

Planning Committee Report	
Planning Ref:	OUT/2020/2882
Site:	401 London Road, Coventry
Ward:	Binley and Willenhall
Proposal:	Outline planning for erection of up to 24no dwellings (Use Class C3) with associated access works, parking, landscaping and ancillary works. All matters reserved except access.
Case Officer:	Emma Spandley

SUMMARY

The application has been submitted in outline form where the principle of the development, together with the number of units proposed off the existing accesses to serve that development are only assessed.

BACKGROUND

The application relates to a parcel of land allocated for housing under Policy H2:9 of the Coventry Local Plan.

Policy H2:9 sets out the following requirement.

H2:9	Land at London Road/Allard Way	Binley and Willenhall	200	GF	Retention and reuse of locally listed pumping station and lodge. Retention of important hedgerows and management of biodiversity/ecology impacts. The provision of at least 2.5ha of publicly accessible green space as part of the development.
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There are two other outline planning applications, which relate to the allocation. Whitley Pumping Station, London Road (OUT/2020/2521) and Land at Allard Way (OUT/2020/2665). Together with the application site.

Together all three applications make up the entire allocation H2:9 of the Coventry Local Plan 2016.

KEY FACTS

Reason for report to committee:	Over 5 objections contrary to the officer recommendation. One Petition sponsored by Cllr Brown and Cllr Bailey
Current use of site:	Single Dwellinghouse
Proposed use of site:	Housing

RECOMMENDATION

Planning committee are recommended to delegate the grant of planning permission to the Strategic Lead for Planning subject to conditions and subject to the completion of a S106 Agreement to secure the contributions listed within the report.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal makes provision for necessary developer contributions.
- The proposal accords with Policies: DS4: (Part A), Policy H1, Policy H2, Policy H3, Policy H4, Policy H6, Policy H9, Policy GE1, Policy GE3, Policy GE4, Policy JE7, Policy DE1, Policy HE2, Policy AC1, Policy AC2, Policy AC3, Policy AC4; Policy EM4;

Policy EM5, Policy EM7 and Policy IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application outline permission with only access being discharged for the erection of up to 24no. dwellings.

An indicative layout, dated November 2020 - Drawing No.WR/22, has been submitted in support of the application which demonstrates how the quantum of development (the number of units) could potentially fit onto the site, whilst also delivering the other requirements of the allocation, in so far as they relate to the retention of the important hedgerows and the management of biodiversity/ecology impacts.

SITE DESCRIPTION

The application site has an inverted L shape and has a frontage to London Road of some 36no. metres and depth of around 52no. metres. It is generally flat other than in the paddock behind the existing buildings where levels fall by about two metres. The site has two existing three-metre-wide vehicular accesses to the London Road at its northern and southern extremities to the London Road frontage. There are five buildings: a five-bedroom Edwardian detached house set back from the road by some 19no. metres; a former granary; a store and two garages.

The site is part of a larger Housing Allocation site, which comprises three different owners. The main body of the allocation is divided into two ownerships, with land adjacent to Allard Way in the ownership of Coventry City Council and the land in the middle, in the ownership of Homes England. The application site is separated from the main site by mature hedgerows.

PLANNING HISTORY

None

RELATED APPLICATIONS

<u>Application Reference</u>	<u>Description of Development</u>
OUT/2020/2665	Outline application (with all matters reserved except access): Erection of up to 125 dwellings, new vehicular access onto Allard Way, public open space, drainage, landscaping, car parking areas and other works
OUT/2020/2521	Hybrid planning application comprising: 1) Outline planning for erection of up to 195no dwellings (Use Class C3), new vehicular access onto London Road with associated access works, parking, landscaping and ancillary works. All matters reserved except access. 2. Full planning for the renovation of the existing Lodge Building to provide one dwellinghouse (Use Class C3); Change of use of the existing Pump House to provide four flats (Use Class C3), associated

	access works, parking, landscaping and ancillary works.
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POLICY

National Policy Guidance

National Planning Policy Framework (NPPF), July 2021. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

