

Planning Committee Report	
Planning Ref:	FUL/2021/3040
Site:	Land to the rear of Seva School, Eden House Eden Road, Coventry
Ward:	Henley
Proposal:	Change of use of the formal school play area to comprising a multi-use games area (MUGA) and adjoining sports pitch with associated floodlighting; formation of a linking path with canopy between Eden House and Link House
Case Officer:	Emma Spandley

SUMMARY

The application site comprises the existing Seva Free School buildings at Eden House (building to the north) and Link House (building to the south) which has recently been acquired by the Department of Education (DfE) to accommodate the approved school expansion, along with the landscaping, play areas, and parking areas surrounding Link House and Eden House.

This application proposes the change of use of public open space to a multi-use games area (MUGA) with an adjoining sports pitch. The MUGA will be used by the existing school. A covered linked path will be formed to the rear of the buildings, forming a weather protected pedestrian accessway from Link House (Building to the South) to the MUGA and sports pitches.

BACKGROUND

Prior Approval application PA/2014/4217 was granted to convert the existing building known as Link House (building to the south) to a state funded school.

Prior Approval application PA/2020/0216 was granted to convert the existing building known as Eden House (building to the north) to a state funded school. Therefore, the lawful use of the site is as a school.

The application site is controlled by SEVAK Education Trust which operates Seva Free School, an all through Free School with an approved Pupil Advisory Number (PAN) of 1020 places (420 primary and 600 secondary).

Planning permission was granted in 2019, under reference number FUL/2019/2217, for the levelling off, of the land; change of use of the application site to form a MUGA and soft play pitch, a covered walkway from Link House to the site and associated floodlighting.

This current application seeks to make amendments to the 2019 approval by reducing the level of the site further and the additional of eight lighting columns around the perimeter of the MUGA and soft play pitch.

It is important to note that the principle of levelling the site and changing its use to be used as a MUGA in association with Seva School has already been granted planning permission under FUL/2019/2217.

FUL/2019/2217 is an extant permission, which can be implemented at any point in time.

KEY FACTS

Reason for report to committee:	Over 5 objections and an e-petition with 251 signatures against the officer recommendation supported by Cllr Maton and a call in from Ward Councillors
Current use of site:	School
Proposed use of site:	School

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions.

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 will not adversely impact the Public Open Space.
- The proposal will not adversely impact on the landscaping amenity value of the area.
- The proposal makes provision for necessary developer contributions.
- The proposal accords with Policies: DS3, GB1, GE1, GE3, GE4, DE1, AC1, AC3, AC4, EM5, EM7 and IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

**BACKGROUND
APPLICATION PROPOSAL**

The application proposes to level off the application site to create a more user-friendly area.

The playing field and MUGA has been approved under FUL/2019/2217 which is an extant permission.

