Policy GE3, GE4 and HE2 of the Coventry Local Plan 2016.*

8. Any landscaping (other than the planting of trees and shrubs) including the erection of boundary treatment, and the installation of paving and footpaths referred to in condition one shall be completed in all respects, within three months of the first use of the development and all 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 Coventry Local Plan 2016.*

9. Prior to the first occupation 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 (other than domestic gardens within the curtilage of a single dwellinghouse), 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.*

10. Notwithstanding the provisions of the Town and Country Planning Act, no structures, enclosures or barriers shall be erected within the site which would prevent pedestrian access between the pedestrian highway, the site and the linear park.

Reason: *The proposals would not necessarily be acceptable were it not for the benefits associated with the improved linkages and opens space provision to the locality, associated with the linear park and therefore it is essential that this remains available for use at all times in accordance with Policies GE1 and GE2 of the Coventry Local Plan 2016.*

11. The development hereby permitted shall only proceed in strict accordance with a scheme for targeting and utilising local people for construction and employment, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: *To secure local employment in accordance with the City Council jobs strategy and Policy JE7 of the Coventry Local Plan 2016.*

12. Prior to the first occupation of the development hereby permitted, details of bin storage areas shall be submitted to and approved in writing by the Local Planning Authority. The bin storage areas shall be provided in full accordance with the approved details prior to first occupation of the development 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 future occupants of the residential accommodation and neighbouring occupiers in accordance with Policy DE1 of the Coventry Local Plan 2016.*

13. Prior to the installation of any external lighting, freestanding or fixed to any building(s), 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.

14. Prior to the first occupation of the development hereby permitted details of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The bat and 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. Prior to the first occupation 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*

16. None of the dwellings or the commercial unit(s) hereby permitted shall be occupied unless and until the communal car parking spaces to be provided have been completed and marked out in full accordance with the details submitted under the reserved matters and made available for use by the occupants and / or visitors to the development and thereafter those spaces shall be retained for parking purposes at all times and shall not be removed or altered in any way.

Reason: *To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Council's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies AC1, AC2 and AC3 of the Coventry Local Plan 2016.*

17. 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 [EM7], AC1 and AC2 of the Coventry Local Plan 2016.*

18. Prior to the first occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall set out proposals (including a timetable and methods of monitoring the performance of the Plan), to promote travel by sustainable modes, and shall be implemented in accordance with the details specified therein and shall not be amended in any way.

Reason: *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DS3, AC3 and AC4 of the Coventry Local 2016.*

19. No less than 25% of the parking spaces provided within the development shall be provided with electric vehicle recharging points prior to occupation and they 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.*

20. Prior to occupation of the development hereby permitted, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in full accordance with the approved details prior to first occupation of the buildings and thereafter those facilities shall

remain available for use at all times and shall not be removed or altered in any way.

Reason: *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DS3, AC3 and AC4 of the Coventry Local 2016.*

21. The development hereby permitted shall not be occupied unless and until the pedestrian crossing on Upper Hill Street has been fully installed in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority

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

22. No development shall commence until full details of the proposed access points including visibility splays have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the access has been provided in full accordance with the approved details and the visibility splays shall be retained thereafter with nothing in the visibility splays exceeding 600mm in height.

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

23. Prior to the occupation of the development hereby permitted the following drainage details shall be submitted to and approved in writing by the Local Planning Authority:
- (a) A scheme for the provision of sustainable surface water drainage with consideration to open air SuDS and particular emphasis on attenuation techniques. There must be consideration of features such as green roofs, rain gardens and swales, for the management of all surface water, peak and total flows, biodiversity and water filtering,
 - (b) A detailed strategy for the long-term maintenance of the SuDS and other surface water drainage systems on site.
 - (c) confirmation that a 5m ay leave is provided from the top bank of any ordinary watercourse to the building line.
 - (d) confirmation that discharge rates that shall not exceed 5l/s
 - (e) a flood risk assessment to establish the risk of surface water flooding, detailing appropriate mitigation measures
 - (f) confirmation that Finished floor slab levels will be 300mm above the 1 in 100 year surface water flood levels.
 - (g) Evidence to show the management of overland flow routes in the event of exceedance or blockage of the drainage system. Details should include demonstration of how the building will be protected in such an event and provisions must be made for the drainage of the site to ensure there is no discharge of surface water to the Public Highway.

The drainage details shall be installed in full accordance with the approved documentation prior to occupation of the development and thereafter shall be maintained and shall not be removed or altered in any way.