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

Local Policy Guidance

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

Policy DS1: Overall Development Needs
Policy DS3: Sustainable Development Policy
Policy DS4: (Part A) – General Masterplan Principles
Policy H1: Housing Land Requirements
Policy H2: Housing Allocations
Policy H3: Provision of New Housing
Policy H4: Securing a Mix of Housing
Policy H6: Affordable Housing
Policy H9: Residential Density
Policy GE1 Green Infrastructure
Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation
Policy GE4: Tree Protection
Policy JE7: Accessibility to Employment Opportunities
Policy DE1 Ensuring High Quality Design
Policy HE2: Conservation and Heritage Assets
Policy AC1: Accessible Transport Network
Policy AC2: Road Network
Policy AC3: Demand Management
Policy AC4: Walking and Cycling
Policy EM1: Planning for Climate Change Adaptation
Policy EM2: Building Standards
Policy EM4 Flood Risk Management
Policy EM5 Sustainable Drainage Systems (SuDS)
Policy EM7 Air Quality
Policy IM1: Developer Contributions for Infrastructure

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Design Guidelines for New Residential Development
SPD Delivering a More Sustainable City
SPD Coventry Connected
SPD Trees and Development
SPD Air Quality

CONSULTATION

No Objections received from:

- Planning Policy;
- Cadent;
- West Midlands Fire Service (WMFS);

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

- Archaeology;
- Drainage;
- Ecology;
- Economic Development;
- Education;
- Environmental Protection;
- Highways;
- Street Scene and Greenspace;
- Tree Officer.

Immediate neighbours and local councillors have been notified; site notices were posted on 3rd December 2020 at several locations adjacent to the site. A press notice was published in the Coventry Telegraph on 3rd December 2020.

7no. letters of objection have been received, raising the following material planning considerations:

- a) Increase in traffic and impact on London Road and Abbey Road;
- b) Loss of trees;
- c) Loss of house as it is part of Coventry's heritage;
- d) Impact on Folly Lane Boys Club.

One e petition was submitted online and attracted 32no. signatures respectively, it is sponsored by a Councillor Brown and Councillor Bailey, the e Petition raised the following:

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"We the undersigned petition the Council to reject the application Ref. No. OUT/2020/2882 for permission to build up to 24 dwellings on the site of No 401 London Road

Justification:

Such a development would further exacerbate the already dangerous traffic situation in the immediate vicinity of the hazardous junction with Abbey Road, Whitley, where fatalities have occurred in recent years. The Council has failed to regulate the negotiation of the triangular island located here."

This e-Petition ran from 30/03/2021 to 01/06/2021.

Any further comments received will be reported within late representations.

APPRIASAL

The main issues in determining this application are:

- Policy Background;

- Principle of development
 - Principle of Residential;
 - Density;
- Open space, Parks and Sporting Provision
 - Open space and Parks;
- Air Quality
 - Access,
 - Parking;
- Ecology, Biodiversity and Trees
 - Ecology and Biodiversity
 - Trees,
- Air Quality
- Drainage
- Affordable Housing
- Impact on Visual Amenity
- Archaeology
- Contaminated Land
- Developer Contributions
- Equality Matters

Policy Background

Section 2, paragraph 10 & 11 of the NPPF 2019 states that applications must be approved that accord with an up-to-date development plan without delay. Coventry City Council have an up-to-date Local Plan which was adopted on 5th December 2017.

Policy DS3 of the CLP states the Council will take a positive approach that reflects the presumption in favour of sustainable development consistent with paragraphs 10 & 11 of the NPPF 2019.

The Council is required to make decisions in accordance with the statutory development plan unless material considerations indicate otherwise. (Section 38(6) PCPA 2004 and Section 70(2) TCPA 1990). The statutory development plan is the Coventry Local Plan adopted in December 2017. The National Planning Policy Framework (NPPF) is a key material planning consideration.

Principle of development

NPPF paragraph No.7 states 'the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 10 & 11).