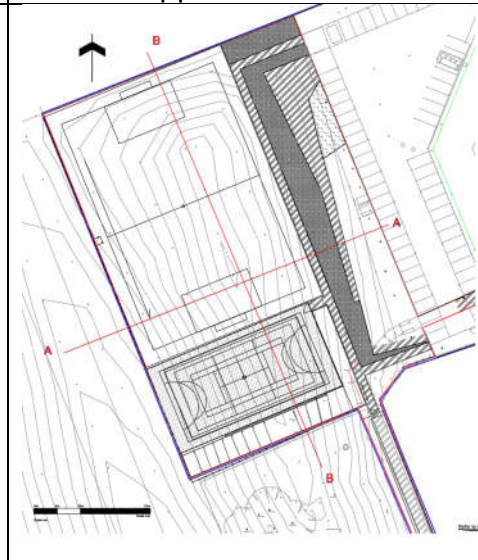


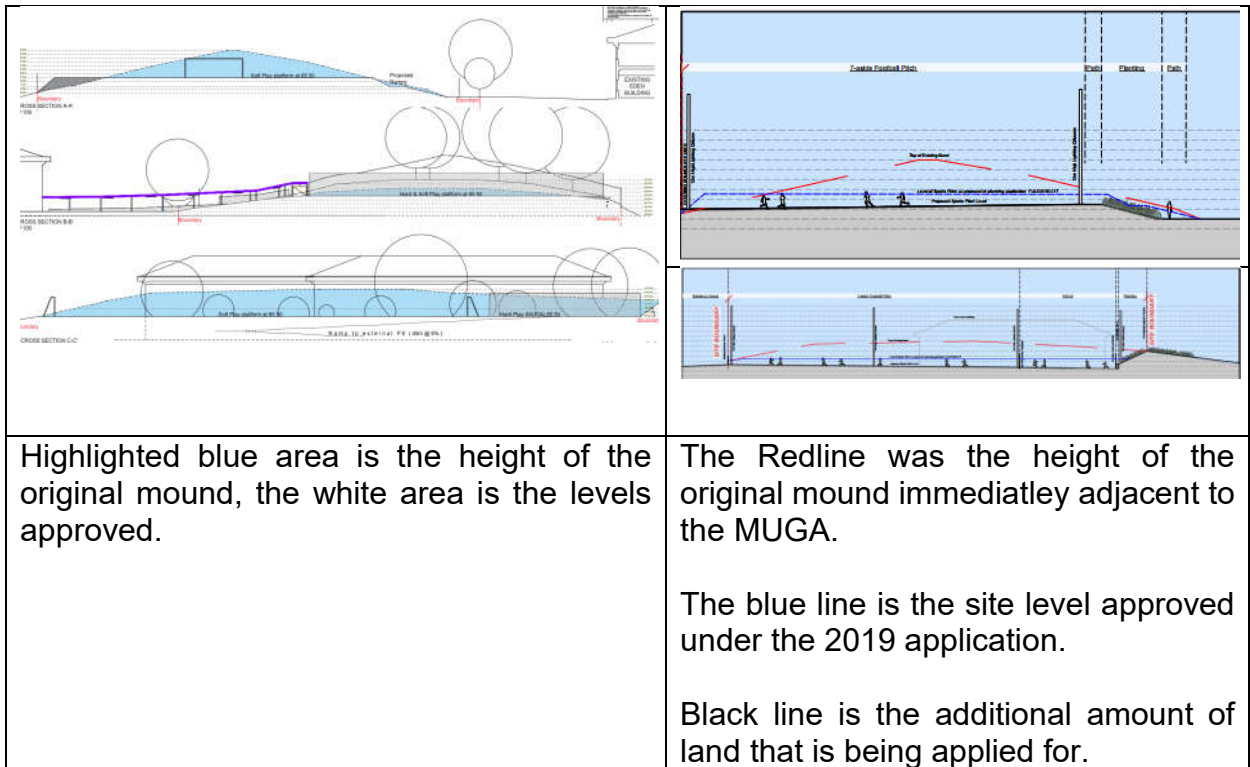
Red area is the proposed MUGA and soft play pitch

FUL/2019/2217

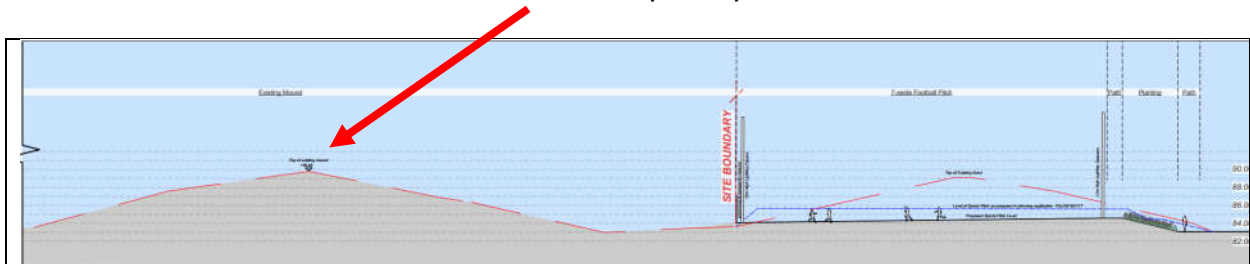


Current Application





The main mound in the centre of the Public Open Space will remain



SITE DESCRIPTION

The application site and the Seva school buildings are located within the Walsgrave Business Park. Other uses within the Business Park comprise office, industrial, storage and distribution premises. The Business Park is accessed via the roundabout at Hinckley Road to the south-east, and the application site is accessed via existing entrances along Eden Road to the west immediately upon entry into the Business Park. To the west of the application site is an area of open green space characterised by mature trees and varying topography, with a central bund. Further west, beyond the green space, is the Walsgrave residential area. However, the closest residential properties to the site are over 150m away and the existing mature trees providing significant separation between the School/ Business Park and the residential area.

The application site comprises the existing Seva Free School buildings at Eden House (building to the north) and Link House (building to the south) which has recently been acquired by the Department of Education (DfE) to accommodate the approved school expansion, along with the landscaping, play areas, and parking areas surrounding Link House and Eden House.

This particular application focuses on reducing the levels of the mound, immediately adjacent to the rear of Eden House (building to the north) from those already approved under FUL/2019/2217 with the inclusion of an additional eight floodlighting.

