

Planning Committee Report	
Planning Ref:	OUT/2020/1057
Site:	Unit 10 Westmede Centre Winsford Avenue CV5 9AF
Ward:	Whoberley
Proposal:	Outline application (access, layout and scale submitted) for demolition of existing A1 Store and flats and replacement with new A1 shop with 6no. 2 bed duplex apartments above and 18no. new 2 bed apartments in the form of 3no. new buildings, associated parking
Case Officer:	Ayesha Saleem

SUMMARY

The application comprises of the demolition of the existing A1 Store and flats and replacement with new A1 shop with 6no. 2 bed duplex apartments above and 18no. new 2 bed apartments in the form of 3no. new buildings. The application is outline with means of access, layout and scale being considered. All other matters relating to appearance and landscaping are reserved for later consideration.

BACKGROUND

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

KEY FACTS

Reason for report to committee:	More than 5 objections have been received
Current use of site:	The site currently has an existing A1 store which serves a Nisa. This has 2 apartments above it, there is also a large associated parking area and a nearby small area of privately-owned open space.
Proposed use of site:	New A1 shop with 6no. 2 bed duplex apartments above and 18no. new 2 bed apartments in the form of 3no. new buildings

RECOMMENDATION

Planning committee are recommended to delegate the grant of planning permission to the Strategic Lead for Planning subject to the conditions listed in the report and the completion of the S106 legal 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 accords with Policies AC2, AC4, DE1, DS3, H3, H4, H5, H6, H9, R3, R5, EM7, GB1, GE1, GE3, GE4 and IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

UPDATE ON DEVELOPMENT PROPOSALS:

Members will recall that this application was considered at the Planning Committee meeting dated 17th September 2020. It was deferred for the following reasons, listed in the minutes of that meeting:

“The Committee considered a report of the Strategic Lead, Planning and Major Development detailing the above outline application (access, layout and scale – 4 – submitted) for demolition of existing A1 store and flats and replacement with new A1 shop with 6no. 2 bed duplex apartments above and 18no. new 2 bed apartments in the form of 3no. new buildings and associated parking. The application was recommended for approval subject to conditions and the completion of the S106 legal agreement to secure the contributions listed within the report.

The Committee having considered the report, were not satisfied with the proposals for the car parking for the shop and the residential units and the amenity space. “

Following the meeting officers contacted the applicant and requested the following:

- Clarification that the parking survey included the local centre and the medical centre, which should cover peak times.
- Clarification on whether the current Nisa car park is private.
- Clarification on how the parking area is going to be controlled to ensure that residents do not park in retail and vice versa.
- Clarification on how the roof top garden for the flats above the retail unit is going to operate
- A recommendation to increase the amenity space on site, in which the plans have been amended accordingly.
- The site plan has been amended to show all existing Rights of Way are to remain unaffected.

Parking Survey:

The Agent has confirmed that the NISA car park is private.

The transport statement has been amended to reflect the correct parking spaces for the retail unit. As two of the spaces have been removed as they are to be used as service bays only.

Parking Management:

Further information has been submitted in respect of the parking management of the site with a plan to show three zones and arrangements within these zones.

Amenity Space:

Further clarification has been provided in respect of the rooftop amenity space. Additionally, the proposals now incorporate areas of open space between the two blocks of residential accommodation.

BACKGROUND

APPLICATION PROPOSAL

The proposal is to demolish the existing shop which has a gross floor area of 802 sqm. and build a replacement shop with 2 bed 'duplex' apartments above. The proposed new A1 food convenience store will have a gross floor area of circa 231 sq. m, with 118sq m of storage/staff space, along with a coffee kiosk in the car park. Above the new store it is proposed to construct 6no. 2 bed duplex apartments with a large communal roof garden area. In the space created by the scheme it is proposed to erect 18no. 2 bed flats to the south in the form of two buildings with associated parking.

The proposal is to be phased in three phases. The first phase is to be in relation to the erection of the retail unit with 6 duplex apartments above. The second phase will be the demolition of the existing Nisa store, and the final phase will be the erection of the 18 flats south to the application site. The phasing plan also states that this will be implemented concurrently and completion within 3 years of commencement

The shop will be situated to the north of the site, closer to other existing shops. The proposed apartments will be to the south of the site. The proposed buildings will be of a similar scale to the neighbouring mixed-use commercial/residential buildings facing Whitaker Road, with 3 storeys. The shop will have a maximum height of circa 9.9 metres and the flats to the south will have a maximum height of circa 10.5 metres.