Principle of Residential

Policies H2 *Housing Allocations*, table 4.2 *Site Allocations for Housing* of the CLP sets out the sites which are allocated for housing development.

Policy H2:9 sets out the allocation requirements.

H2:9	Land at London Road/Allard Way	Binley and Willenhall	200	GF	Retention and reuse of locally listed pumping station and lodge. Retention of important hedgerows and management of biodiversity/ecology impacts. The provision of at least 2.5ha of publicly accessible green space as part of the development.
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The policy states that at least 200 dwellings will be provided across the allocation together with the retention and reuse of the locally listed buildings, retention of important hedgerows and management of biodiversity/ecological impacts and at least 2.5ha of publicly accessible green space.

Whilst the proposed development, in conjunction with planning application OUT/2020/2521 and OUT/2020/2665, exceeds the number of dwellings indicated in Policy H2:9, this number is not intended to be the maximum capacity of a site. The primary consideration is that the site is allocated for housing development in the Local Plan and, as such, the principle of development is acceptable.

Paragraph 119 seeks to ensure planning policies are promoting an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Whilst paragraph 185 states new development should be appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site.

Policy H1 of the Coventry Local Plan states future housing will be designed to create new and stable communities.

Policy H3 of the CLP states that new development 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.

Policy H4 of the Coventry Local Plan states that the Council will require proposals for residential development to include a mix of market housing which contributes towards a balance of house types and sizes across the city. The detailed layout and design will be considered at the reserved matters stage. However, a condition is recommended to require details of a housing mix in line with Policy H4. Please see condition No. 4.

The site is in a sustainable location accessible by several sustainable transport modes and is close to several employment generating areas and local retail provision, however, creating sustainable communities and therefore sustainable developments requires the proposals to also 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 application is in outline form; therefore, the matters of adequate amenity space and parking provision will be dealt with at Reserved Matters stage, however, officers have to be assured that the application can be progressed at Reserved Matters stage.

Policy DS4 (Part A) of the CLP states a masterplan is required to be submitted which clearly identifies areas of development so that proposals are planned in a comprehensive and integrated manner.

Whilst the site is part of the allocation, it is separated from the main allocation area by mature hedgerows and trees. The indicative masterplan submitted in support of OUT/2020/2521 shows how the two developments could come forward in a holistic and integrated manner. The indicative layout plan – Drawing No.WR/22 submitted in support of the application seeks to retain all the mature hedgerows on the site.

Officers are confident the proposed development will not prejudice the remaining part of the allocation coming forward.

As mentioned above sustainable developments requires the proposals to include safe and appropriate access and be safe from environmental pollutants such as land contamination, excessive noise and air quality issues.

These areas are discussed in more detail below.

Density

Policy H9 of the CLP is concerned with housing density and states in order to promote sustainable urban regeneration, new residential developments must promote the most efficient and effective use of land. The assessment of recent developments has shown that the density and mix of residential development largely reflects local density patterns, and this should continue. In order to support urban regeneration and high-quality design, development must ensure that land is used as intensively as possible whilst remaining compatible with the quality, character and amenity of the surrounding area.

Therefore, outside of the Ring Road (The A4053) a minimum of 35 dwellings per hectare (net) should be provided on Previously Developed Land.

When considering density, it is also important to ensure it is considered alongside other essential onsite provisions such as appropriate levels of amenity space, landscaping and any appropriate onsite infrastructure.

As such, the Council's policy is set in the context of net densities that seek to maintain:

- at least 20% of gross site area to remain undeveloped on sites in excess of 2ha, and
- at least 15% of gross site area to remain undeveloped on sites below 2ha.

The application is in outline form with only access being discharged. Officers are satisfied that the application can be advanced at the Reserved Matters stage.

The principle of new dwellings and the quantum of development in this location is acceptable, subject to compatibility with other policies.

Open Space and Parks

Policies H2 *Housing Allocations*, table 4.2 *Site Allocations for Housing* of the CLP sets out the sites which are allocated for housing development.