The extensions to the buildings are covered under application FUL/2021/3484.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Building	Application Reference	Description of Development	Decision and Date
Link House	PA/2014/4217	Prior approval for change of use to state funded school	Planning Committee - 05.02.2015 Issued - 10.02.2015
Link House	DC/2017/0446	Submission of details to discharge conditions 1 (details of off-site drop off and pick up facilities) and 2 (travel plan) - imposed on permission PA/2014/4217 for change of use to state funded school	APPROVED - Condition No.2 - REFUSED - Condition No.1 - Delegated - 09.10.2018
Link House	FUL/2016/0942	Reconfiguration of car park to create additional parking spaces and forming a recreational play area and erection of 1.8m high mesh fencing	APPROVED - Delegated - 23.05.2016
Link House	DC/2017/0067	Submission of details to discharge condition No. 3 - construction management plan and condition No. 4 - details of cycle parking imposed on planning permission reference FUL/2016/0942 determined 31 May 2016 for the reconfiguration of car park to create additional parking spaces and forming a recreational play area and erection of 1.8m high mesh fencing	REFUSED - Delegated - 31.03.2017

Link House	FUL/2017/2851	Installation of single storey temporary classrooms, lobby and store space to accommodate up to 150 additional pupils (retrospective)	APPROVED Delegated 15.01.2018	-
Link House	S73/2019/2599	Variation of Condition No.1- to retain temporary units for a further 12 months: imposed on application reference number FUL/2017/2851 - granted on 15th January 2018 for installation of single storey temporary classrooms, lobby and store space to accommodate up to 150 additional pupils.	APPROVED Delegated 18.12.2019	-
Link House	S73/2020/2139	Variation of Condition No.1 (to extend use of temporary classrooms): imposed on application reference S73/2019/2599, granted on 18th December 2019 for installation of single storey temporary classrooms, lobby and store space to accommodate up to 150 additional pupils.	APPROVED Delegated 12.11.2020	-
Link House	FUL/2018/2538	Installation of two-storey temporary classrooms, lobby and store space, comprising portable units to accommodate up to 100 additional pupils.		
Link House	S73/2020/2137	Variation of Condition No.1 (to extend use of temporary classrooms):	APPROVED Delegated 12.11.2020	-

		imposed on application reference FUL/2018/2538, granted on 21st November 2018 for installation of two-storey temporary classrooms, lobby and store space, comprising portable units to accommodate up to 100 additional pupils.	
Link House	FUL/2019/1082	Installation of two-storey temporary classroom, including lobby and storage space, to accommodate up to 100 additional pupils.	APPROVED Delegated 27.06.2019 -
Link House	DC/2019/2334	Submission of details to discharge condition 4 (management plan): imposed on application reference FUL/2019/1082, granted on 27th June 2019 for the installation of two-storey temporary classroom, including lobby and storage space, to accommodate up to 100 additional pupils.	APPROVED Delegated 11.11.2019 -
Link House	FUL/2019/2217	Provision of formal school play area comprising a multi-use games area (MUGA) and soft play pitch, including alterations to linking path between Eden House and Link House, comprising an overhead canopy, external lighting and new pedestrian gates.	APPROVED Delegated 28.11.2019 -

Building	Application Reference	Description of Development	Decision and Date
----------	-----------------------	----------------------------	-------------------

Eden House	PA/2020/0216	Prior Approval for change of use to state funded school	APPROVED Delegated - 15.05.2021
------------	--------------	---	---------------------------------

POLICY

National Policy Guidance

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

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

Local Policy Guidance

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

Policy DS1: Overall Development Needs

Policy DS3: Sustainable Development Policy

Policy GB1: Green Belt and Local Green Space

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 AC1: Accessible Transport Network

Policy AC2: Road Network

Policy AC3: Demand Management

Policy AC4: Walking and Cycling

Policy AC5: Bus and Rapid Transit

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):

SPD Delivering a More Sustainable City

SPD Coventry Connected

CONSULTATION

No Objections received from:

- Education
- Drainage
- Planning Policy
- Streetscene and Greenspaces

- Urban Design

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

- Archaeology
- Ecology
- Highways
- Sport England
- Tree Officer

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

- Environmental Protection - requested further information, the principle of the proposal is accepted, the further information requested will have an impact on the conditions put forward.

Immediate neighbours and local councillors have been notified on the original application on 24th November 2021. Further notification letters were sent out on 31st January 2022 and 1st of February 2022, notifying members of the public of amendments that had been submitted which related to a planting plan for the MUGAs boundary with the Public Open Space (POS).

A e-petition was submitted supported by Councillor Maton which attracted 251 signatures.

'The Seva School wishes to reduce the height of the mound which is a buffer for residents against the noise from the M6 and industrial estate. This mound needs to be protected forever from any proposed development.'

This ePetition ran from 29/11/2021 to 31/01/2022 and has now finished.

