

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2020/0617
<b>Site:</b>	The Old Police Station, 519 Tile Hill Lane
<b>Ward:</b>	Westwood
<b>Proposal:</b>	Demolition of existing Police Station and erection of 2no. 3no. storey buildings & 2no detached houses; 1no. building containing 5no. 1no. bedroom flats and 1no. building containing 6no. 2no. bedroomed flats & 2no 2no bedroomed dwellinghouses.
<b>Case Officer:</b>	Emma Spandley.

### **SUMMARY**

Planning permission was delegated by Planning Committee on 16<sup>th</sup> July 2020 for the redevelopment of the existing site, a former Police Station, with the erection of two, three storey buildings and two detached houses; One building containing five, one bedroom flats and one building containing six, two bedroomed flats and two, two bedroomed dwellinghouses, subject to the conditions listed in the report and the completion of the S106 legal agreement to secure the contributions listed within the report.

Permission is now sought to agree the removal of the affordable housing contribution.

### **BACKGROUND**

The application site is a former police station, located on the south side of Tile Hill Lane set back beyond public open space to the front; and left-over vacant land from the Hereward College site & an electrical substation to the rear.

To the western side of the site on the opposite of Tremelay Drive, a development of dwellings and 40-unit apartment block.

### **KEY FACTS**

<b>Reason for report to committee:</b>	Change to the S106 contributions listed in the approved report.
<b>Current use of site:</b>	Commercial (Vacant)
<b>Proposed use of site:</b>	Residential

### **RECOMMENDATION**

At the Planning Committee on 16<sup>th</sup> July 2020, it was recommended and approved to delegate the granting of planning permission to the Head of Planning and Regulatory Services, subject to the conditions listed in the report and the completion of the S106 legal agreement to secure the contributions listed within the report.

Permission is now sought to agree the removal of the affordable housing contribution.

### **REASON FOR DECISION**

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: DS3, H3, H5, H9, DE1, AC1, AC2, AC3, GE3, GE4, EM1, EM2 & EM5 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## **BACKGROUND**

### **APPLICATION PROPOSAL**

The application seeks planning permission for the redevelopment of the existing site, a former Police Station, with the erection of two, three storey buildings & two detached houses; One building containing five, one bedroom flats and one building containing six, two bedroomed flats & two, two bedroomed dwellinghouses.

Each flat & house will have its own dedicated off-road parking and required amenity space.

### **SITE DESCRIPTION**

The application site is a former police station, located on the south side of Tile Hill Lane set back beyond public open space to the front; and left-over vacant land from the Hereward College site & an electrical substation to the rear.

To the western side of the site on the opposite side of Tremelay Drive, is a development of dwellings and 40-unit apartment block.

Nos.17 – 29 Lomsey Close, to the east, back onto the proposed development, with No.29 also being side on fronting onto Tile Hill Lane.

### **PLANNING HISTORY**

The relevant history relates to the site which surrounds the application site to the south and west, specifically, the permission which relates to the 40no. unit apartment block, which has commenced on site, which is located to the west of the application site.

<b>Reference</b>	<b>Cov Reference</b>	<b>Proposal description</b>	<b>Decision and date</b>
R/2006/0973	53422	Outline application discharging means of access for new residential development and extension to Hereward College	Approved, 2 <sup>nd</sup> April 2007
R/2009/0001	53422(RM2)	Submission of details of reserved matters under condition No.1 (in part) details of the scale and appearance of buildings, layout and the landscaping of the site and to discharge condition No.4 (in part) - details of earthworks and mounding;	Approved, 20 <sup>th</sup> April 2009

		<p>condition No.6 (in part) - phasing of development: imposed on planning permission reference 53422 determined on 2nd April 2007 for residential development and extension to Hereward College (outline application - means of access being discharged) - substitution of house types for plots No.66 to No.116 for residential development (Phase 1).</p>	
R/2010/0761		<p>Submission of details of reserved matters under condition No.1 (in part) details of the scale and appearance of apartment block (plots 1-40) imposed on planning permission reference 53422 determined on 2nd April 2007 for residential development and extension to Hereward College (outline application - means of access being discharged).</p>	<p>Approved, 6<sup>th</sup> August 2010</p>