Policy H2:9 sets out the allocation requirements.

H2:9	Land at London Road/Allard Way	Binley and Willenhall	200	GF	Retention and reuse of locally listed pumping station and lodge. Retention of important hedgerows and management of biodiversity/ecology impacts. The provision of at least 2.5ha of publicly accessible green space as part of the development.
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The policy states that at least 200 dwellings will be provided across the allocation together with the retention and reuse of the locally listed buildings, retention of important hedgerows and management of biodiversity/ecological impacts and at least 2.5ha of publicly accessible green space.

Policy GE1 of the CLP states new development proposals should make provision for green infrastructure to ensure that such development is integrated into the landscape and contributes to improvements in connectivity and public access, biodiversity, landscape conservation, design, archaeology and recreation.

The application site is currently not accessible by the public and due to its size, there is no requirement to provide publicly accessible open space on site. Application OUT/2020/2521 and OUT/2020/2665 are providing the allocation on their sites.

The application is in outline form with only access being discharged, therefore the matters of location and quality of the requirement for the development will be conditioned for the siting reserved matters. Please see condition No.4.

Highways, access and parking

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should:

- a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes.
- b) Consider the transport and accessibility needs of everyone living, working or visiting the city.
- c) Support the delivery of new and improved high-quality local transport networks which are closely integrated into the built form.
- d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Access

The existing site benefits from two, three-metre-wide vehicle accesses. Details have been submitted which show the existing access is widened to facilitate a bin lorry being able to enter and leave the site; the northern access to become an IN only and southern access to become an OUT only.

The proposed new junction to help facilitate application OUT/2020/2521 – Whitley Pumping Station, has been assessed in conjunction with the proposals. Highways raise no objection to the proposal. Highways have assessed the application with the new Junction at Abbey Road / London Road and without it.

Taking all of the above into account, Highways have raised no objections to the proposed access subject to conditions. Please see conditions No.19, No.20 and No.21.

Parking

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

The application is in outline form with only access being discharged. The indicative masterplan submitted illustrates that the required off-road car parking required for the proposed units can be accommodated on site satisfactory. Officers are satisfied that the application can be advanced at the Reserved Matters stage.

Ecology, Biodiversity and Trees

Ecology and Biodiversity

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

Policy GE3 establishes that developments should provide a net gain and where this is not possible provide some form of offsetting.

The application site has been looked at holistically with the adjoining applications, (OUT/2020/2521 – Whitley Pumping Station and OUT/2020/2665 – Land at Allard Way) which make up the entire housing allocation and independently assessed.

The site is adjacent to Sowe Valley Stoke Aldermoor to London Road Local Wildlife Site, an important area of grassland, marsh and woodland which runs along the River Sowe. There are a number of LWS and Ancient Woodlands within 1km radius, however there are no records of notable wildlife from the site, but there are a number of records for bats and amphibians from the local area.

The current site includes a house and garden with grass and a number of mature trees. At least part of the garden includes unmanaged grassland which forms part of a larger area of grassland with significant wildlife value. The site is within an area allocated to housing (H2:9 Land at London Road/Allard Way), the immediate surrounding area forms part of a larger housing development

There is no objection on ecology grounds to the development subject to conditions requiring the implementation of biodiversity features; a biodiversity offsetting scheme and a construction management plan. Please see conditions No.10.

Trees

Policy GE4 states that trees make a valuable contribution to the city's green landscape. New developments should seek to retain existing trees and other landscape features, incorporating them into a high-quality design and landscape proposals where possible. Should loss be unavoidable, compensatory provision of new trees should be proposed as part of a well-designed landscape scheme.

This site contains high quality landscape features which include; TPO quality trees and hedgerows which make up the historic landscape setting, in addition to other specimen trees which formed the original landscape design.

No objections are raised by the Tree Officer subject to conditions requiring the retention and protection of the important landscape features. Please condition No.5.

Air Quality

Policy H1 of the Coventry Local Plan states future housing will be designed to create new and stable communities.