A further 173no letters of objection have been received, raising the following material planning considerations:

- a) Loss of Greenspace / Green Belt
- b) Loss of the Mound
- c) Loss of the Mound as a noise buffer
- d) Traffic
- e) Air Quality
- f) Impact on the wildlife corridor
- g) Impact of noise from the MUGA
- h) The use of the site as a school

150no. letters of support have been received, raising the following material planning considerations:

- i) Improve the Facilities of the school
- j) Improve the education of the children

Any further comments received will be reported within late representations.

APPRAISAL

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.

Principal 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).

Principal of the School

Prior Approval application PA/2014/4217 was granted to convert the existing building known as Link House (building to the south) to a state funded school.

Prior Approval application PA/2020/0216 was granted to convert the existing building known as Eden House (building to the north) to a state funded school.

Under the General Permitted Development Order 2015 as amended (GPDO). The change of use from an office building (former use class B1a) to a state funded school was permitted development.

Permitted development Rights derive from a general planning permission granted not by the local authority but by Government. In this instance it allows the change of use without the need to apply for formal planning permission

Therefore, such a change can be undertaken without the requirement for formal planning permission. However, an applicant is required to ask the local planning authority whether or not prior approval for the change is required. The only issues which the local planning authority were allowed to consider when determining the application were: noise; contamination; and highways.

Principle of the Change of Use to a MUGA

FUL/2019/2217 granted the change of use of the site for an under sized 7-a side u9/u10 football pitch measuring 35m x 52m with run off and a tarmac MUGA (18.5m x 37m²) with associated sports lighting. This permission granted a natural playing pitch, whereas the current proposal will result in the loss of the natural turf playing field and being replaced by an artificial surface,

Sport England were consulted on the application and it is acknowledged that the approved natural turf playing field would be utilised by both primary and secondary school pupils

therefore it will have heavy usage and due to the size of the playing field there is not the ability to rest and rotate pitches for maintenance purposes.

As such if the playing field becomes unplayable the School will not have access to a pitch at the site. It is therefore considered in this particular circumstance that the provision of an artificial surface would be appropriate noting that there will be no loss of natural turf playing field.

Sport England have raised no objection to the change in surface.

Highways, access and parking

Policy AC1 of the CLP states that development proposals which are expected to generate additional trips on the transport network should:

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

Policy AC3 of the CLP 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.

Policy AC4 of the CLP states Development proposals should incorporate appropriate safe and convenient access to walking and cycling routes. Where these links do not exist, new and upgraded routes will be required and these must appropriately link into established networks to ensure that routes are continuous.

Access

Eden House (building to the north) vehicular accesses will be taken via the existing access points off Eden Road. No new access points will be formed as part of the application.

Parking

As mentioned in the *Planning History* section, Prior Approval ref. PA/2020/0216 granted the use of the buildings, Eden House (building to the north) and Link House (building to the south) to be used as a state funded school. As part of that application site layouts were submitted and approved. Eden House will have a total of 67no. car parking spaces, of which three are accessible spaces and one motorbike space. This is unchanged from the parking provision approved under the 2020 application and as such, this application does not seek to increase or decrease the previously approved quantum of parking.

Link House Pedestrian and cycle access will be obtained from Eden Road as existing. This will lead into a turning circle and car park that will be centralised between the existing building and the proposed MUGA.

The secure car park will have a total of 33no staff spaces, and 2 disabled spaces situated adjacent to the main entrance which is the same as the current position.

In addition, to the southwest corner of the car park, there is a cycle shelter with 11 Sheffield cycle stands which provide 22 covered and secure cycle parking spaces.

The site layouts, aside from the proposed buildings, have been approved under previous permission PA/2020/0216.

This application does not seek to make any changes to the car parking layout, manoeuvring areas, or landscaping that has already been approved.

Highways have raised no objections to the application on this basis.

Design and Visual

Building beautiful and better designed homes in areas where they are need is at the centre of the NPPF 20211. It gives Local Planning Authority's the confidence to refuse permission for development that does not prioritise design quality and does not complement its surroundings.

Paragraph 126 of the NPPF states the creation of high-quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 130 of the NPPF states 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.

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

The proposal requires the lowering of the land further to what was approved in 2019 together with the installation of flood lighting and associated fencing. A planting plan has been put forward by the applicant which seeks to add landscaping to the boundary with the MUGA and the Public Open Space. The principle of the landscaping being located on Coventry City Council's land is considered acceptable, subject to a condition requiring a revised planting plan to take into account the overhead power lines.

Impact on Amenity

Existing Neighbouring Amenity

Policy DS3 is concerned with creating sustainable development, sustainable development is meeting the needs of the present without compromising the ability of future generations to meet their own needs.

The closest residential properties to the site are over 150m away and the existing mature trees providing significant separation between the School/ Business Park and the residential area.

Some concerns raised by local residents are not about the MUGA and play pitches themselves but about the use of the building as a school which has been covered under the *Principle* section of this report.