The 6 duplex apartments above the shop are to have an open plan living/ dining and kitchen area at first floor level and at second floor are to accommodate two bedrooms and a bathroom. The 18 flats are also each to accommodate open plan living/ dining and kitchen area, two bedrooms and a bathroom.

The proposed customer parking area for the new Nisa Store will have a total of 19 car parking spaces in the car park, including 2 disabled spaces, and a cycle store.

Parking for the apartments that will be above the Nisa store is situated at the rear of the shop, in the residential area. All the apartments are accessed from the proposed roof top central garden. The 2 apartment blocks have parking between the blocks and to the east of the site. There are also cycle parking spaces provided. The total parking for residential accumulates to 42 parking spaces for the residential units. There are numerous bin store points within the site and a new substation is to be created east within the site.

The site will be accessed via the existing entrance on Whitaker Road.

The proposal involved the removal of three trees located north within the application site.

All other matters relating to appearance and landscaping are reserved for later consideration.

SITE DESCRIPTION

The plot of land at Whitaker Road is currently an A1 Nisa store, with associated parking and a large grass verge. The store is part of the Westmede Centre.

The local centre comprises a group of around 20 small shop units in a variety of Class A uses on the south side of Winsford Avenue, around the junction with, and also part fronting, Whitaker Road. There are flats/maisonettes above the main group of shops and a separate run of two storey shop units at the eastern end leading, via pedestrian

street, to the current Nisa store at the south end which is the largest retail unit in the centre. The current Nisa store has a gross floor area of 808sq m.

To the east of the centre are residential flats in Winsford Court and a primary school and to the west of the existing shops lie a number of community facilities including the Allesley Park Neighbourhood and Medical Centre and Pharmacy, a library, the Wilfred Spencer day care centre and a church. A further primary School is located to the west of the library in Winsford Avenue.

To the south of the application site is a ribbon of landscaped open space alongside a stream course with more residential development beyond.

The application site is relatively flat, most of which comprises a large tarmac car park which is sometimes used by visitors to the nearby medical centres. The car park is not well defined in terms of spaces but is estimated at present to have a capacity of approximately 38 standard parking spaces and 10 disabled spaces.

PLANNING HISTORY

Application Number	Description of Development	Decision and Date
OUT/2019/1733	Outline application (access, layout and scale submitted) for demolition of existing A1 store and flats and replacement with a new A1 shop, with 7no. 2 bed duplex apartments above and 12 three bed townhouses, and associated parking and amenity spaces.	Withdrawn- 16/12/2019

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF published in February 2019 sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

The National Planning Practice Guidance (NPPG) 2014, adds further context to the NPPF, and it is intended that the two documents are read together.

National Design Guide 2019 sets out the characteristics of well-designed places and demonstrates what good design means in practice.

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 policies relating to this application are:

- Policy DE1- Ensuring high quality design
- Policy DS3- Sustainable Development Policy
- Policy H3 - Provision of new housing
- Policy H4 - Securing a Mix of Housing

Policy H5 - Managing Existing Housing Stock
Policy H6- Affordable Housing
Policy H9- Residential Density
Policy AC2- Road Network
Policy AC4- Walking and Cycling
Policy EM7- Air Quality
Policy R3- The Network of Centres
Policy R5- Retail Frontages and Ground Floor Units in defined centres
Policy GB1- Green Belt and Local Green Space
Policy GE1- Green Infrastructure
Policy GE3- Ecology and biodiversity
Policy GE4- Tree Protection
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 2009
SPD Coventry Connected (Transport and Accessibility) 2019
SPD Air Quality 2019

STATUTORY CONSULTATION RESPONSES

Highways (CCC)- No objections subject conditions
Environmental Protection (CCC)- No objections subject to condition
Planning Policy (CCC)- No objections
Ecology (CCC)- No objections subject conditions
Drainage (CCC)- No objections subject to conditions
Urban Design (CCC)- No objections
Trees (CCC)- No objections subject to conditions
Housing Policy (CCC)- No objections
Education (CCC)- Contribution requested
Streetscene and Greenspace (CCC)- Contribution requested

NHS- Contribution requested
West Midlands Fire Services- No objections
West Midlands Police Services- No objections subject to informatives
Environment Agency- No objections
Waste Management- No objections
Severn Trent- No comments received
Canal River Trust- No objections

PUBLIC RESPONSES

Notification letters were sent out to neighbouring properties and a site notice was displayed on the 1st June 2020.

