

Planning Committee Report	
Planning Ref:	OUT/2020/2075
Site:	Land north of Rockwell House, Birmingham Road, Coventry, CV5 9AZ
Ward:	Bablake
Proposal:	Outline application with all matters reserved except access and landscaping for commercial development and extension of Rockwell Sheets Sales Ltd
Case Officer:	Ayesha Saleem

SUMMARY

The application is an outline application with all matters reserved except access and landscaping for the commercial development and extension of Rockwell Sheets Sales Ltd. The site is located within the Green Belt where the principle of development is considered to be unacceptable. No very special circumstances have been demonstrated to outweigh any harm to the Green Belt.

BACKGROUND

The application has been recommended for refusal. The application has received 5 public representations in support of the proposal

KEY FACTS

Reason for report to committee:	5 letters of support have been received
Current use of site:	The site currently has an existing unit which is known as Rockwell House and beyond this is grassland furnished in TPO trees.
Proposed use of site:	To be developed for commercial development and the extension of existing business Rockwell Sheets Sales Ltd

RECOMMENDATION

Planning committee are recommended to refuse planning permission.

REASON FOR DECISION

- The proposal is unacceptable in principle.
- The proposal does not accord with Policies DS3, DE1 and GB1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

This is an outline application with access and landscaping included. Scale, design and appearance are reserved matters. The proposal is a phased redevelopment of the applicant's current premises, their expansion onto land to the north, and a range of other buildings for other occupiers in use classes E(g)(iii) (former B1(c) light industrial), B2 general industrial and B8 storage and distribution. Two new buildings will be created for the expansion of Rockwell House and two commercial buildings will be created for the other occupiers.

The existing buildings to be replaced/refurbished comprise a warehouse and an office totalling 427sqm (4,596 sqft). The schedule of buildings proposed is as follows:

NEW ROCKWELL BUILDINGS.	Sqm	Sqft
Building R1	649	6,986
Building R2	798	8,590

<i>refurbishment of existing warehouse</i>	427	4,596
Total	1,874	20,172

NEW DEVELOPMENT FOR OTHER OCCUPIERS:

Building A	954	10,269
Building B	853	9,182
Total	1,807	19,451
Development Total (including refurbishment of existing 427 sqm warehouse)	3,681	39,623

The existing access will be retained via Birmingham road, it will be improved to provide a 7.3 metre width, formal kerbed radius, and improvements to the gradient as the access road enters the site. The proposed access will be amended to accommodate a new footway on the eastern side of the access road. The proposed footway will be 2 metres wide and will connect to the existing bus stop on Birmingham Road.

Tree Survey Groups W1 (The Hybrid Black Poplar trees that make up TPO G1); G2 and G3 are to be removed. The landscaping scheme is for replacement replanting with native species maintained. The replacement planting will run along the North and North Eastern site boundary and be of the same approximately 30 metres in width to reinforce the better existing specimens within group G4.

The existing antiquated cess pit that serves Rockwell and the adjoining office building

will be replaced with connection to the main sewer and a pumping station will be provided on site.

A number of amendments have been made to the scheme to reduce the number of buildings and to the landscaping.

SITE DESCRIPTION

The application site is situated directly to the south of the A45 and to the north of the B4104 Birmingham Road. The Meriden Business Park bounds the Site directly to the west and further commercial built form adjoins the southern and eastern edges of the site fronting the B4104. Rockwell occupy land and buildings on the southern edge within the site boundary. Beyond the southern boundary is an office building occupied by Middlemarch Environmental. Bablake House Care Home is to the east. The application site to the rear of Rockwell House is grassland furnished with a number of TPO trees. The application site is within Green Belt

PLANNING HISTORY

Application Number:	Description of development:	Decision and date:
R/2009/0225	Installation and use of a trade sales counter within an existing warehouse/distribution building	LDC Approved 20/04/2019

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF published in July 2021 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate, and necessary to do so. The NPPF promotes sustainable development and good design is recognised as a key aspect of this.