To recap, the use of the premises as a school is permitted and therefore does not form part of this application.

Further concerns have been raised, which are contained within the submitted e-petition, contents above under the section titled *Consultation Response*, about the levelling of the mound, as the mound is considered by local residents to be a noise attenuation barrier and therefore was installed for acoustic reasons.

The original site was formerly under Rugby Borough Council.

- L/1991/0424 – Cov Ref: 45430, and
- L/1992/0499 – Cov Ref: 45433, and
- L/1993/0014 – Cov Ref:45434, relate to the erection of the three, two storeys building to be used as B1 (Use Class Order 1987). Therefore, the existing buildings were built as purpose-built office accommodation.

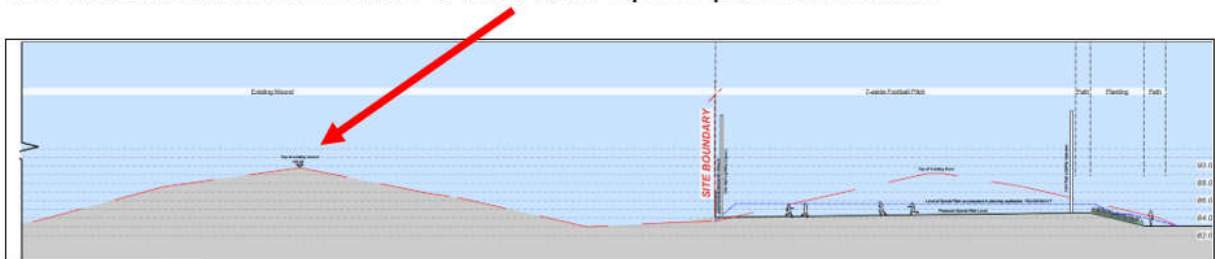
None of the decision notices attached to these permissions relate to the mound. The consultation response from the Ruby Borough Council Environmental Protection officer did not reference the mound either.

The e-petition submitted against the application states the local residents are objecting to the loss of the mound due to the impact on resident amenity and local landscape features.

The petition further states the mound 'is a buffer for residents against the noise from the M6 and industrial estate. This mound needs to be protected forever from any proposed development'.

It is felt there has been some confusion over which mound is to be lowered.

The main mound in the centre of the Public Open Space will remain



The mound immediately adjacent to Eden House (Building to the north) is the one that is the subject of this application.

The red star depicts the location of the main mound, the red square is the application site.



FUL/2019/2217 granted the provision of formal school play area comprising a multi-use games area (MUGA) and soft play pitch, including alterations to a linking path between Eden House and Link House, comprising an overhead canopy, external lighting and new pedestrian gates. No conditions were attached about the levels of the mound.