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

- Overdevelopment
- Already congested area
- Insufficient parking and parking is an existing issue
- The parking survey days and times are not peak shopping hours on either day. It's obvious that demand for parking would be at a low level at the times of the survey
- Increase demand on social infrastructure- medical clinics and schools
- Concerns regarding three storey design and height not acceptable

- Concerns regarding scale
- The existing rural landscape should be preserved and enhanced- ie Guphill Brook
- Appearance and landscape should be considered
- Impacts green corridors along Guphill Brook- policies DE1 and GE1 are relevant
- No evidence has been submitted to demonstrate that the existing landscape and amenity value, especially the important trees along the south side of the site, will not be adversely affected by the development
- Massing not in keeping with the surrounding properties
- Reduction of greenspace
- Trees should be incorporated rather than removed
- The proposal would disrupt several pedestrian routes
- The applicant's Flood Risk Assessment is dated September 2019 and deals with a previous scheme that is not the same as the current proposal, so its conclusions cannot be relied upon.
- Energy efficiency should be considered

Within the letters received the following non-material planning considerations were raised:

- Overpopulating the area
- Where is the recycling centre to be considered?

Two letters of support were received raising the following material planning considerations:

- Improve the area
- Attract more business to the area
- Brownfield site should be utilised

The above matters were considered by Planning Committee at their meeting on 17th September 2020. Since that meeting one letter of objection was received raising the following material planning considerations:

- The application's 'massing elevations' falsely suggest that the 3-storey flats are positioned more than 7 metres from the crowns of a few medium-sized trees. In reality, there is an extensive and dense group of large trees very close to the site. Some tree branches actually touch the south wall of the lower extension to the existing Nisa store, which occupies part of the site of the proposed eastern block of flats. The flats would be larger in area and three times as high, so they would be far more likely to damage the trees in windy weather and destroy their roots during construction.
- These excellent policies have been ignored in this application. The proposal would block access across the site to the green corridor along Guphill Brook and deter people from using it, hide its attractive trees from public view behind tall bulky flats built too close to them and damage the canopies and roots of the trees during and after construction. Therefore, we believe that Planning should have opposed the application because of these clear breaches of Policies DE1 and GE1.
- Information requested for condition 22 should be submitted now rather than at a later stage. (Condition 22 relates to Tree information)
- This proposal needs a parking survey that takes advantage of local knowledge about peak overall demand in the area around the site. Getting the answer right would benefit future shoppers and residents of the flats as much as it would local people who expect to park outside their nearby homes or in the Nisa car park, which acts as a vital overflow on the frequent occasions when there is nowhere else to park. The submitted plan provides a maximum of 21 parking spaces for the shop and general use but the previous photographs show that the existing car park, which has 41 spaces, had

passed this limit at 11.40 on a Friday morning, even while activities are reduced by Covid19.

- At the meeting the Planning officer stated that current public access across the site would be maintained. This is not true. Although the revised proposal presented at the meeting would maintain access between the car park and the eastern arm of the shops, it would block off the equally important footpath along the eastern edge of the site which links Winsford Ave. and the car park to the green space along Guphill Brook. The broad and attractive green space beside the brook leads to the gate of St Christopher School.

Neighbours were re-notified on 15th February 2021 following receipt of the amended plans and additional information. A further 5 objections have been received raising the following material considerations:

- Overdevelopment
- Concerns regarding impact upon trees
- Insufficient parking on site
- Parking is an existing issue within the area
- Concerns regarding massing and scale
- Proposal does not take into account policies DE1 and GE1
- Rooftop garden is not the same as ground floor landscaping.