The relevant planning history for the application site:

<b>Reference</b>	<b>Cov Reference</b>	<b>Proposal description</b>	<b>Decision and date</b>
L/1995/0357	45767/A	Change of use from caretakers house to teaching accommodation	Approved, 16 <sup>th</sup> June 1995
L/1998/1590	45767/B	Change of use from former caretakers house to police sector station, construction of two storey extension and six parking spaces	Approved, 10 <sup>th</sup> February 1999
L/1999/0927	45767/C	Change of use from former caretakers house to police sector station; construction of two storey extension and 5 car parking spaces	Approved, 14 <sup>th</sup> October 1999
R/2004/2360	45767/D	Erection of two portable buildings	Approved, 19 <sup>th</sup> October 2009

FUL/2018/2914		Demolition of existing Police Station and erection of three 2 bedroomed dwelling houses; two 3 storey buildings, 1 building containing five 1 bedroom flats and 1 building containing six 2 bedroomed flats	Refused 13 <sup>th</sup> December 2018, Appeal Dismissed 25 <sup>th</sup> October 2019.
FUL/2019/2910		Demolition of existing Police Station and erection of three 3 storey buildings, 1 building containing five 1 bedroom flats and 1 building containing six 2 bedroomed flats, and the third building containing 5no. 1no. bedroom flats; 1no. building containing 6no. 2no. bedroomed flats & 1no. building containing no 2no bedroomed & 1no 1no bedroomed flat. (Resubmission FUL/2018/2914).	Withdrawn

FUL/2018/2914 was refused on the following grounds: -

1. The proposed development, by virtue of its contrived design to achieve required separation distances between the proposed detached houses and those behind in Lomsey Close, will create a development of poor design which would have a significant adverse impact on the character and appearance of the surrounding area, contrary to Policy DE1 of the Coventry Local Plan 2016, and the overriding design principles of the NPPF.
2. The proposed development, specifically the short garden lengths provided for the detached dwellings and the lack of sufficient off-street car parking for existing residents in an area, will provide a deterioration in the residential environment for existing

occupiers and a poor residential environment for future occupiers, contrary to Policies DE1 and H3 of the Coventry Local Plan 2016.

3. No mechanism has been agreed to mitigate the impact of the proposal upon education facilities or NHS provision within this part of the city, contrary to Policy IM1 of the Coventry Local Plan 2016.

In dismissing the appeal, the Inspector noted that the proposed separation distances between the proposed three houses to the south of the site, could only achieve an 18m window-to-window separation distance, falling short of the 20m requirement. The Inspector also commented on the proposed design solutions put forward by the applicant to enable a reduction in the 20m separation.

One design involved three high level windows each to serve a bedroom, bathroom and landing and whilst the Inspector noted that they would only be visible from the rear of the properties, it would result in a stark and unbalanced elevation design, which indicates a contrived design solution to overcome an unsatisfactory close arrangement of dwellings. The second design solution involved an asymmetric roof design with a longer rear roof slope and significant overhanging, this too was a contrived design solution.

Whilst both designs would have addressed the overlooking and privacy issue, the size, or more importantly, the depth of the proposed gardens would have been uncharacteristically short. The Inspector concluded that the uncharacteristic short plots together with the contrived house designs would result in development out of keeping with the prevailing character of the area. The short gardens would also, have provided inadequate depth resulting in reduced amenity and a poor residential environment and living conditions for future occupiers.

Turning to the Highways issues, The Inspector noted the parking standards the council require would be 24no spaces. The scheme provided only 22no. spaces, a shortfall of two spaces.

The Inspector noted that whilst the Highways Authority had not objected on highway safety grounds, and the parking standards are a maximum, the shortfall of parking would likely result in on-street parking pressures that would be to the detriment of the immediate area and to existing and future residents.