Red area is the proposed MUGA and soft play pitch

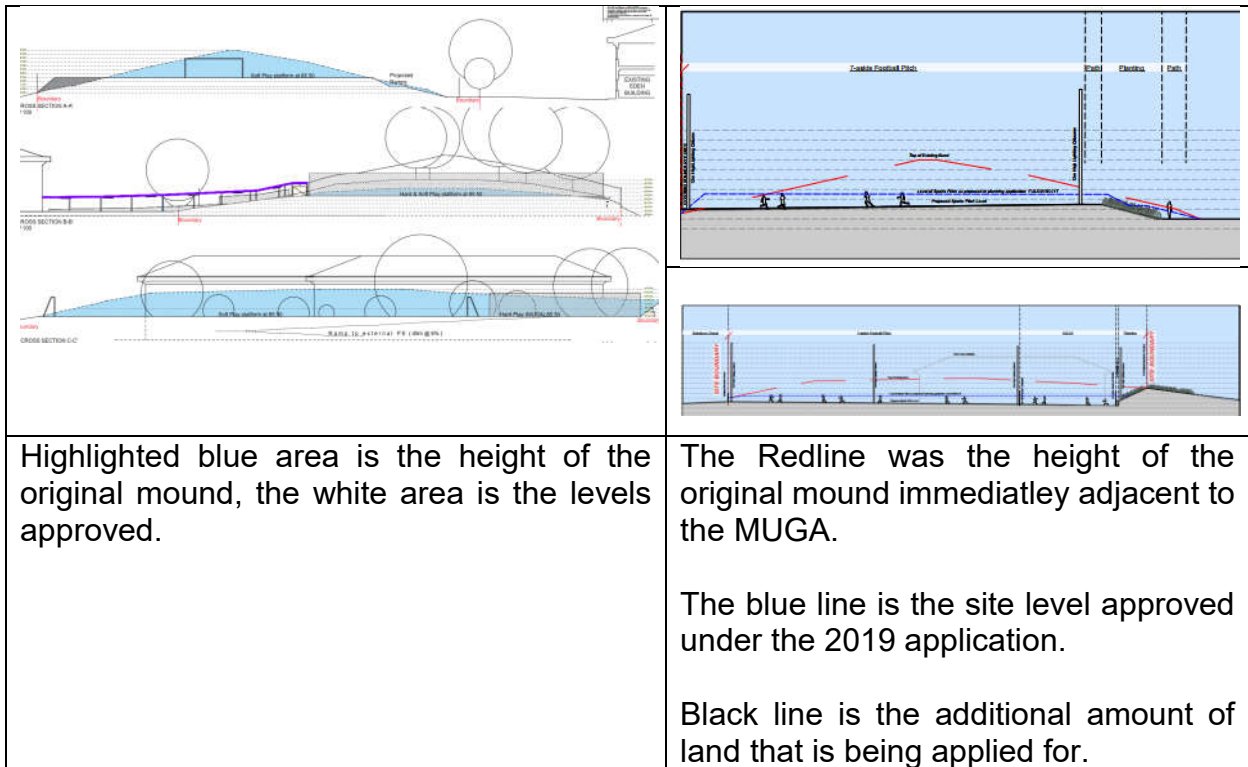
FUL/2019/2217

Current Application



SITE PLAN

SITE PLAN



This application seeks permission for the releveling of the playing area, to the west of Eden House (building to the north) from that which was approved under FUL/2019/2217.

The main central bund within the existing public open space will be retained and does not form part of the application site.

A noise assessment has been submitted in support of the application; Environmental Protection have requested some further clarification which will be updated within the late representations document, this information will inform the conditions.

The releveling of the existing mound from what was approved in 2019 is considered to be acceptable, subject to additional landscape planting being provided along the boundary of the MUGA and soft play to add an additional landscape buffer.

Ecology Biodiversity and Trees

Paragraph 174 of the NPPF states Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Paragraph 179 of the NPPF states To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 180 of the NPPF states: “When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;**
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;**
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists; and**
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”**

Paragraph 182 of the NPPF states “the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

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 proposal would not have any impact on any statutory or non-statutory wildlife sites as the nearest one is Potters Green Mineral Line Local Wildlife Site, approx. 1000m away.

There are no records of notable wildlife from the site. There are bat, amphibian and hedgehog records from the local area. There are also multiple records of water vole from the nearby stream, approx. 100m from the site

The existing site is buildings and hardstanding with limited soft landscaping. The land to the west is farmland and open space (Elm Farm). Elm Farm has been dedicated for biodiversity enhancement and will form a significant new wildlife corridor with wildflower grassland, woodland and wetland creation, fully accessible to the community. The project is in development, but habitat creation should start in 2022

An ecological assessment has been submitted (Delta Simons, ref 21-0213.03, July 2021). The report provides details of the habitats on the site and the presence of protected wildlife. The report concludes that the proposal will have no significant impact on any protected species which is accepted. The report includes a limited number of biodiversity enhancements.

The application will involve the loss of biodiversity and habitat which must be fully mitigated. As originally submitted the application had not addressed any of these issues. An updated planting plan was submitted by the applicant which sought to overcome ecologies concerns.

On the basis of the additional information, ecology have raised no objections subject to additional planting to the site boundary. This can be controlled by a suitable worded condition.

Trees

Paragraph 131 of the NPPF states Trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined (Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate), that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.

Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 180 of the NPPF states development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons⁶³ and a suitable compensation strategy exists.

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.

The existing trees on the site are not protected by a Tree Preservation Order (TPO) nor is the site located within a Conservation Area.

The layout to the sites has been approved under PA/2020/0216 which granted the change of use of Eden House (building to the north) to a state funded school. (See *principle* section).

The application has been supported by a Tree Survey, Arboricultural Assessment and Tree Protection Plan report, by Hayden's.

The survey identifies that no trees are required to be felled as part all the proposed MUGA.

The Tree Officer has raised no objections to the application subject to replacement planting being provided to offset the loss of the trees proposed.

A planting plan has been submitted by the applicant, which shows additional planting to the western boundary of the MUGA, adjacent to the Public Open Space. Subject to the submission of an amended planting plan the Tree officer has raised no objections to the application.

Pylons

National Grid have guidance on creating housing developments around pylons, in the guidelines there is a section on tree planting near pylons. The [Design Guidelines](#) is very comprehensive and specifically notes:

“National Grid cannot prevent trees and vegetation being planted beneath its overhead power lines since it does not own the land. To ensure that future safety problems will not occur and to reduce the need for significant ongoing tree management works, National Grid recommends that only low height and slow growing species are utilised in areas beneath overhead line conductors.”

It is estimated that it is approximately 10m to cables (horizontally), subject to suitable species of trees, which can be planted under overhead cables, the application is considered to be acceptable. This can be controlled by a suitable worded condition.