Within the letters received the following non-material planning considerations were raised:

- Potential reduction in water pressure
- Current recycling centre needs to be relocated

Following further amendments to the scheme to include the provision of amenity space and the updated transport statement, letters were sent on 8th March 2021 to all previously consulted neighbours and any others who commented previously.

Any further comments received will be reported within late representations.

ASSESSMENT

Principle of Development:

Policy R3: To support the city centre, the Council will designate, enhance, maintain and protect a network of Centres consisting of Major District Centres, District Centres and Local Centres. These Centres will be the preferred locations for new shops, and other Main Town Centre and community facility uses which do not serve a city-wide catchment.

Policy R5: The impact of a proposal on the primary retail function of a centre will be determined on the basis of:

- a) the location and prominence of the unit within the relevant frontage;
- b) the width of the frontage of the unit when compared to other units in the centre;
- c) the number and proximity of other units occupied by 'A' class uses; and
- d) compatibility of the proposal with nearby uses.

The existing retail floor area is 460m², with an additional 342m² storage/staff area. The proposed retail floor area is 231.2m², with 118m² storage/staff area, giving a decrease in commercial floor area of approximately 453m².

The location of the proposal is within a Designated Centre. Policy R3 of the Local Plan seeks to enhance, maintain and protect such designated centres. Officers do not believe that this

reduction in floorspace is contrary to any of the points raised in policy R3. Indeed, a reduced retail footprint at a Local Centre may help to support the centres hierarchy by not generating a conflict in demand with higher order centres. In addition, as the applicant is seeking to phase the development, a retail provision remains on site across the construction phase.

In terms of Policy R5 specifically paragraph 2, Officers consider that the proposal will make the new retail store more prominent and improve its connection with the wider centre. In addition, Officers also believe that taken together, the residential and retail element is compatible with both the existing uses within the centre and on its periphery. As such, Officers consider this to be a sustainable location for these types of development, whilst at the same time, bringing forward the opportunity to reconfigure the rear of site that appears to have become somewhat forgotten about over the course of time. On this note, Officers do acknowledge the small loss of green space that is currently in situ where the car park is proposed. However, it is not considered that this loss outweighs the benefits of this application for two principle reasons:

1. The area to the south of site is designated Local Green Space under policy GB1 of the Local Plan.
2. The area within the application site boundary is informal, incidental green space and does not provide a functional use.

Taken together, the retention of this green space is not necessary.

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

The proposed residential development is within a sustainable location, close to public transport routes, local shops and services.

The scheme is considered to be acceptable in principle. The main considerations are therefore the provision of sufficient parking and the creation of a satisfactory residential environment in response to the concerns raised previously by Members. In this regard it is considered that the revised proposals address these concerns.

Scale and Layout:

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

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

When considering the massing in the locality the suggested 3 storey massing is an appropriate response, the neighbouring properties that form the existing Streetscene of Whittaker Road are predominantly 3 storeys and have a similar vertical grain with commercial ground floor use and residential units above. Furthermore, the proposed buildings, although set back, have an active frontage on to Whitaker Road which allows for added interest and continuation of the Streetscene.

The proposed layout complies with the Residential Design Guide. The residential units' positioning within the layout are also beneficial in providing increased passive surveillance onto both Whittaker Road, Westmede Centre and the greenspace to the south.

The change in materiality to indicate the residential street is a beneficial consideration and provide a sense of separation between the uses and allow for a clear indication between the residential and customer parking.

Furthermore, although landscaping is a reserved matter not considered within this application there is the provision of indicative soft landscaping highlighted within the proposed site plan which is largely positive.

Overall, the scale and layout of the proposals are considered to be acceptable and the Urban Design Officer raises no objections to the proposals.

Impact on residential amenity:

No 39-69 Winsford Avenue is located north of the application site. This is a three-storey building which has retail units at ground floor level and residential at first and second floor level. The ground floor retail units are located circa 19.7 metres from the rear wing of the retail units. The first and second floor is located 28.1 metres away from the proposed retail and residential units. The proposal is not considered to cause harmful overlooking, loss of light or invasion of privacy to the amenity of this occupant.