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

Local Policy Guidance

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

Policy DS3: Sustainable Development

Policy DE1: Ensuring High Quality Design

Policy AC1: Accessible Transport Network

Policy AC2: Road Network

Policy AC3: Demand Management

Policy JE2: Provision of Employment Land and Premises

Policy JE5: Location of R&D, Industrial and Storage/Distribution Development

Policy GB1: Green Belt and Local Green Space
Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation
Policy GE4: Tree Protection
Policy EM7: Air Quality

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Delivering a More Sustainable City 2009
SPD Coventry Connected (Transport and Accessibility) 2019
SPD Air Quality 2019

CONSULTATION RESPONSES

No objection from:
West Midlands Fire Service
Highways
Trees
Urban Design

No objection subject to conditions from: -
Environmental Protection
Ecology

Objection from: -
Planning Policy

PUBLIC RESPONSES

Notification letters were sent out to neighbouring houses and two site notices were displayed on the 18th September 2020.

Five letters of support have been received including a letter from Allesley Parish Council raising the following material planning considerations:

- a) More storage is needed on site in order for the business to grow
- b) Expanding in this location will create more jobs
- c) The redevelopment will tidy the site up
- d) If not approved the company will have to move out of Coventry resulting in loss of jobs and customers

One letter of objection has been received raising the following material planning considerations:

- e) This is allocated Green Belt
- f) Impact upon wildlife and trees

Any further comments received will be reported within late representations.

ASSESSMENT

Principle of Development:

This application is for the establishment of E(g)(iii) (former B1(c) light industrial), B2 general industrial and B8 storage and distribution uses in the Green Belt. As such, officers would consider policies; JE2, JE5 and GB1 of the Coventry Local Plan relevant in this instance alongside the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG) in assessing the principle of development at this site.

The whole site is in the Green Belt. Policy GB1 States 'Inappropriate development will not be permitted in the Coventry Green Belt unless very special circumstances exist. Development proposals, including those involving previously developed land and buildings, in the Green Belt will be assessed in relation to the relevant national planning policy.' The starting point, therefore, is that this is inappropriate development in the Greenbelt, so the principle of development is not acceptable unless demonstrated by very special circumstances.

Policy JE5 states '1. The Council's preferred location for new Research & Development (R&D), industrial and storage/distribution development are the sites allocated for such purposes under Policy JE2.

2. However, proposals for new R&D, industrial and storage/distribution development (including changes of use and the expansion of existing operations) on sites not allocated under Policy JE2 will be permitted provided that they are:

- a) Accessible by a choice of means of transport or will be made accessible by a choice of means of transport as a consequence of planning permission being granted for the development; and
- b) Have good access to a primary route on the highway network and an acceptable impact on the capacity of that network; and
- c) The proposal would not significantly compromise the viability or deliverability of land allocated in this Plan for employment development; and
- d) The development is compatible with other Plan Policies.

3. In addition to the above, proposals for new general industrial and storage/distribution development (including changes of use and the expansion of existing operations) on all sites (including those allocated under Policy JE2) will also be required to demonstrate that the proposed development would not result in significant harm to the amenities of persons occupying nearby residential property or other land occupied by uses sensitive to environmental pollution.'

Whilst the application site is not an allocated employment site set out under Policy JE2 (Provision of Employment Land and Premises), the policy requires a minimum supply of new employment land (58 hectares) on a 5-year rolling cycle that will be achieved through a combination of newly allocated sites and recycled land. The proposal, in our view represents, in part, the recycling of land, given part of the application site is previously developed. Therefore, officers consider the proposal would, in principle, contribute to this rolling supply. The National Planning Policy Framework (NPPF) supports the re-use of

previously developed land in Paragraph 119 and, in Paragraph 120, goes on to state that 'substantial weight' should be given to the value of using suitable underutilised brownfield land to meet identified development needs.

As this application seeks to introduce a B2 use, Local Plan policy JE5 is applicable. On this note, it is important to state again that the location of the application site is not an employment allocation as defined in Policy JE2. Therefore, the proposal would need to meet the criteria set out in paragraphs 2 and 3 of Policy JE5. In our view the site would meet the highway specific requirements of points a and b due to the close proximity of the site in relation to the A45 which could, subject to highways specialist advice, accommodate employment generating uses. Nevertheless, we are satisfied that this site would meet point c of this policy paragraph insofar as its scale would not compromise the viability and/or deliverability of employment land allocations in the Local Plan. Furthermore, due to the location of the site and its relationship to existing employment uses, officers are satisfied that such a use would not, based on the information submitted, be detrimental to the amenities of nearby residential properties and other land.