In concluding the appeal, the Inspector dismissed the appeal of the combination of short gardens and insufficient on-site parking would result in an overall poor residential environment that would harm the living conditions of existing and future residents.

## **POLICY**

### **National Policy Guidance**

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

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

### **Local Policy Guidance**

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

## **LOCAL PLAN POLICIES**

As required by Section 38(6) of the Planning and Compulsory Purchase Act 2004, the proposed development must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for the area relevant to this application site comprises of the Coventry City Council Local Plan 2016. Relevant policies are outlined below.

- Policy DS1 Overall Development
- Policy DS2 The Duty to Cooperate
- Policy DS3 Sustainable Development
- Policy H1 Housing Land Requirements
- Policy H3 Provision of New Housing
- Policy H4 Securing a Mix of Housing
- Policy H5 Managing Existing Housing Stock
- Policy H6 Affordable Housing
- Policy H9 Residential Density
- Policy CO2 Re-use of or redevelopment of facilities
- Policy GE1 Green Infrastructure
- Policy GE2 Green space
- Policy GE3 Biodiversity, Geological, Landscape and Archaeological Conservation
- Policy GE4 Tree Protection
- Policy DE1 Ensuring High Quality of Design
- Policy AC1 Accessible Transport Network
- Policy AC3 Demand Management
- Policy IM1 Developer Contributions for Infrastructure

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

SPG Design Guidelines for New Residential Development

SPG 'Extending Your Home'

SPD Delivering a More Sustainable City

SPD Coventry Connected

## **CONSULTATION**

No objections subject to conditions have been received from:

- Drainage

- Ecology
- Education
- Environmental Protection
- NHS – Outstanding.
- Highways
- Housing Policy
- Policy
- Streetscene & Greenspaces
- West Midlands Police

### **PUBLIC RESPONSES**

- Neighbour notification was sent in accordance with the Communications Record.
- A site notice was erected at the site on 28<sup>th</sup> May 2020 and a press notice was published within the local paper on 26<sup>th</sup> March 2020.
- 9no objections have been received on: -

### **Material Planning Consideration**

- Overlooking and loss of privacy
- Lack of car parking & resultant road safety issues;
- The new properties will not fit in with the surrounding area;
- Loss of parking area for existing residents;
- Loss of Green Space
- The minimum separation distances have not been met;
- Over development of the site
- Bin storage & vermin
- Lack of ventilation by windows

Any further comments received will be reported within late representations.

### **APPRAISAL**

The main issues in determining this application are: -

- Principle of development;
  - Loss of Community Facility;
  - Principle of Residential.
- Impact on Visual Amenity;
- Neighbouring amenity;
  - Block of flats fronting Tile Hill Lane;
  - Block of flats in centre of site;
  - Houses to the rear of the site.
- Proposed Residential Amenity;
  - Noise;
  - Contaminated Land.
- Highway considerations;
  - Parking.
- Affordable Housing;
- Greenspace;
- Ecology, biodiversity and trees;
- Drainage;
- S106 Contributions;
- Other issues;
- Equality issues.



## **Principle of development**

### Loss of Community Facility

The application involves the demolition of a Police 'Sector' Station. Policy CO2 of the CLP states proposals for the re-use or redevelopment of community premises for a use outside the scope of this policy will not be supported if:

- a) There is an outstanding local need which could reasonably be met at that location;
- b) The site remains viable for existing uses or could be made viable through appropriate diversification of use;
- c) the proposal is not compatible with nearby uses.

The application has been submitted with supporting information.

A review of the Coventry Local Policing unit's estates was undertaken in Autumn 2013. As part of asset rationalisation measures, the Commissioner approved the proposal to dispose of the Tile Hill Police Station as part of the Coventry LPU estate changes. Details of the closure were reported in The Coventry Telegraph on 30th January 2015. The site was marketed for 3 years.

Therefore, it has been sufficiently demonstrated that the loss of the police station is consistent with the agreed strategy for the delivery of policing services in the local community and city area.