No 11-13 Whitaker Road is located north-west of the application site which is a three-storey building. The proposed retail/ residential block is located circa 12.8 metres away from this neighbouring building. There are windows at first floor and second floor level which accommodate kitchen/ dining areas and a bedroom. These windows are not directly positioned towards No 11-13 Whitaker Road. The proposal is not considered to cause harmful overlooking, loss of light or invasion of privacy to the amenity of this occupant.

The Westmede centre is located north-east of the application property. The proposed retail unit with flats above is located circa 23.8 metres. The proposal is not considered to cause harmful overlooking, loss of light or invasion of privacy to the amenity of this occupant.

The proposed retail and 7 duplex apartments are 'U' shaped and there is a distance of 20.0 metres between the wings. The 7 duplex apartments are located circa 10.0 metres away from the proposed block apartments located to the south of the application site. The wing to the duplex elevation serving flat 18 is a blank elevation, thus no harmful overlooking is to be caused. The apartment blocks to the south are sited at a distance of circa 35.5 metres from each other. The proposed development is not considered to cause harmful overlooking, loss of light or invasion of privacy to the amenity of future occupants.

Members raised concerns about the proposed amenity space for future occupiers in terms of the quantity and how it would work, and further information has been provided in this regard. The proposed rooftop garden is located on top of the proposed retail unit roof and forms the centre of the courtyard between the duplex flats. This area is communal green space in the same way that communal green space exists on the ground floor. This area is for use of the duplex apartments only and will be maintained through a service agreement with all residents of the development. The service agreement will be for all aspects of

maintenance of the whole development and this would simply be included. This green space improves the outlook from the duplex flats and gives them a dedicated amenity space. It would be landscaped mainly with grass and small shrubs/plants with a railing and a parapet detail to the edge.

The plans have been amended to include provision of amenity space for the flats to the south. The position of the block of flats to the left have been slightly moved to increase amenity space on site. Each block is to have 150sqm of amenity space each on site. Although there is shortfall in term of the amount amenity space on site, there is public open space directly adjacent to the south.

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

Highway and Access 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. Appendix 5 further indicates that the car parking standards should be considered as maximum. However, it is recognised that in exceptional circumstances there may be occasions when it could be appropriate to have a lower or higher level of parking depending on the specific details of the application. In all cases, any departures from the parking standards should be fully and appropriately justified with detailed supporting evidence.

The existing parking requirement for the A1 shop area of 808m² is 33 parking spaces. The proposed A1 development of 350m² would require 14 spaces to accord with Coventry City Council's Local Plan 2016 Appendix 5 Car and Cycle Parking Standards for New Development policy.

With regard to the residential parking requirements the existing 2 x 3bedroom flats require 4 parking spaces for residents and 1 for visitors giving a total of 5. The proposed residential development of 24 x 2-bedroom apartments will require 48 resident parking spaces and 3 visitor spaces, total 51 parking spaces.

Overall, the development site will require 65 car parking spaces to accord with Policy AC3 (51 for residents and visitors, 14 for A1 use). Within the current plans a total of 61 parking spaces have been proposed (42 for residents and visitors, 19 for A1 use).

In line with the requirements of Appendix 5 In order to fulfil the appropriate criteria to mitigate the slight under provision of residential car parking spaces on this site the applicant has commissioned a car parking survey. It was agreed with the Highway Authority that the parking survey should be carried out during the A1 Nisa Store's peak hours as this study is to appraise their own private car park. Notwithstanding the fact that the private car park is for the use of the A1 store's customers, it is acknowledged that visitors to the adjacent Doctors surgery, Library and other shops within the Westmede

Centre also use this car park on an informal basis, therefore all parking within a 200m (656ft) radius of the proposed site was included. The 8-space staff car park for the doctor's surgery to the rear of the health centre has not been included.

The submitted parking survey shows that whilst all parking areas are well used, with the exception of *lightly used* unrestricted on-street parking which varies between 22% - 33% occupied, none of them ever reach maximum saturation.

Parking spaces restricted to disabled permit holder usage peaks at 40% occupation for the Health Centre during the Friday observation (surgery is open until 18:30) and 60% during the Saturday observation (surgery closed on Saturday). The Westmede Centre (Nisa Store) disabled parking reaches 30% usage on Friday and 40% on Saturday.