Point d of Local Plan Policy JE5 notes that the application must also conform to all relevant planning policies. Consequently, due to the fact that the location of this proposal is within the Coventry Green Belt, Local Plan Policy GB1 is applicable. This policy (paragraph 2) notes that "development proposals, including those involving previously developed land and buildings, in the Green Belt will be assessed in relation to the relevant national planning policy". The NPPF considers the construction of new buildings in the Green Belt as inappropriate in the first instance.

As the application stands, the applicant contends the proposal can be considered in two discrete parts, and officers quote, "*the existing Rockwell premises that are a brownfield site and the second is land to the north that is greenfield*". Officers do not dispute that the site can be viewed in two parts. Firstly, there is the existing warehouse and surrounding surfaced area that is within the Green Belt but considered to be previously developed land (brownfield land). Secondly there is the undeveloped part of the site that extends towards the A45 and provides that buffer between the existing developed land and the wider Green Belt. This land was considered as part of the Green Belt review and found to be important for retention.

Notwithstanding the applicant's position above, officers will aim to assess the proposal as a whole because essentially, it comes down to an assessment and judgement based on the potential impact of the proposal on the openness of the Green Belt and potential substantial harm to the openness of the Green Belt as per Para149(g) of the NPPF, which, for the avoidance of doubt, the applicant has stated is the area covered by the existing premises. In determining the factors that can be considered when considering the potential impact of development on the openness of the Green Belt, Planning Practice Guidance (Green Belts) (2019) requires a judgement based on the circumstances of the case and the consideration of three elements which officers will address below:

- the visual impact of the proposal – the applicant, in their design and access statement

has indicated the height of the proposed buildings will be reserved for later approvals. In absence of this information, an assessment of any potential visual impact is not realistically possible at the current time. Officers do note that an illustration of the proposal has been provided and photographic evidence of views, but we would suggest that further details are required at this outline stage. In the short term, the tree/hedgerow removal to facilitate development could make the site more visible within the surrounding area.

- the duration of the development, and its remediability – Officers consider the proposal as it currently stands would not make any provisions to return the land in question to its original state or to an equivalent (or improved) state of openness, if granted outline planning approval.

- the degree of activity likely to be generated, such as traffic generation - taken as a whole, the proposal would involve a NET additional increase of 3,254sq.m of floorspace. It is considered there would be an increase in traffic generation and activity as a result of the proposal from not only Rockwell, but the other occupiers proposed for the two commercial units.

The Agent has submitted the following reasons which they consider cumulatively will amount to Very Special Circumstances:

- Economic case- There is a need for the existing business to expand and upgrade their buildings. There are no other suitable sites available and given the business' long existence on the current site and connection with adjoining land in the ownership of one of the directors, it is logical to extend the business where they are. The current workforce is local, and the expansion will secure existing jobs, bring additional employment created by Rockwell expansion and the additional units will bring new employment.
- Viability- The Viability Report sets out the costs of development and reviews alternative sites. The proposal is only viable with the cross subsidy from speculative development given the abnormal cost of development due to matters such as levelling the access; removing and replanting TPO trees; and upgrading drainage to include a new pumping station.
- Alternative Sites- The viability report provides a schedule of available sites within a 5-mile radius of the site and finds there is nothing that is or has been available that will allow Rockwell to expand on a viable basis.
- TPO tree replacement- The existing black poplar trees are overmatured and reaching the end of their life. The removal and replacement of the over mature TPO hybrid black poplar trees with native species will provide enhancement and long-term security of suitable trees. Without the proposals the trees will continue to deteriorate and will disappear. The Detailed Landscape Strategy and the Landscape Management Plan provide the proposals. This proposal offers the opportunity for not just replacement but enhancement to the benefit of the environment.
- Biodiversity enhancements- The Biodiversity Impact Assessment Technical Note shows how the proposal can bring an enhancement over and above the existing situation and the policy requirement. A benefit that would only exist with the proposals

- Cess pit removal- The proposal includes the removal of the inadequate cess pit that currently serves Rockwell and adjoining buildings and replacement with a mains foul sewer connection and pumping station.

This area of Green Belt land was reviewed through the Coventry Local Plan examination process and was considered to serve the purpose of Green Belt as set out in the Local Plan. It is considered that the development of the site for employment uses is inappropriate development that would result in harm to the Green Belt. The benefits that have been identified by the applicant do not individually amount to very special circumstances however, when taken together, cumulatively, they are material. Accordingly, weight can be attached to those positive aspects of the development proposal as set out in the applicant's planning statement.