Policy H3 of the CLP states that new development 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.

Policy EM7 of the CLP states major development proposals will require the submission of an air quality assessment, as they may lead to a significant deterioration in local air quality resulting in unacceptable effects on human health, local amenity or the natural environment.

The application site is located within our Air Quality Management Area (AQA) declared for NOx. In line with the NPPF paragraph 181, the Air Quality SPD and with Chapter 11 (on air quality) as well as policies H3, DS3 and EM2 of the Coventry Local Plan the air quality impact of the development needs to be mitigated.

Environmental Protection have raised no objections subject to conditions securing low NOx boilers and EV charging points. Please condition No.8.

Noise

Policy H1 of the Coventry Local Plan states future housing will be designed to create new and stable communities.

Policy H3 of the CLP states that new development 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 has been supported by a noise assessment. Environmental Protection are in agreement that a satisfactory residential environment can be created. A further noise assessment will need to be submitted at the Reserved Matters stage relating to siting and layout to ensure the development can achieve the required noise levels.

Please see condition No.4.

The application is considered to provide a satisfactory residential environment in accordance with Policy DS3, H3 and DE1 of the CLP.

Drainage

Policy EM4 of the CLP states all major development must be assessed in respect of the level of floor risk from all sources.

Policy EM5 of the CLP states all development must apply SuDS and should ensure that surface water runoff is managed as close to its source as possible.

Drainage has raised no objections subject to conditions requiring a scheme for the provision of sustainable surface water drainage with consideration to open air SuDS and particular emphasis on attenuation techniques. Please condition No.15.

Affordable Housing

The development at 24no. units is below the threshold of 25 units in policy H6 of the adopted Local Plan. Therefore, 25% affordable housing will not be required.

Impact on Visual Amenity

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

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

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

The NPPF further states (at paragraph 134) “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

The application whilst in outline form with only access being considered where the matter of layout, appearance and scale are reserved for a later date.

Archaeology

Policy HE2 of the CLP states in order to help sustain the historic character, sense of place, environmental quality and local distinctiveness of Coventry, development proposals will be supported where they conserve and, where appropriate, enhance those aspects of the historic environment which are recognised as being of special historic, archaeological, architectural, artistic, landscape or townscape significance

Historically, the area does not appear to have been extensively utilised until the medieval period, although remains of Roman activity have been recorded in some density to the southwest. The site is within the parish of St Michaels, with the surrounding settlements or hamlets of Pinely, Willenhall, Whitley and Stivichall. However, the site itself does not appear to have been part of any of these settlements.

The proposed development site is located within an Archaeological Constraint Area, being the Seven Stars Farm, previously known as the Seven Stars Inn, dating back to the 17th century, where documentary references in 1676 show it was leased by R. Hopkins to J. Washington whilst in 1760 it is mentioned in an advertisement in Jobson's Coventry Mercury. During the 18th century the Seven Stars was a stopping place on the turnpike road to London near Willenhall Bridge. At that time the main London Road followed the route of the present Abbey Road. In 1763 it was briefly involved in the affair of the 'Coventry Gang'. In the 18th century large gangs of lawless criminals roamed the country. One such gang, although based in a quiet backwater near London, arrived in Coventry on Great Fair Day, June 3, 1763, intent on picking pockets and robbery. They robbed the Caste Inn on Broadgate of £200 and some silver items. One robber was apprehended close to the Castle whilst another three escaped towards Leicester and were caught by their pursuers. Yet most of the gang slipped out of Coventry undetected and met at the Seven Stars Inn on the London Road before departing for their headquarters near London.

However, four gang members lay in prison in Coventry and it did not take long for Alderman Hewitt, three times mayor and renown thief-taker, to track down the hide-out and arrest more of the gang. Interestingly the gang members were charged not only with the robbery of the Castle, but also of premises in London, Lichfield, Worcester, Manchester, Derbyshire and Cheshire.

Although their base was near London, they were always referred to as the 'Coventry Gang', as they were apprehended, tried and hanged there.