The property was then marketed for three years, but with no success, the property was then sold through auction. It has been demonstrated that sufficient marketing of the premises has been undertaken and therefore the loss of the Police Station and therefore a community use is in accordance with Policy CO2. As such, the redevelopment of the site for another use is acceptable in principle subject to compatibility with other plan policies.

In summary, the loss of the community facility is acceptable due to the length of time the site together with the site being located within an existing sustainable location, within a predominately residential neighbourhood which is support by sustainable transport modes, shops, schools, health facilities etc. The principle of the development is in accordance with the aforementioned paragraphs of the NPPF and the policies contained within the Coventry Local Plan 2016 (CLP).

The previous application presented consistent evidence in relation to the loss of community building, which at the time was accepted by the Council. The Inspector dismissing the earlier appeal did not differ from the councils view and the appeal was not dismissed on the loss of a community facility.

### Principle of Residential

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

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

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

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

### **Impact on visual amenity**

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

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

The NPPF further states (at paragraph 130) “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

Policy H3 of the CLP states 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 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.

Policy DE1 of the Coventry Local Plan 2016 states all development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

The Design Guide for new Residential Development SPG sets out design standards which new development must adhere to.

The standards are considered to be the minimum that achieve basic levels of design and layout. Proposals which fall below these standards may not obtain planning permission. It is also emphasised that development should not be ‘designed down’ to minimum standards. The SPG is committed to encouraging the achievement of the highest standards of design in all circumstances.

All proposals will be examined taking into account the following criteria:

- The need to maintain at least minimum design standards within the proposed site.
- The need to maintain the amenity of nearby residents.

This is echoed within the 'Extending Your Home' SPG which states development should harmonise and respect the local built form.

The proposal seeks to demolish the former local police station, and erect two separate blocks of three storey flats and three detached dwellings.

On the opposite side of the road, is a site which is currently being built under an extant permission granted on 2<sup>nd</sup> April 2007 under R/2006/0973, which approved outline permission for the redevelopment of the former college site and the subsequent reserved matters applications, mentioned above, approved the siting of, amongst other items, a 40-unit apartment block. The houses were constructed at the time of the approval, however, the apartment block has only recently begun being constructed.

The 40-unit apartment block is set back from the road, retaining green space to the front area.

Part of the proposed application site falls within the definition of green infrastructure as set out in Policy GE1 of the CLP. The original application showed the siting of the block of flats, adjacent to the pavement on Tile Hill Lane. This resulted in the complete loss of the open green space. As amended the block of flats fronting onto Tile Hill Lane has been set back, retaining a portion of green space, on a similar building line to that of the extant permission across the road.

The apartment block fronting onto Tile Hill Lane has a similar design and style to that of the extant permission across the road, together with the second apartment block towards the middle of the application site.

The design and siting of the first two apartment blocks is considered acceptable as previously amended, the design harmonises with the surrounding existing development and current permissions being built out and therefore will not appear as an incongruous feature within the street scene. The Inspector dismissing the earlier appeal did not differ from the council's view and the appeal was not dismissed on design grounds for the two blocks of flats, to the north and centre of the site.

The main crux of the appeal centred around the erection of three detached houses to the south of the site.

FUL/2019/2910 was withdrawn as the proposal included a third apartment block. Originally, the application proposed three detached houses on this site, however, to achieve the minimum separation distances and window to window distances high level windows were included and / or an overhanging roof, with roof lights to serve the rear rooms. The previous application was refused and dismissed on appeal, due to its contrived design solutions which created a poor residential environment.

The current application has omitted the three detached dwellings and apartment block to the south of the site and replaced them with two detached dwellings. The dwellings have been designed to be in keeping with the surrounding development, each habitable room has an outlook to the side overlooking the garden area. This is now considered to be an acceptable design solution and will not appear as an incongruous feature within the street scene.

The proposals are now considered to achieve a good standard of design. The two houses to the rear will not appear as an incongruous feature within the street scene and their design and orientation have overcome the previous reasons for refusal. The Proposals are in accordance with Policy DE1 of the Coventry local Plan and the aforementioned paragraphs of the NPPF.