Drainage and Flooding

The MUGA is designed to be fully permeable and is partially located over a Seven Trent Sewer Easement. Attenuation storage tanks will be utilised and will also form part of the drainage strategy for Eden House (building to the north), which is part of a separate application FUL/2021/3848.

Drainage raises no objections to the application.

Contaminated Land

The application has been supported by a Phase 2 Geo-environmental Assessment. Environmental Protection requested further information in relation to the sub station and site sampling. No objections are submitted in principle to the application and the updated information will be reported as a late representation before the Committee meeting. The

information requested will inform the proposed conditions. These will be updated within the late representation document.

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 of the CLP 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.*

The Council will, where appropriate, seek to secure site-specific infrastructure investments and/or contributions as well as off-site contributions and/or investments. The nature and scale of these will be related to the form of development and its potential impact on the site and surrounding area. The cumulative impact of developments will also be taken into account.”

A contribution amount to the ongoing maintenance of the additional planting required to the boundary with the MUGA and the Public Open Space. This amount is to be confirmed once the proposed screen planting plan has been approved. Please see condition No.5.

Other Matters

It is noted that Archaeology have requested an archaeology desk-based assessment and a programme of archaeological trenching is conducted prior to any works commencing on site.

Whilst the comments are noted, the MUGA has already been granted permission under the 2019 application, FUL/2019/2217, which is an extant permission and did not include a condition for any archaeological works. As the 2019 permission can be implemented at any point in time, it is a material consideration in the assessment of this application.

Therefore, the inclusion of trail trenching as a condition is considered unreasonable in this instance.

CONCLUSION

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity, 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 DS3, GB1, GE1, GE3, GE4, DE1, AC1, AC3, AC4, EM5 and IM1 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS:/REASON

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: *To conform with Section 91 of the Town and Country Planning Act 1990 (as amended).*

2. The development hereby permitted shall be carried out in accordance with the following approved plan:
 - DRAWING - Location Plan - Proposed MUGA and Walkway - Drawing No. FS0238-PEV-02-XX-ZZ-DR-A-0150 Rev P02;
 - DRAWING - External PE Areas and Linking Pathway, Existing Site Plan with TPO Survey - Drawing No.31371 A 002;
 - DRAWING - Sports Pitches Flow Exceedance Routes Layout - Eden Building - Drawing No. FS0238-CUR-XX-ZZ-DR-C-9213-P02;
 - DRAWING - Surface Water Drainage Layout - Eden Building - Drawing No. FS0238 CUR XX ZZ DR C 9200 P04;
 - DRAWING - Sports Pitches Surface Water Drainage Layout - Eden Building - Drawing No. FS0238 CUR XX ZZ DR C 9212 P03;
 - DRAWING - External PE Areas and Linking Pathway, Proposed Sections and Elevations - Pathway 1/2 - Drawing No.31371 A 010;

- DRAWING - External PE Areas and Linking Pathway, Proposed Sections and Elevations - Pathway 2/2 - Drawing No.31371 A 011;
- DRAWING - Sports Pitch Site Sections - Drawing No. FS0239-ALA-00-XX-DR-L-0027 P01;
- REPORT - Tree Survey, Arboricultural Impact Assessment, Preliminary Arboricultural Method Statement & Tree Protection Plan, dated 1st September 2021 - Report Ref:8665.

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

3. No development (including any demolition) shall take place unless and until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include details of:

- hours of work;
- hours of deliveries to the site;
- the parking of vehicles of site operatives and visitors during the demolition/construction phase;
- the delivery access point;
- the loading and unloading of plant and materials;
- anticipated size and frequency of vehicles moving to/from the site;
- the storage of plant and materials used in constructing the development;
- the erection and maintenance of a security hoarding including decorative displays and facilities for public viewing where appropriate;
- wheel washing facilities and other measures to ensure that any vehicle, plant or equipment leaving the application site does not carry mud or deposit other materials onto the public highway;
- measures to control the emission of dust and dirt during demolition and construction;
- measures to control the presence of asbestos;
- measures to minimise noise disturbance to neighbouring properties during demolition and construction;
- details of any piling together with details of how any associated vibration will be monitored and controlled; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Thereafter, the approved details within the CMP shall be strictly adhered to throughout the construction period and shall not be amended in any way.

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

4. No development or other operations (including any demolition, site clearance or other preparatory works) shall commence unless and until the tree protection measures identified in the approved application documentation have been put into place in strict accordance with the approved details and thereafter they shall

remain in place during all construction work. In addition no excavations, site works, stock piling, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy or root protection area of any protected tree(s); no equipment, machinery or structure shall be located within this zone; no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s).