The existing warehouse to be refurbished is 427 square metres. The further development required for Rockwell's own use is 1,447 square metres, bringing the total area for Rockwell to 1,874 square metres. Whilst this will be around the existing building and surfaced area (brownfield land) it is still within the Green Belt and still needs to be justified by very special circumstances.

The additional area to the rear is entirely greenfield land (undeveloped) within the Green Belt. The proposals for this area are speculative so have no end user identified. The applicants argue that the use of this land for further employment use will make the works to the Rockwell site viable. This part of the development proposes an additional 1,807 square metres of floor space for speculative development.

The applicant's viability position is accepted. However, that in itself is not considered to be justification of very special circumstances. This, taken with the other works proposed, are not considered to demonstrate very special circumstances sufficient to outweigh the harm to the Green Belt.

In terms of harm, this will need to consider the impact on the open character of the Green Belt. In this regard, as the proposals are in outline with the scale and massing of the new buildings reserved for future consideration, a realistic assessment of the impact of such harm is difficult in the absence of any parameters. It is, however, considered likely to be substantial given that the increase in floor space of the buildings is likely to be approximately seven times that of the existing warehouse.

Given the proposal is located in the Green Belt and given the speculative nature of the proposal, in the first instance the proposal is considered to be inappropriate development within the Green Belt. The application is to only consider access and landscaping and currently details of the height, materials or design of the new buildings cannot be considered thus there are concerns in relation to harm to the openness of the Green Belt.

Planning Policy officers object to the proposals as it is considered that the applicants have failed to adequately demonstrate very special circumstances and the proposals are contrary to Policy GB1 of the Coventry Local Plan 2016.

Impact on visual amenity:

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

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

When considering the landscaping there is a positive retention and suggested enhancement to the existing boundary vegetation along the north of the site, producing a good landscape buffer from the neighbouring A45 that runs adjacent to the boundary. Additionally the introduction of the amenity spaces, swales and SUDS on the Northern portion of the site is beneficial in providing accommodation for the additional site run off created with the development while providing additional benefits by introducing an improved wetland environment and supporting planting to further biodiversity with the additional habitats for wildlife forming a larger landscaped buffer to the A45. This is alongside pedestrian routes through the landscaped areas providing a desirable pedestrian environment, the introduction of this additional green and blue a space will also form a positive benefit to the users of the site and would be supported by Policy DE1

In addition, there has been a positive consideration of the surrounding context with the introduction of additional landscape buffering to the West and East of the site further improving visual containment of the proposal from adjacent developments, this is notably important on the East boundary of the site with the neighbouring Bablake House Residential Home. The introduction of further landscape buffering is additionally positive in its provision being formed through the use of native species to reflect that already on site to further mitigate visual impact from the proposal.

Therefore, the landscaping element of the proposal is considered to be acceptable and in accordance with Policy DE1 of the Coventry Local Plan 2016.

Impact on residential amenity:

The closest residential premises is Bablake House which is located east to the application site. The existing building on site is the closest to this property at a distance of circa 1.7 metres. The new buildings are to be set at a further distance to this so in regard to built form there should be no impact upon the amenity of these occupants.

Environmental Protection officers have assessed the noise report and air quality assessments which have been submitted alongside the application. Environmental Protection officers have no objections subject to conditions in relation to hours of use and the findings of the air quality report are agreed, and mitigation measures shall be installed as specified. Officers did request further information in relation to suitable noise

monitoring position to ensure a suitably worded planning condition can be applied in regard to the boundary noise limit.

Highway considerations:

Policy AC2 requires safe and appropriate access to the highway system together with satisfactory on-site arrangements for vehicle manoeuvring so as to ensure safety for all users.

The existing access will be retained via Birmingham road, it will be improved to provide a 7.3m width, formal kerbed radius, and improvements to the gradient as the access road enters the site. The proposed access will be amended to accommodate a new footway on the eastern side of the access road.

The parking breakdown is difficult to calculate without a specific breakdown of the use class. If the units are under the B1 use class, they will need 89 parking spaces and if they are under the B8 use class they will need 40 parking spaces. On the indicative plan there is approximately 105 parking spaces provided on site, which is considered to be sufficient and in excess of what is required.

The Highway Authority has no objections to the indicative parking provision that has been provided and the proposed changes to the existing access. The Highway Authority is comfortable that the impacts of the proposed development are not severe and therefore has no objection to the proposals subject to the informative and conditions in relation to full details of the proposed access, car parking, turning areas and parking areas shall be consolidated and surfaced, details of cycle storage and a construction method statement.