Building Significance

The Seven Stars is described on a deed of 1849 as a public house of Seven Stars Inn, it also appears on the O.S. map of 1834.

The inn was a block with two projecting arms whilst the outbuildings are an L-shaped structure.

In 1905 the Seven Stars was demolished, although an Edwardian replacement, called Seven Stars House, was built on the same site and continued to hold a license until 1927.

It is now No. 401 London Road. The only remains of the Seven Stars Inn-cum-farm today are its outbuildings which are now the Folly Lane Old Boys' Social Club.

It must be noted that the significance of the site is not derived from the buildings which are currently on the site and the adjacent site (Folly Lane Boys Club). This is evidenced by the remaining buildings of the former Inn and Farm are still in existence, as the Folly Lane Boys Club, which are not listed or locally listed. It is derived from historical association with the Coventry Gang.

The comments are noted with regards to the loss of the existing house, however, as mentioned above the existing house is not listed nor is it locally listed, neither are the original range of buildings, which made up the former Inn (Folly Lane Boys Club), therefore the demolition of the existing house is something that cannot be resisted.

Furthermore, due to the urban legend of the Coventry Gang being the historical significance of the site, there is no further requirement for any further archaeological surveys.

Contaminated land

Policy EM6 seeks to ensure that redevelopment of previously developed land does not have a negative impact on water quality, either directly through pollution of surface or ground water or indirectly through the treatment of wastewater by whatever means.

Environmental Protection have raised no objections subject to a condition requiring further details if any unusual ground conditions are encountered. Please see condition No.16.

Developer Contributions

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They are focused on site specific mitigation of the impact of development.

The legal tests for when you can use a s106 agreement are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010 as amended.

The tests are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and related in scale and kind to the development.

As well as the legal tests, the policy tests are contained in the National Planning Policy Framework (NPPF):

Paragraph 55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making.

Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification ²³.

Paragraph 57. Planning obligations must only be sought where they meet all of the tests mentioned above.

Policy IM1 'Developer Contributions for Infrastructure' of the CLP states that development will be expected to provide, or contribute towards provision of: a) Measures to directly mitigate its impact and make it acceptable in planning terms; and b) Physical, social and green infrastructure to support the needs associated with the development.

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

- Education;

The developer has agreed to the requested contributions.

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, highway safety, ecology or infrastructure, subject to relevant conditions and contributions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DS4: (Part A), Policy H1, Policy H2, Policy H3, Policy H4, Policy H6, Policy H9, Policy GB1, Policy GE1, Policy GE3, Policy GE4, Policy JE7, Policy DE1, Policy HE2, Policy AC1, Policy AC2, Policy AC3, Policy AC4; Policy EM4; Policy EM5, Policy EM7 and Policy IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS:/REASON

1. Approval of the details of the Appearance, Landscaping, Layout and Scale (hereinafter called ""the reserved matters"") shall be obtained from the local planning authority in writing before any development is commenced and the development shall be carried

out in full accordance with those reserved matters as approved.

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

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

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

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

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

4. The reserved matters shall include the following specific requirements and/or be supported by the following documents in so far as relevant to that matter:

- i) No buildings or other structures shall be placed within 10m measured from the back of footpath on London Road;
- ii) All existing hedgerows shown on drawing titled 'sketch proposals' shall be retained;
- iii) All existing trees as shown on drawing titled 'sketch proposals' shall be retained;
- iv) An environmental noise assessment. The noise assessment must be carried out by a competent person and include recommendations for any necessary mitigation measures to comply with BS 8233:2014 "Sound Insulation and Noise Reduction in Buildings-code of practice and "World Health Organisation Guidelines For Community noise" The mitigation measures shall be installed in full accordance with the recommendations of the approved report prior to first occupation of the development and thereafter maintained in full accordance with the approved details and shall not be removed or altered in any way.
- v) A schedule of the mix of dwellings proposed across the site to include a mix of market housing which contributes towards a balance of house types and sizes across the city in accordance with Policy H4.

