

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2021/3393
<b>Site:</b>	159 Sir Henry Parkes Road, CV5 6RG
<b>Ward:</b>	Earlsdon
<b>Proposal:</b>	Change of use of former retail unit and car park (Class E) to Builders' Merchant (sui generis) and associated works including internal alterations and changes to the existing building facades and car park area
<b>Case Officer:</b>	Daniel Taylor

## SUMMARY

The application proposes a change of use of the former Homebase retail unit and car park (Class E) to a builders' merchant (sui generis). The changes predominantly comprise works to the internal layout of the building and to the car park so that it may serve the operations of the builders' merchant. The external works would be restricted to the repainting of all elevations, removal of two single-storey projection structures, the removal of some windows and doors and the creation of larger openings to provide roller shutter doors to allow customer vehicles to travel through and park alongside stock for loading and unloading.

## BACKGROUND

The site has a long history of being a large DIY retail store and garden centre, however, it is currently vacant. This application follows the withdrawal of an identical proposal (Ref FUL/2021/0224) on 24<sup>th</sup> August 2021, withdrawn to allow the applicant to re-evaluate the noise impacts of the proposal.

The wider site includes another large retail unit occupied by Pets at Home, which while owned by the applicant, does not form part of the application site and their operations and 50-space car park would remain untouched by the proposal.

## KEY FACTS

<b>Reason for report to committee:</b>	More than 5 objections have been received
<b>Current use of site:</b>	Vacant retail unit and surface level car park
<b>Proposed use of site:</b>	Builders' merchant

## RECOMMENDATION

Planning Committee are recommended to grant 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 accords with Policies: DE1, DS3, EM4, EM5, EM7, GE3, GE4, JE7, AC2, and AC3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## **SITE DESCRIPTION**

The site is an irregular wedge shape comprising a predominantly square warehouse type retail building that measures circa 8m high, 60m wide and 54m long. The building was formerly a Homebase store with a floorspace of 5,395sqm and is utilitarian in appearance, being constructed of blue brick with a metal roof. Three single storey structures project out from the north, east and west elevations comprising a glazed customer entrance, a glazed hipped roof canopy of the former Homebase Garden Centre and a canopy loading bay. The rest of the elevations comprising mainly brick flank walls with solid pedestrian and delivery doors.

The building is surrounded by hard standing to the south that provided 253 car parking spaces for the Homebase store and hard standing to the north and west that was used as the servicing yard and the store's garden centre. The application site also includes a circa 150m access driveway that runs along the northern and eastern edge of the site from Sir Henry Parkes Road and around the back of the adjacent Pets at Home retail store. The adjacent Pets at Home retail store is another 8m high square warehouse type retail building measuring circa 35m wide and 28m long with its own 50 space surface level car park to the south. The Pets at Home store does not form part of the application site but is owned by the applicant.

The surrounding character of the area comprises a mix of uses. To the south of the site are the single-storey industrial units that form the Fletchamstead Highway Industrial Estate; to the north is the Canley Brook and the small woodland of Burnsall Road Local Wildlife Site, and on the other side of these are the residential houses of Sir Henry Parkes Road and Canley Road; to the east are further residential houses on Canley Road, whose rear gardens back onto the site; and to the south and west is the A45 Fletchamstead Highway that forms a roundabout junction immediately to the west of the site with Sir Henry Parkes Road. On the other side of this junction is the Canley Fire Station and the former Canley Police station.

## **APPLICATION PROPOSAL**

The proposal seeks the change of use of the former Homebase retail store, garden centre and customer car park (Class E) to accommodate a builders' merchant (*sui generis*) to be operated by Travis Perkins. The existing car park hard standing and retail store building would be retained and reconfigured to serve the operations of Travis Perkins. Only minor alterations are proposed to the exterior of the existing building.

The east and west elevations would remain unchanged save for the removal of the former garden centre hipped roof glazed four post canopy, with window and door openings staying as per the existing situation. The north elevation that faces the rear service yard would see the existing central overhang canopy and delivery bay demolished; and two existing roller shutter doors, two pedestrian doors and a window removed. In their place would be the creation of three larger openings and the installation of three new roller shutter doors. The south elevation that faces the car park would see the removal of two pedestrian doors and the creation of two larger openings for the installation of two new roller shutter doors and two new pedestrian doors. The colour of the whole of the exterior of the building would also change to reflect the corporate colours of Travis Perkins with the roof section finished in green, the walls finished in white and the pedestrian and roller shutter doors and window frames finished in yellow.