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.*

5. Prior to the first occupation of the development hereby permitted, details of the:
- screen planting to the western boundary of the MUGA and the Public Open Space;
 - planting pits and
 - tree management with water maintenance

shall be submitted to and approved in writing by the Local Planning Authority. All planting shall be carried out in strict accordance with the approved details within the first planting and seeding seasons following the first use of the MUGA. Any tree(s) or shrub(s) which within a period of five years from the completion of the development dies, is removed or becomes; in the opinion of the Local Planning Authority; seriously damaged, defective or diseased shall be replaced in the next planting season with another of similar size and species. 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 Policy DE1 and GE4 of the Coventry Local Plan 2016.*

6. Prior to the installation of any street lighting or any external lighting to be fixed to any building(s), an external lighting strategy (including a plan) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate that lighting shall be kept to a minimum at night in order to minimise impact on emerging and foraging bats, and to restrict light spillage onto foraging corridors. The lighting shall be installed in full accordance with the approved strategy and all lighting thereafter shall be subsequently maintained in strict accordance with the approved details.

Reason: *To ensure that protected species are not harmed by the development in accordance with Policy GE3 of the Coventry Local Plan 2016 and the advice contained within the NPPF.*

7. Prior to the first occupation of the development hereby permitted details of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be fully installed in strict accordance with the approved details prior to the first occupation of the development and thereafter shall be retained and shall not be removed or altered in any way.

Reason: *To ensure that protected species are not harmed by the development in accordance with Policy GE3 of the Coventry Local Plan 2016 and the advice contained within the NPPF.*

8. No development (including any demolition or preparatory works) shall commence unless and until a scheme ('the offsetting scheme') for the offsetting of biodiversity impacts at the site has been submitted to and approved in writing by the Local Planning Authority. The offsetting scheme shall include:
 - a) a methodology for the identification of receptor site(s);
 - b) the identification of receptor site(s);
 - c) details of the offset requirements of the development (in accordance with the recognised offsetting metrics standard outlines in the Defra Metrics Guidance dated March 2012, or any document that may update or supersede that guidance).
 - d) the provision of arrangements to secure the delivery of the offsetting measures (including a timetable for their delivery); and
 - e) a management and monitoring plan (to include for the provision and maintenance of the offsetting measures in perpetuity).The offsetting scheme shall be implemented in strict accordance with the approved details within three months of the first occupation of the development hereby permitted and thereafter shall not be withdrawn or amended in any way.

Reason: *In order to safeguard and enhance habitat and secure an overall biodiversity gain in accordance with Policy GE3 of the Coventry Local Plan 2016*

9. Prior to the first occupation of the development hereby permitted a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the incorporation of tree and hedge planting around the MUGA and 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 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: *In order to safeguard and enhance habitat on or adjacent to the site in order to secure an overall biodiversity gain in accordance with Policy GE3 of the Coventry Local Plan 2016.*

10. No development shall commence until details of the design and specification of the artificial pitch have been submitted to and approved in writing by the Local Planning Authority. The design and layout of the artificial pitch should comply with the relevant industry Technical Design Guidance, including guidance published by Sport England, National Governing Bodies for Sport. Particular attention is drawn to: Sport England Artificial Surfaces for Outdoor Sport updated guidance 2013. All works shall be implemented in strict accordance with the approved details and shall not be removed or altered in any way.

Reason: *To comply with the provisions of the NPPF and in accordance with Policy DS3 and DE1 of the Coventry Local Plan 2016.*

11. The development shall not commence until a community use agreement, prepared in consultation with Sport England, has been submitted to and approved in writing by the Local Planning Authority. The agreement shall apply to artificial sports pitch and MUGA and include details of pricing policy, hours of use, access by non-[educational establishment] users, management responsibilities and a mechanism for review. The development shall be operated in full accordance with the approved details prior to first use of the development and thereafter retained 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 DS3 and DE1 of the Coventry Local Plan 2016.*

12. Within one month of the erection of the fencing, gates and enclosures, lighting columns and canopy structure hereby permitted, they shall be colour coated on the external face with the details to be submitted to and approved in writing by the local planning authority. Thereafter, any replacement structures shall be colour-coated to match within one month of their installation.

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 existing trees and hedge(s) indicated on the approved plans to be retained shall not be cut down, grubbed out or otherwise removed or topped or lopped. Any trees or hedge(s) removed without consent or dying, or being severely damaged or diseased or becomes; in the opinion of the Local Planning Authority; seriously damaged or defective, shall be replaced within the next planting season with hedging, tree(s) and/or shrub(s) of such size and species details of which must be submitted to and approved by the Local Planning Authority. 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 (excluding hard surfaces).

Reason: *To protect those landscape features which are of significant amenity value to the area and which would provide an enhanced standard of appearance to the*

development in accordance with Policies GE3 and GE4 of the Coventry Local Plan 2016.

14. 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.*