Health Centre parking space for Parent & Child are seen to be used for 30 minutes on Saturday morning only (surgery closed on Saturday)

Health Centre parking spaces for general use reach 85% usage on both Friday (surgery open until 18:30) and Saturday (surgery closed on Saturday). The Westmede Centre parking spaces for general use ranges from 47% - 71% occupation.

Spaces restricted to 30 mins no return within 1 hour 08:00 – 18:30 reach a high of 79% usage on Friday and 84% on Saturday

Based on this information, the applicant has demonstrated that there is adequate car parking availability both on and off street to accommodate the existing business needs for the wider Westmede Centre Shops and the Health Care Centre.

In respect of parking management, the agent has submitted a plan showing three zones; blue, pink and green zones.

The blue zone is the main entrance road which is used by both residents and for the retail.

The pink zone denotes the parking for the retail unit. This number of spaces fulfils the requirement for parking. It will not be specifically controlled, similarly to how the current retail car park works, but there will be signs up that say that it is parking reserved for the shop only.

The green zone is reserved for residents only and is controlled via a key code gate. Bin lorries etc will have access to the gate with the code. There is more than adequate parking for the residents and their visitors as per the transport statement. As part of the residents' lease-holder agreement, they will not be able to park within

The Highway Authority considers that the impacts of the development are not severe and has no objections to the proposals.

Other Matters:

Environmental Protection Officers have no objections to the proposals subject to conditions in relation to hours of deliveries, no fixed plant or machinery, air quality (vehicle charging points and low NOx boilers), contaminated land and a construction and environmental management plan.

The Council's Ecology Officer has no objections to the proposal. However, there are loss of some trees and amenity grassland. Any future soft-landscaping plan should ensure that the trees are replaced, and planting includes wildlife-friendly species. The residential accommodation should include biodiversity enhancements eg 2x bird or bat boxes. It is recommended that this be covered through a condition.

The Council's Tree Officer initially requested a tree protection statement for the site boundary, to substantiate para 24 of the tree report, that the barriers will be in place throughout the physical build process and a landscape plan to identify new tree planting details. The agent has submitted a tree report and officers have recommended that tree protection details are to be submitted via a condition.

Notwithstanding the Flood Risk Assessment and Drainage Strategy submitted, the proposed development site is in very close proximity to Flood Zone 3. Furthermore, the proposed development site is at risk of surface water flooding for the 0.1% AEP event, therefore officers have recommended a number of conditions to ensure a satisfactory drainage solution.

S106 Contributions:

Policy IM1 of the Coventry Local Plan 2016 states 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.

NHS have requested a contribution of £38,967.00.

Education have requested a contribution of £241,805.

Green Space have requested a contribution of £37,700 for off-site improvements to both formal and informal green space within the ward to offset the impact of the new residents.

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 17th September 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.

Equality implications:

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

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

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

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

CONCLUSION

In view of the acceptable principle, design and no detrimental impact upon neighbouring properties, the scheme accords with development plan policies, supplementary planning guidelines and the NPPF 2019 therefore the application is recommended for approval. The development is in accordance with Policy AC2, AC4, DE1, DS3, H3, H4, H5, H6, H9, R3, EM7, GE1, GE3, GE4, and IM1 of the Coventry Local Plan 2016.

CONDITIONS AND REASONS:

1. Details of the appearance of the building(s) and landscaping of the site(including rooftop garden) (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in full accordance with these reserved matters as approved.

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

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 development hereby permitted shall be carried out in accordance with the following approved plans:

Existing Site and Location Plans DWG: 1110.01A

Ground Floor Plan DWG: 1110.13L

First Floor Layout DWG: 1110.14D

Second Floor Plan DWG: 1110.15D

Indicative Massing Elevations DWG: 1110.16A

Tree Survey and Report- Report Number J107

Tree Report- March 2020

Planning Statement Ref:- 1110

Design and Access Statement Ref:- 1110.12A

Parking Survey- May 2019

Transport Statement Final- March 2021

Phasing Plan DWG:1110.17A

Flood Risk Assessment- August 2020

Whitaker Road Information for Committee- Rev A

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

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

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

6. Any landscaping (other than the planting of trees and shrubs) including the erection of boundary treatment, rooftop garden, 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 proposed development within that phase 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.*

7. 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 building 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.*

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

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

9. No deliveries shall be made to or dispatched from the premises other than between
07:00 hours to 15:00 hours Monday to Friday;
08:00 hours to 15:00 hours on Saturdays;
10:00 hours to 15:00 hours on Sundays and Bank Holidays.