### **Neighbouring amenity**

Policy H5 requires new development to be designed and positioned so it does not adversely affect the amenities of the occupiers of neighbouring properties. As mentioned above, the Residential Design Guide SPG together with Extending Your Home – SPG sets out the minimum standards required to achieve in order to maintain sufficient standards of amenity.

#### Block of flats fronting Tile Hill Lane

This part of the site has removed car parking spaces along the shared boundary with No.29 Lomsey Close and proposes the retention in perpetuity of a 2m high brick wall. It was considered that having car parking spaces immediately adjacent the rear elevation of the adjacent house was unacceptable due to the associated noise and disturbance generated from cars being parked, car doors slamming and engines revving. This item can be controlled by a suitable worded condition. Furthermore, the habitable room windows which were in close proximity to the car parking area associated with the flats have been reoriented. Therefore, there will not be demonstrable harm to the occupiers of No.29 Lomsey Close or the occupiers of the proposed flats through noise and disturbance.

#### Block of flats in centre of site

The one-bedroom flats proposed towards the centre of the site has a blank gable immediately behind No.23 Lomsey Close, and the required 12m separation distance is met. No windows are proposed within the side gables adjacent to the car park and therefore there will not be demonstrable harm to the occupiers of No.23 Lomsey Close or the occupiers of the proposed flats, from either block through visual intrusion or loss of light.

#### Houses to the rear of the site

As mentioned above, the minimum window to blank gable separation distance required is 12m. The proposal includes a blank two storey gable of the two houses which backs onto No.17, No.19 & No.21 Lomsey Close. The 12m distance is achieved.

The house is orientated with the garden to the side, this provides the 10m garden depth required between the two proposed houses to maintain the 20m window to window separation distance.

The previous application was refused and dismissed at appeal due to not only the depth of the gardens between properties in Lomsey Close being only 6m deep but also because of the contrived design which was put forward for the proposed houses.

Whilst it is acknowledged that the houses do not have a 'rear' garden, the houses do have a 10m wide garden to the side of the property and do have the required separation distances of 12m between the rear elevation of the houses in Lomsey Close and 20m window to window separation distance between the two proposed houses, these elements, which were refusal reasons both at application stage and at appeal are now consistent with the adopted SPG rather than contrary to the SPG.

#### Proposed residential amenity

##### *Noise Assessment*

A noise assessment will be required for the proposed apartment block nearest Tile Hill Lane (not for the houses) to take account of road traffic noise and shall specify mitigation measures required. This is to ensure that a satisfactory residential environment can be created

for the future residents of the apartment block. This can be controlled by a suitably worded condition. Please refer to Condition No.9.

### *Contaminated Land*

Due to the sites previous use and location of electricity sub-station, fuel tanks and boiler plant with chimney Environmental Protection require an investigation and risk assessment to be submitted prior to commencement of the development to assess the nature and extent of any contamination on site. This is to ensure that a satisfactory residential environment can be created. This can be controlled by a suitably worded condition. Please refer to Condition Nos.10 – 13.

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

Policy H3 also requires safe and appropriate access in order to create a suitable residential environment. This is discussed in more detail below.

### **Highway considerations**

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

Highways Department has raised no objections to the proposal subject to details of the proposed cycle storage, parking spaces are laid and maintained and a Construction Method Statement (CMS) is submitted. These can be controlled via a suitable worded condition.

However, as stated previously, Policy H3 of the Coventry Local Plan also states in order to provide a suitable residential environment adequate parking provision is included.

### Parking

The proposal is for 6 x 2 bedroom flats, and as the number of 2no bedroomed flats is less than 10, no visitor spaces are required, therefore 12no spaces are required for the 2 bedroomed flats; 6no. (5 + 1 unallocated visitor space) for the 5no, 1no bedroomed flats and 4no for the 2no, 2no bedroomed detached dwellings (having 2no each), making a total of 22no parking spaces in total.