Regarding the inside of the building, this would be reconfigured to suit the operations of Travis Perkins and comprise a ground floor and a mezzanine floor. On the ground floor the majority of the space would be the Travis Perkins' warehouse where products are stacked and an internal roadway created in a U-shape. Customers would be able to drive through the new roller shutter doors, entering and exiting via the south elevation that faces the car park, and park up and collect supplies. Nine customer car parking spaces and five customer pick up spaces would be provided internally, along with dedicated pedestrian walk ways. The rest of the inside space would be divided up into Travis Perkins' tool hire compound and workshop, trade counter, manager's office, staff canteen, lockers, toilets, stock room and customer toilets and the Benchmarx (BMX) kitchen warehouse and customer centre. The existing mezzanine, which runs along the edge of the south and east sides of the building would be removed and a new mezzanine created in the south-east corner of the building would be created to provide rooms for toilets, a kitchen, staff offices, a training and meeting room, a waiting area and a large storage space. In total the Travis Perkins area would be 2,384sqm and the BMX area would be 364sqm.

The existing hard standing surface of the Homebase car park and garden centre will be retained to accommodate the storage of building products that will have a maximum height of 5.5m. This will be surrounded by a perimeter roadway and incorporate aisle roadways in between. A one-way road system would operate internally and externally around the site. The nature of the business is that customers park alongside the goods that they wish to purchase for ease of loading. In addition to the 14 customer car parking spaces provided inside the building, five customer car parking spaces plus a disabled car parking space would be provided outside, resulting in a total of 20 customer car parking spaces. 14 staff car parking spaces would be provided to the rear of the building and 10 cycle spaces would be provided in a secure location within the staff parking area.

Pedestrian and cycle access would be via the existing access off Sir Henry Parkes Road, which comprises a circa 150m long driveway running around the rear and side of the Pets at Home store. New access gates would be installed at the end of this long driveway to secure the site, with further security of the site provided through new 2.4m high paladin fencing installed around the boundary of the site and between the existing building and the neighbouring Pets at Home building. The new fence would be coloured Hollybush green and the gates would be yellow.

An acoustic barrier, comprising a 2m high close boarded homogenous timber fence is proposed around the north and part of the east boundary of the site, which covers the boundary of the site that is currently made up of a mesh fence. The existing boundary brick wall that runs around the rest of the site boundary would be retained

To accommodate these changes 16 low-quality trees adjacent to the building and in the existing car park will be removed and a new landscaping plan has been submitted, the implementation of which will be conditioned.

The opening hours of the site would be 07:30-17:00 Monday to Friday, 08:00-12:00 on Saturday and closed on Sunday. The applicant considers the proposal will create up to 30 jobs.

## PLANNING HISTORY

There have been a number of historic planning applications on this site including various advertisement consents. The following planning applications are the most recent/relevant:

<b>Application Number</b>	<b>Description of Development</b>	<b>Decision and Date</b>
FUL/2021/0224	Change of use of existing Class A1 retail unit and car park to Builders' Merchant (sui generis) and associated works.	Withdrawn
FUL/2017/2936	Application for the installation of air conditioning unit and gas bottle storage unit.	Approved 17/01/2018
FUL/2017/1714	Temporary change of use of part retail unit from retail (A1) to pet care, treatment and grooming facility (sui generis) and installation of 8 external air conditioning units and gas bottle storage unit	Approved 01/09/2017

## POLICY

### National Policy Guidance

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

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

### Local Policy Guidance

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

Policy DS3: Sustainable Development Policy

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection

Policy JE1: Overall Economy and Employment Strategy

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 EM1: Planning for Climate Change Adaptation

Policy EM2: Building Standards

Policy EM4: Flood Risk Management

Policy EM5: Sustainable Drainage Systems (SuDS)  
Policy EM6: Redevelopment of Previously Development Land  
Policy EM7: Air Quality

Supplementary Planning Guidance/ Documents (SPG/ SPD):  
SPD Delivering a More Sustainable City  
SPD Coventry Connected

## **NON-STATUTORY CONSULTATION**

All responses have no objections subject to conditions:

Ecology - There is no objection to the proposal on ecology grounds, subject to conditions requiring the measures in the submitted Preliminary Ecological Appraisal and the Landscape Mitigation Plan to be implemented in full and for a Construction Environmental Management Plan to be submitted pre-commencement.