Ecological considerations:

Ecology initially requested a financial contribution of £200,000 for biodiversity offsetting. The viability assessment indicated that the scheme would not be viable with such contributions. A revised layout was submitted, and this was accompanied by a revised Biodiversity Impact Assessment and Landscape Management Plan together with other documents. The General Arrangement retains many of the features from the previous proposal (brown roofs, tree belt) but includes more extensive SuDS, additional woodland, and biodiversity areas. Based on the revised layout and impact assessment, Ecology have removed their request for £200,000 for biodiversity offsetting.

The Biodiversity Impact Assessment (BIA) is based on the revised layout and shows a small overall biodiversity gain of 0.90 units (Warwickshire metric). The BIA includes more detailed notes regarding the management and enhancement of the different habitat features.

The Landscape Plan provides details of the establishment and management of the soft landscaping. The plan provides a general overview but does not include the details provided in the BIA or specific features such as the wetland/SuDS or brown roofs. It would

be hoped that it would include provision for monitoring the establishment and development of the features and the brown roofs.

Ecology indicate that any future reserved matters application should include an ecological management plan which clarifies the landscape design (the landscape drawing has no key and there are some uncertainties vs the plan in BIA). Any such plan should provide some details of the proposed enhancements (eg woodland) and the brown roofs.

There is no objection on ecology grounds to the revised outline application subject to conditions, it is accepted that the revised landscaping scheme and the BIA demonstrate that a small gain in biodiversity could be achieved.

Trees:

This application sets out the removal a large Group of TPO trees (G1 x85 Hybrid Black Poplar) including other trees which form towards 'City of Coventry (Birmingham Road No.7) Tree Preservation Order 1991'.

The Agent has confirmed that the proposed planting scheme shows a total of 397 new trees of light standard size and above. This includes a total of 85 trees to the southern western and northern (central site area)

The Tree Officer has no objections in principle for the replacements of the Hybrid Black Poplars located within G1, which are now establishing towards over-maturity and structural failure. They initially required that the indicative illustrative landscape plan identified the quantity of replacement trees, and also show a denser band of native planting to the North West boundary and retention of those trees within TPO Groups 2 (5 trees), G3 (4 trees) and G4 (6 trees) where possible.

The agent amended the landscape plan to address the above and whilst this has resulted in the loss of TPO groups 2, 3 and 4 given the overall increase in number of trees, the Tree officer has no objections to the proposals.

Viability:

On the original plans the Ecology Officer had requested a financial contribution of £200,000, which was considered the maximum likely outcome, assuming limited offset on-site.

Appraisal one is not viable commercially, appraisal two is marginally viable with the original appraisal showing 2.4% profit on gross development value. The market benchmark would consider this very low and not viable in many cases for the risk employed. Furthermore, the addendum report paints a worse picture and would show lower profit on Gross development value.

There is scope for debating individual items included in the second appraisal, however, no amendments will likely improve upon the initial gross profit margin. The initial gross profit margin is not likely to be accurate considering the additional costs given in the addendum report and will be weaker, even if individual inputs such as rent are debated and adapted. On this basis it is considered that this scheme cannot support s.106 contributions of £200,000. Officers in our property department have accepted the viability.

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 unacceptable principle, the scheme does not accord with development plan policies, supplementary planning guidelines and the principles of the NPPF 2021 and therefore the application is recommended for refusal. The development does not accord with Policies DS3, DE1 and GB1 of the Coventry Local Plan 2016.

CONDITIONS/ REASON

1. The application site lies within the Green Belt where strict policies of restraint apply. This outline application proposes new commercial development and extensions of existing Rockwell Sheets Sales business, which would be conspicuous and cause serious harm to the Green Belt because it: -
 - i) is inappropriate;
 - ii) diminishes openness;
 - iii) conflicts with the purpose of including land in the Green Belt by encroaching upon the countryside, extending urban sprawl, and is harmful to the maintenance of its character; whilst failing to contribute to the achievement of any of the objectives for the use of land in the Green Belt. There are no

special circumstances put forward to justify the proposal in order to outweigh the harm which would be caused by the proposal.

In consequence the application is contrary to Policy GB1 and DE1 of the Coventry Local Plan 2016 and the aims and guidance contained within the National Planning Policy Framework 2021 and is not justified by any other material considerations.