Reason: *To safeguard the amenities of nearby occupiers in accordance with Policy DE1 of the Coventry Development Plan 2016.*

10. 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.*

11. Prior to their incorporation into the development hereby permitted, a package of measures to minimise the impact of the development upon local air quality shall be submitted to and in writing by the Local Planning Authority. These measures shall have consideration of the following: -
- (i) Provision for electric vehicle recharging points or dwellings to be made 'EV-ready' so a power connection is available to install an EV charge point as required;
 - (ii) 10% of parking provision to be for EV re-charging on non-residential development
 - (iii) Use of low NOx boilers (to have a maximum dry NOx emissions rate of 40mg/kWh);
- The measures shall be installed in full accordance with the approved details prior to first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

Reason: *To mitigate the impacts of development on air quality during and post construction in accordance with Policies DS3 & EM7 of the Coventry Local Plan 2016.*

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

Reason: *To protect the amenity of the occupiers of the residential accommodation hereby approved in accordance with Policies DS3 and EM7 of the Coventry Local Plan 2016.*

13. An investigation and risk assessment (in addition to any assessment provided with the planning application); must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site, and any report of the findings must be submitted to and approved in writing by the local planning authority. The report of the findings, to be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11', must include; (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the

potential risk to; human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monument; (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

14. 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.*

15. 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.*

16. Prior to occupation of the development hereby permitted and following completion of the measures identified within the remediation scheme approved under condition No. 15, 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.*

17. 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 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, 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 15.

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.*

18. 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 an 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.*

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

20. The development shall proceed in accordance with drainage details which shall first be submitted to and approved in writing by the local planning authority and shall incorporate the following:
- i. A scheme for the provision of surface water drainage, incorporating SuDS infiltration or attenuation techniques. There must also be consideration of features such as green roof technology for the management of all surface water, peak and total flows, in accordance with Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'.
 - ii. A detailed strategy for the long-term maintenance of the SuDS and other surface water drainage systems on site.
 - iii. In accordance with point i) above, the development discharge rate must be managed to a limiting value of 5.0 l/s offsite.
 - iv. During demolition, provisions must be made to ensure there is no increase in sediment loads within the surface water runoff from the site.
 - v. The development must be considered for the implementation of permeable paving or similar permeable material for the partial reduction of flow and the improvement of water quality in accordance with Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'.
 - vi. Provisions must be made for the drainage of the site to ensure there is no discharge of surface water to the Public Highway.
 - vii. The development shall not be occupied until such time as a scheme to install vehicular traffic pollution control measures within the car parking facilities, shut-off valve together with oil and petrol separators with high level alarm, has been submitted to, and approved by, the Local Planning Authority. This should be submitted along with a periodic maintenance plan.
 - viii. 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.

ix. Finished floor slab levels must be 300mm above the 1 in 100 year pluvial flood levels, and above the 1 in 1000 year fluvial flood levels.

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

xi. Foul drainage plans.

Reason: *To ensure that adequate drainage facilities are available for the satisfactory and proper development of the site in accordance with Policy EM5 of the Coventry Local Plan 2016.*

21. The development hereby permitted shall be carried out in accordance with the following approved Phasing Plan DWG:1110.17 unless and alternative phasing plan has been agreed in writing by the Local Planning Authority.

Reason: *To ensure that in the event of the development being carried out on a phased basis, satisfactory access and interim environmental treatment is provided to address the impact in the interests of public safety and amenity in accordance with Policies DS4, DE1, AC1 and AC2 of the Coventry Local Plan 2016.*

22. Before any development commences on site (including any demolition, site clearance or other preparatory works) of that phase 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.*

23. Prior to the first occupation of the residential accommodation hereby permitted, details of lighting to the site shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in full accordance with the approved details prior to first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

Reason: *To ensure a satisfactory residential environment for future occupiers of the residential accommodation in accordance with Policy H3 of the Coventry Local Plan 2016.*