Environmental Protection – Following further assessment into the noise impact of the development on the residential properties and their rear gardens and from plant and delivery noise, there were no objections subject to conditions in regard to the external lighting and noise mitigation measures to be carried out in accordance with the submitted information; the submission of a construction management plan; and dust management plan and air quality mitigation.

Highways - the proposal presents an overall reduction in trips, and therefore no detrimental impacts in terms of capacity to the adjacent junctions and network are expected. The applicant has provided sufficient information on their existing sites to justify the parking requirements for the proposed site, based on the nature of operations. Conditions are required regarding the details of cycle parking for staff.

Lead Local Flood Authority - the development proposals do not change the building, service yard or car park footprint or construction and the existing drainage for these areas will be retained. Connection to the existing surface water sewer is an appropriate method to dispose of surface water from the new hardstanding areas. We accept this design process will reduce flood risk and promote a sustainable drainage strategy.

Trees – No comment.

Cadent Gas Infrastructure – The proposal is in close proximity to our medium and low-pressure assets. We have no objection to this proposal from a planning perspective; however we request an informative note be added to the permission setting out the responsibilities and actions required by the applicant.

## **NEIGHBOUR CONSULTATION**

Notification letters were sent to immediate neighbouring properties on 09/12/2021 and a site notice was put up outside the site on 09/12/2021. Seven representations were received objecting on the following grounds:

Noise

- Noise pollution and nuisance from working plant on the site that will include reversing alarms and the increased HGV movements
- The comparison Travis Perkins site used by the applicant to provide a similar concept does not appear to be same scale of development and does not take into account HGV engine noise accelerations passing at the bottom of residential gardens.
- The application is silent on how the Coventry City Council noise abatement notice on Pets at Home has been considered.
- The acoustic fence should be installed along the full length of the site's eastern boundary with the neighbouring properties, not just the along the side of the access driveway which will only benefit a small number of houses.
- The attenuation barrier has been designed to only shield the noise coming from air filtration equipment on top of the building and takes no account of vehicle noise within the loading area. Therefore, it will be of little benefit to most of the residents in Canley Road and takes no account of the fears raised in response to the first application.
- No mention on how the acoustic barrier will impact light on the Canley Brook nature corridor and gardens of neighbouring properties.
- Little appears to have changed since the previous withdrawn application particularly in respect of noise and pollution levels relative to HGV traffic and forklift operation. Noise levels for these events have been measured as individual instances which do not portray the full impact on a constant basis.
- Hours should be controlled to daytime Monday to Saturday.

#### Air pollution / parking / traffic

- Increase air pollution with increased number of diesel vehicles that will be visiting the site.
- Increased traffic on site as a result of changing to a commercial customer base rather than the current private customer use of the Homebase store; and at the A45 / Sir Henry Parkes Road roundabout where exiting Sir Henry Parkes is already difficult at busy times.
- Storage of building materials in the open air contributing to detrimental airborne particulate matter and pollution.
- While it may be the case that the overall number of vehicles using the site will reduce, the seems little reference in the submission to the fact that the increase in HGV and commercial traffic will be significant.

#### Light pollution

- Light pollution and the site should only be illuminated during opening hours.

#### Other Non-Material Matters

- Devaluation of properties

### **APPRAISAL**

The main issues in determining this application are principle of development, the impact upon the character of the area, the impact upon neighbouring amenity, highway considerations, flood risk, noise, air quality, ecology and trees.

## **Principle of development**

Whilst the proposal would result in a net loss of a retail use it is not located within a designated centre and therefore does not benefit from any policy protection. As a result, the principle of its loss would not be objected to. As the proposed new use falls under Sui Generis, there are no specific Local Plan policies which apply directly to the proposal. Nevertheless, taking a holistic approach, officers are satisfied that this location is suitable in principle for the proposed use. This is due to the historic nature of the retail provision on the site, which has been for DIY / bulky products that is car orientated and benefits from operating on a large plot of land; the site's location adjacent to a trading estate and the strategic road network of the A45; the size of the existing building, that is warehouse in nature and given the large area of hardstanding next to it.