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

5. The following information shall be submitted with landscape and layout reserved matters application:
 - a) 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.;
 - b) Arboricultural Method Statement (6.1); and
 - c) 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.*

6. The following information shall be submitted with layout and scale reserved matters application: Details of cycle parking facilities. 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 Plan 2016.*

7. The following information shall be submitted with layout and scale reserved matters application: Details of bin storage areas. The bin storage areas shall be provided in full accordance with the approved details prior to first occupation of the development and thereafter they shall remain available for use at all times and shall not be removed or altered in any way.

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

8. The following information shall be submitted with layout and scale reserved matters application: A package of measures to minimise the impact of the development upon local air quality. 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) Use of low NOx boilers (to have a maximum dry NOx emissions rate of 40mg/kWh);
 - (iii) A construction method statement demonstrating how dust and noise emissions are to be mitigated during construction.
- 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.*

9. Any landscaping (other than the planting of trees and shrubs) including the erection of boundary treatment, and the installation of paving and footpaths referred to in condition one shall be completed in all respects, within three months of the first occupation of a dwelling 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.*

10. The following information shall be submitted with landscaping reserved matters application: A combined ecological and landscaping scheme (ELS) and Landscape and an Ecological Management Plan (LEMP), shall be submitted to and approved in writing by the Local Planning Authority. The ELS scheme shall include all aspects of landscaping including details of any compensation for biodiversity loss, including the erection of bat boxes and/or bird nesting boxes (to include box type, numbers, location and timing of works). The LEMP shall include
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management, including mitigation and enhancement for species identified on site;
 - d) Appropriate management option for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten-year period);
 - g) Details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation;
 - h) Ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met.
- The LEMP plan shall be implemented in strict accordance with the approved details within three months of the first occupation of the development and thereafter shall not be withdrawn or amended in any way. The approved scheme shall be fully implemented 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.*

11. The following information shall be submitted with any reserved matters application: A Construction Environmental Management Plan (CEMP). The CEMP shall include the following: (a) a risk assessment of potentially damaging construction activities; (b) identification of biodiversity protection zones (e.g. buffers to trees and hedges or to protected wildlife habitat); (c) practical measures (both physical measures and sensitive working practices, such as protective fencing, exclusion barriers and warning signs) to avoid or reduce impacts during construction (particularly in relation to works within canopy and root protection areas for hedgerows or protected trees); (d) the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular); (e) the times during construction when specialist ecologists need to be present on site to oversee works (as required); (f) responsible persons and lines of communication; and (g) the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary). The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: *In order to safeguard protected and/or priority species from undue disturbance and impacts, noting that initial preparatory works could have unacceptable impacts; and in order to secure an overall biodiversity gain in accordance with Policy GE3 of the Coventry Local Plan 2016.*

12. The following information shall be submitted with any reserved matters application: Sample details of all facing and roofing materials. These details shall be installed only in full accordance with the approved details prior to the first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

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

13. The following information shall be submitted with any reserved matters application: A scheme which sets out where and how 'Secured by Design' standards will be incorporated into the development. These measures should 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 Secured by Design standards are met, in the interests of safety and security and the health and wellbeing of future occupiers of the development in accordance with Policies DS3, H3 and DE1 of the Coventry Local Plan 2016.*

14. The following information shall be submitted with any reserved matters application: A Construction Management Plan (CMP). The CMP shall include details of: - hours of work; - hours of deliveries to the site; - the parking of vehicles of site operatives and visitors during the demolition/construction phase; - the delivery access point; - the loading and unloading of plant and materials; - anticipated size and frequency of vehicles moving to/from the site; - the storage of plant and materials used in constructing the development; - the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate; - wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway; - measures to control the emission of dust and dirt during demolition and construction; - measures to control the presence of asbestos; - measures to minimise noise disturbance to neighbouring properties during demolition and construction; - details of any piling together with details of how any associated vibration will be monitored and controlled; and - a scheme for recycling / disposing of waste resulting from demolition and construction works. Thereafter, the approved details within the CMP shall be strictly adhered to throughout the construction period and shall not be amended in any way.