The originally submitted proposed site plan showed 12no spaces for the 6no, 2no bedroomed flats; 4no for the 5no, 1no bedroomed flats (making a deficit of 2no spaces) and 2no. car parking spaces for each house.

An area of hard standing was shown to the south of the second three storey block in between this block and one of the two storey houses.

Concern was expressed previously about these spaces being used as car parking spaces which are not associated with the houses due to the close proximity of these spaces and the potential impact they can have on the occupants of the house, through increased noise and disturbance.

Highways have raised no objections to the application with regards to highway safety, however, the previous application, FUL/2018/2914, was refused on the basis that the lack of parking would cause parking stress in an area which is already congested.

The Inspector in dismissing the appeal stated: -

*“On my visit I observed that the terraces of three storey dwellings opposite and in Blanchfort Close generally had driveway parking for one vehicle with an integral single garage. Some garages had been converted into rooms leaving the property with one space, unless the driveway had also been widened. Vehicles that were parking on the road were half mounted on the pavement suggesting to me the road was not wide enough for cars to park and for traffic to pass easily in both directions. Furthermore, parking on the pavements would impede pedestrians and those with mobility issues including those with pushchairs.*

*I understand that there is to be further residential development for a 40-unit residential apartment block on the other corner of Tremeley Drive opposite the site, and the Council will be implementing a residents' parking scheme. This would indicate to me that parking provision in the area is already under pressure without the extant permission and the proposed scheme coming forward. Whilst the Highway Authority has not objected on highway safety grounds and the parking standards are a maximum, the shortfall of parking.”*  
*would likely result in on-street parking pressures that would be to the detriment of the immediate area and to existing and future residents. I acknowledge that the appellant could provide 2 parking spaces directly in front of the block of 6 flats adjacent to the boundary with to 29 Lomsey Close. However, the siting of these spaces close to the rear of the house would cause noise and disturbance and harm their living conditions.*

Amended plans have been submitted which now provide the total quantum of parking provided (22no spaces), in locations relating to the building they are designated for.

As the development now provides the full amount of parking required by policies, it is considered that the proposal will not have a detrimental impact on car parking levels causing parking stress in a locality where residents parking schemes are being considered. The previous reason for refusal and dismissal at appeal have been overcome by providing the level of parking required. The proposals now accord with the provisions of Policy H3 and AC3 relating to adequate parking.

### **Affordable Housing**

Policy H6 of the CLP states new residential schemes of 25 dwellings or more, or more than 1ha, will be expected to provide 25% of all dwellings as affordable homes.

The site is less than one hectare and there are fewer than 25 units, so 25% affordable housing is not required in accordance with Policy H6 of the CLP. However, at the Planning Committee meeting of 16<sup>th</sup> July 2020, it was reported that the site would attract an affordable housing contribution due to Paragraph 64 of the NPPF.

Paragraph 64 of the National Planning Policy Framework (the Framework) sets out amongst other things that for major development involving the provision of housing, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership. Exceptions include where this would exceed the level of affordable housing required in the area.

The number of units proposed and the site area fall below the thresholds of 25 dwellings or more, or more than 1ha, whereby 25% of the dwellings would be expected to be affordable

homes under the requirements of Policy H6 Coventry Local Plan. The development plan for the area therefore does not require an affordable housing contribution to be made in this instance.

An appeal decision has been received, where the Inspector in allowing the appeal (the development without the affordable housing requirement) stated: -

*“The level of affordable housing required in the area would have been comprehensively assessed in the preparation and examination of the LP and requirements of the Framework. Policy H6 should therefore be considered as being the up-to-date and commensurate approach to meeting the assessed requirements for affordable housing in the area.*

*Therefore, the provision of 10% of the proposed apartments for affordable home ownership would exceed the identified level of affordable housing required in the area. This would be contrary to the requirements of the Framework.*

*Footnote 29 of the Framework also confirms that 10% affordable home ownership should be part of the overall affordable housing contribution from a site. The reference in the Framework to the provision of ‘affordable home ownership’ relates to affordable housing mix and should not be interpreted to mean that all major residential developments should provide a 10% affordable housing contribution regardless of locally assessed requirements.”*

Therefore, having regard to the requirements of the Local Plan and the NPPF, it is considered that the affordable housing contribution should not be triggered.