Reason: *To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with policies EM1, EM4 and EM5 of the Coventry Local Plan 2016 and Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'*

24. Prior to commencement of development (including demolition works), a survey to determine the location of the existing (Radford Brook) culvert, its relationship to the proposed development and whether it will be affected by the proposed development shall be submitted to and approved in writing by the local planning authority. Where an existing culvert will be affected by the proposed development, a detailed strategy for the protection of the culvert shall be submitted prior to the commencement of development and approved in writing by the local planning authority. The development shall not be occupied unless and until the protection measures have been installed in full accordance with the approved details and they shall thereafter be maintained and shall not be removed or altered in any way.

Reason: *To prevent an increased risk of flooding and to ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with policies EM1, EM4 and EM5 of the Coventry Local Plan 2016 and Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'.*

25. No development shall commence unless and until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The noise assessment shall include results for LAeq, LAmax, and LA90 noise descriptors, together with a calculated arithmetical average for the LAeq. The assessment will demonstrate by calculation that internal noise levels for the proposed residential properties meet the 'Good' criteria set out in British Standard 8233 'Sound Insulation and Noise Reduction for Buildings' together with any mitigation measures that are required to achieve this. The report shall also demonstrate that outdoor garden and leisure areas associated with this development meet the 55dB limit as required by the World Health Organisation (WHO). Prior to the first occupation of the buildings any necessary mitigation measures shall have been implemented in full accordance with the recommendations of the noise assessment and thereafter shall not be removed or altered in any way.

Reason: *To protect the amenities of future occupiers from road traffic noise and general disturbance in accordance with Policy H3 of the Coventry Local Plan 2016.*

26. 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.*

27. 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.*

28. 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.*

29. Prior to occupation of the development hereby permitted and following completion of the measures identified within the remediation scheme approved under condition No. 28, 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.*

30. 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 26, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 27, 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 29.

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.*

31. The development hereby permitted shall not commence unless and until a Desk Study for Potential Unexploded Ordnance Contamination and a risk mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in strict accordance with the approved details.

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.*

32. Prior to their incorporation into the development, details of fume extraction and odour control equipment (including external ducting flues) on any commercial unit shall be

submitted to and approved in writing by the Local Planning Authority. The equipment shall be fully installed in its entirety in full accordance with the approved details and inspected by the Local Authority before the use hereby permitted commences. Any external ducting shall be colour coated in full accordance with the approved details within one month of its installation. The equipment shall thereafter be permanently maintained in full accordance with the manufacturer's instructions and be operated at all times when cooking is carried out.

Reason: *To safeguard the amenities of the adjoining occupiers of the development in accordance with Policy DE1 of the Coventry Local Plan 2016.*

33. No fixed plant and/or machinery shall be operated unless and until details of the fixed plant and/or machinery, including any mitigation measures, has been submitted to and approved in writing by the Local Planning Authority. The rating level of the noise emitted from the plant and machinery shall not exceed the current background noise level at the nearest off-site residential receptor. The noise levels shall be determined by measurements or calculations at the nearest off site, noise sensitive premises. The measurements and assessment shall be made according to BS 4142:2014. All details shall be carried out as approved prior to first occupation of the development and any mitigation measures shall remain in place thereafter and shall not be removed or altered in any way.

Reason: *To safeguard the amenities of the adjoining occupiers of the development in accordance with Policy DE1 of the Coventry Local Plan 2016.*

34. No development (including any demolition or preparatory works) shall take place unless and until a written scheme of archaeological investigation, which shall include a detailed programme of archaeological works, has been submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in full accordance with these approved details

Reason: *The submission of these details prior to the commencement of development is fundamental to mitigate the effect of the works associated with the development upon any heritage assets 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*

35. The retail/commercial floorspace hereby permitted shall not exceed 711 sq.m.

Reason: *The granting of an unrestricted planning permission could have a significant impact on the vitality and viability of existing shopping centres as set out in Policy R3 of the Coventry Local Plan 2016.*

36. Prior to the first occupation of the development hereby permitted, an estate management plan, including long term management responsibilities and maintenance schedules of the application site, shall be submitted to and approved in writing by the Local Planning Authority. The estate management plan shall include details of access control systems and CCTV provision across the site. The development shall only be occupied and operated in full accordance with the estate management plan.

Reason: *To safeguard the amenities of future occupiers of the development in accordance with Policy DE1 of the Coventry Local Plan 2016.*