There would be no significant massing changes on the site, with the proposal resulting in a slight reduction in the size of the current building with the removal of the single-storey projecting elements to the north and west elevations. The relatively simple reconfiguration inside the existing building would be acceptable and would result in very little external elevation alterations. Most of the site would remain hard standing with the existing car park area retained for use as open-air storage that would be managed and organised into sections for customers to be able to easily collect their building supplies. The products would be divided by roadways that link to the main site perimeter road for customers to stop on to collect their orders. The principle of maintaining this space as a managed open storage and collection area that would be used by members of the public and so would be organised appropriately, is acceptable and ensures an efficient use of the whole site. It also ensures the site is more secure than it is at present with the introduction of new gates and fencing around the site to secure the outside as well as the inside space.

As a result, there would be no objection to the principle of the change of use.

## **Impact upon the character and appearance of the area**

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 130 states that "Planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change (such as increased densities); establish or maintain a strong sense of place; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks; and 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) "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design."

The site is visible from the public realm from the junction with the A45 and Sir Henry Parkes Road and this is the side of the site the existing building is located, however, other than the change in colour of the building, there would not be any highly noticeable difference in the appearance of the site from the street. The buildings appearance and boundary treatment would remain as existing; there would be no additional massing to the existing building; and the current hard standing on site would remain as such.

The maximum height of the external storage would be 5.5m, which would be roughly equivalent to a two-storey building and would be circa 2.5m lower than the existing Homebase and Pets at Home buildings on the site. This would not be considered an unreasonable height, given the rear gardens of the properties on Canley Road that back onto the site are over 40m long and the outside storage would not be easily visible from the public realm given it is screened from the A45 and Sir Henry Parkes Road by the Fletchamstead Highway Industrial Estate and the existing Homebase and Pets at Home buildings. The site is located to the west of the houses on Canley Road and therefore may cause some shadowing to the bottom of the rear gardens in the afternoon, but it is not considered to be to the detriment of the enjoyment of those gardens. Consequently, the proposed external storage would be acceptable in this instance and is not considered to harm the amenity of neighbouring residents.

The additional larger openings within two of the building's elevations to accommodate new roller shutter doors would be in keeping with the industrial appearance of the existing building and would not look out of place.

The proposal is therefore considered to incorporate an appropriate design and appearance that would sustain the character of the site and the area in accordance with Policy DE1 of the Coventry Local Plan

### **Impact on neighbour amenity**

Concerns raised by residents are carefully noted above and Paragraph 130(f) of the NPPF seeks to protect the amenities of all existing and future occupants of land and buildings.

### **Noise**

The biggest concern from the change in operations on the site is regarding noise pollution. This was also an issue in the previously withdrawn application, however, in this instance further information regarding noise impact has been submitted. The Council's Environmental Protection Team have been heavily involved throughout the assessment of the application with additional information submitted at their request, which included a revised noise assessment, further calculations on the impact on the neighbouring gardens and further information on delivery and plant noise.

The applicant's assessment demonstrates that noise from the fixed external plant, HGV movements and fork-lift truck (FLT) movements will be below the limiting noise level. The electric fork-lift trucks will be fitted with low-volume broadband white-noise reversing alarms which are less perceptible than diesel fork-lift trucks with typical tonal reversing alarms. A flashing light is also proposed rather than the use of horns. Travis Perkins also



proposes to implement best practice (i.e. 5mph speed limits and smooth surfaces for HGVs and FLT's) so noise from the movement of these vehicles are not unduly elevated. The applicant's noise assessment demonstrates that the cumulative noise impacts at the most affected receptors, i.e. the closest residential properties, will be 'low' in accordance with British Standard BS4142.

An acoustic barrier, comprising a 2m high close boarded homogenous timber fence, is proposed around the north and part of the east boundary of the site, which is currently made up of a mesh fence and runs alongside the access road into the site. The remainder of the site boundary that runs around the existing car park area and along the rear garden boundary of nos. 246 to 266 Canley Road is made up of an existing brick wall, which will be retained. The brick wall will perform the same function as an acoustic barrier, which is demonstrated in the applicant's assessment and therefore no further mitigation is necessary around the proposed open storage or loading areas.

A 2m high acoustic barrier is considered sufficient to suitably mitigate noise from HGV movements as HGV noise has been considered at a height of 1m, as the majority of sound is produced from the engine, and from the tyres on the road surface. The acoustic wall in conjunction with Travis Perkins implementing best practice (i.e. 5mph speed limits and smooth surfaces for HGVs and FLT's) will ensure noise from the movement of these vehicles is not unduly elevated.