### **Greenspaces**

The proposed development has been considered in the context of the councils new Green Space Strategy (GSS).

When there is a shortfall of green space within the ward, the developer will be obliged to provide appropriate green space within the development and/or to provide funding for improvements to existing green space within the vicinity of the development. The proposed development however is approximately 0.15ha and therefore less than the Minimum Size Threshold with regards to the need for Formal or informal Green Space to be provided on site, over and above landscaping or amenity space shown within the development.

As such, the GSS has identified the need to provide offsite contributions to help contribute towards formal green space within the area (either by way of quantitative or qualitative improvements).

The landscaped area will be secured by condition. In addition, a total of £15,375 is to be provided through the s106 agreement towards offsite provision. This will be supported by a separate payment for maintenance if the land is transferred to the council.

### **S106 contribution**

- a) Formal Green Space requirement in hectares arising from development 0.03 ha
- b) Rate for construction of Informal Green Space (per ha) £584,200
- c) S106 requested as compensation **£15,375.00**

This will be supported by a separate payment for maintenance if the land is transferred to the council.

## **Ecology, Biodiversity and Trees**

Policy GE3 of the Local Plan states that Sites of Special Scientific Interest (SSSIs), Local Nature Reserves (LNRs), Ancient Woodlands, Local Wildlife and Geological Sites will be protected and enhanced.

The site is within 200m of Limbrick Wood (LNR, LWS, Ancient Woodland) and approx. 800m from Tile Hill Wood (SSSI, LWS, LNR, Ancient Woodland), both sites have statutory designations. The site is largely building and hardstanding with amenity grassland and bordered by mature trees

The resubmitted Planning Statement (MPC, November 2019) states that there will be some loss of greenspace but that overall this will be mitigated as a result of site remediation and the conversion of hardstanding areas to soft landscaping and greenspace.

The existing buildings to be demolished do not appear to provide significant opportunity for bats. Whilst the trees on the site may provide opportunities for bats and nesting birds any impact here can be mitigated. In this respect, the Block Plan shows that existing trees on the site will be lost but shows some replanting. The small group of trees on the site provides some connectivity with the woodland sites in the area and other parts of the city, therefore any trees removed should be replaced and any landscaping design using appropriate native species and bird boxes could mitigate any losses on site and lead to an overall biodiversity gain in accordance with Policy GE3. This can be controlled by a suitably worded condition. Please refer to Condition No.18 and 19.

## **Drainage**

The levels shown on the Drainage Strategy drawing suggest that there is no fall away from the buildings line, such that the adjacent areas are flat.

The FFL must be a minimum of 150mm above ground level and attention should be given to the requirements of the Building Regulations., The City Council's drainage team raise no objections subject to a condition requiring details for the provision of surface water drainage. This is in line with the comments received from Severn Trent, who also raise no objections subject to details of the disposal of surface water and foul sewage. This can be controlled by a suitable worded condition. Please refer to Condition No.24.

## **S106 Contributions**

Affordable Housing – no requirement

Education - As the site is for less than 10no, two-bedroom dwellings, it is unlikely to generate enough pupils to request an education contribution. If the development were to change and include homes for family occupation, then education would request a contribution.

Greenspaces - £15,375.00 (supported by a separate payment for maintenance if the land is transferred to the council).

NHS – Please note there has been a delay in confirming the final s106 request from the NHS due to the relevant supporting officers having been furloughed. This matter is in the process of being finalised and will be confirmed through late representations.

## **Equality Implications**

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;



- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

### **Conclusion**

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, highway safety or ecology subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS3, H3, H5, H9, DE1, AC1, AC2, AC3, GE3, GE4, EM1, EM2 & EM5 of the Coventry Local Plan 2016, together with the aims of the NPPF.