Reason: *The agreement of a Construction Management Plan prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection; to minimise disturbance to local residents and in the interests of highway safety during the construction process in accordance with Policies EM7, AC1 and AC2 of the Coventry Local Plan 2016.*

15. The following information shall be submitted with any reserved matters application:
a) A scheme for the provision of surface water drainage, incorporating SuDS

attenuation techniques. There must be consideration of features such as green roofs, rain gardens and swales, for the management of surface water peak and total flows, biodiversity and water filtering, in accordance with Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'.

- b) A detailed strategy for the long-term maintenance of the SuDS and other surface water drainage systems on site.
- c) Development discharge rates to be managed to Qbar greenfield rates
- d) Evidence the 1 in 100 year plus 40% climate change events will be held within the site boundaries
- e) Provision must be made for the drainage of the site to ensue temporary increases in flood risk, on or off site, during the construction phase.
- f) Surface water attenuation is to be located outside the 1 in 100 pluvial and fluvial flood extents.
- g) All opportunities to undertake river restoration and enhancement including de culverting, removing unnecessary structures and reinstating a natural, sinuous watercourse should be taken
- h) Single discharge points will be discouraged on larger sites, as discharge points are to be located to best mimic the natural discharge condition.
- i) A minimum 8m way leave must be provided from the top bank of any main river.
- j) An appropriately scaled intrusive ground investigation report to establish the depth and type of strata, including percolation results in accordance with BRE 365 and the presence and risk associated with migrant contaminants. Evidence of existing groundwater levels and 12 month seasonal variation monitoring to inform the drainage design to ensure the development will not increase or cause groundwater flood risk on site or off site.
- k) The development must be considered for the implementation of permeable paving or similar permeable material for the management of total surface water flows, and water filtering in accordance with Coventry City Council's adopted Supplementary Planning Document for 'Delivering a More Sustainable City'.
- l) Evidence to show the management of overland flow routes in the event of exceedance or blockage to the drainage system. Details should include demonstration of how the building will be protected in such an event. Finished floor slab levels must be 300mm above the 1 in 100 year pluvial flood levels.
- m) Where new or redevelopment site levels result in the severance, diversion or the reception of natural land 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.
- n) The drainage strategy should not result in top water levels of attenuation structures being above the natural ground level and must achieve a 300mm freeboard, in relation to this existing ground level, at the 1 in 100 year plus climate change event.
- o) Foul drainage plans.
The drainage details shall be installed in full accordance with the approved documentation prior to occupation of the development and thereafter shall not be removed or altered in any way.

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

- 16. In the event that contamination or unusual ground conditions are encountered during the development it must be reported in writing immediately to the Local Planning

Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary, a remediation scheme must be prepared for submission to and approval in writing of the Local Planning Authority. Following completion of the measures identified within the approved remediation scheme, a verification report must be prepared for submission to and approval of the Local Planning Authority.

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. The following information shall be submitted with any reserved matters application: A package of measures to minimise the impact of the development upon local air quality. 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); (iv) A construction method statement demonstrating how dust and noise emissions are to be mitigated during construction. 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.*

18. No lighting or illumination of any part of any building or the site shall be installed or operated unless and until details of such measures have been submitted to and approved in writing by the Local Planning Authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details.

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

19. The development hereby permitted shall not commence unless and until full engineering and construction details of the proposed vehicular accesses (entrance and exit) have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be occupied unless and until the access to the site, indicated on the approved drawings have been provided in full accordance with those details and thereafter those areas shall be kept.

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.*

20. Before the access hereby permitted is first used a 2.4 metre by 59.9 metre visibility splay to North and 2.4 metre by 57 metre visibility splay to South shall be provided at the back of the footway on either side of the proposed access way in full accordance with the approved drawings. The visibility splays shall be retained thereafter with nothing in the visibility splay exceeding 600mm in height.

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.*

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

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