Some of the neighbour comments questioned the relevance of the noise comparisons at the chosen comparable Travis Perkins sites set out in the noise assessment. The applicant has confirmed that a 'SoundPLAN' computer noise model of the whole site (including the proposed HGV route to the South Yard) was created and used to assess the noise impact of all HGV routes and the Council's Environmental Protection team are satisfied with the assessment.

Extensive sample noise measurements of delivery operations were undertaken at two existing Travis Perkins sites (Leamington Spa and Ipswich). The significance of these two existing sites chosen by Travis Perkins for the purposes of obtaining specific noise data was that they had comparable vehicles, equipment and activities to that proposed for this planning application, rather than based on the extent of operations and size. The Council's Environmental Protection Officers raised no objection to the use of these examples following submission of the full noise data and background levels for them.

As per the British Standard BS4142 guidance, the assessment approach utilised both on-site measured and test source noise data to predict the specific noise levels of the proposed site at the assessment locations through ISO 9613-2 propagation calculation adopted by the SoundPLAN model. The applicant's noise consultants explains that the model allows for the tailoring of sources to match that proposed and is a reliable form of prediction of specific noise at assessment locations particularly where noise level data from isolated existing sources and test data is used.

The applicant acknowledges that the noise character of industrial traffic such as HGVs and fork-lift trucks is likely to be different to the existing commercial traffic. However, this has been addressed by applying an acoustic feature correction to account for noise which is incongruous with the existing noise environment, as per BS4142. The condition to be attached to the permission will require Travis Perkins to implement best practice (i.e.

5mph speed limits and smooth surfaces for HGVs and FLT's) and for fork-lift trucks to be fitted with low-volume broadband white-noise reversing alarms, so noise from the movement of these vehicles are not unduly elevated.

Following submission of the revised noise information the Council's Environmental Protection Team were satisfied that the noise would be within acceptable levels. Conditions will be attached to the permission requiring the noise mitigation measures set out in the revised noise assessment to be carried out in accordance with the submitted information and for a noise management plan to be submitted, to be in accordance with the information set out in the approved noise assessment.

Regarding the noise abatement notice on Pets at Home adjacent to the site that members of the public have referred to, this was issued in November 2019 following complaints regarding late night construction noise from road resurfacing. The Council's Environmental Protection Team have confirmed that the notice was complied with, and that the road resurfacing works were completed on 12<sup>th</sup> November 2019. No further action was taken by the Council. These were one off works and should any future construction noise nuisance arise following approval of this application this would be covered by the restrictions on hours and noise required as part of the Construction Management Plan that will be conditioned as part of this application.

### Lighting

The lighting columns would be around the perimeter of the site and although this would mean they would be positioned along the boundary of neighbours' rear gardens, they would be directional lighting and no more intrusive than street lighting. In addition, the rear garden lengths of houses along Canley Road that back onto the site are more than 40m long, thereby reducing any impact further. The Council's Environmental Protection team assessed the proposed lighting on the site and concluded that the external lighting diagrams and design are acceptable. A condition will be attached to the permission to ensure the lighting is installed as detailed in the permission.

### Air Quality

Policy EM7 states that major development schemes should promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality. The nature of the use means the overall number of trips to and from the site would be reduced and the opening and delivery hours would also be reduced and would be conditioned as such (set out further in the Highway consideration section below). The outside storage of building materials, by virtue of them not being odorous or hazardous, did not raise any concern in terms of air quality.

As a result, there is no objection to the proposal from the Council's Environmental Protection Team on air quality grounds. This is subject to conditions requiring details of air quality mitigation in accordance with Coventry City Council's SPD and West Midlands LETCP Air Quality Planning Guidance. The condition will also require a minimum of 10% of parking spaces to be provided with electric vehicle charging and for gas boilers to be ultra-low NOx emissions with a maximum dry NOx emissions rate of <40mg/kWh.

The Council will also require, via a condition, the submission of a Construction Management Plan and a Dust Management Plan demonstrating how noise and dust emissions will be minimised during construction and site clearance and the proposed hours of works.

## **Highway considerations**

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.

Policy AC3 of the Local Plan seeks for 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 unless it has been clearly demonstrated that the site is in a highly accessible location where transport, by means other than the private car is a realistic alternative. In that respect lower levels of provision may be considered acceptable where the site is in close proximity to the City Centre, a train station, a high-quality rapid transport route or other public transport interchange and where there is a package of measures (proportionate to the scale of development) to enable sustainable means of transport. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

Access to the site would be as existing and which currently serves both larger and smaller vehicles and therefore would still be an acceptable approach for the proposed use. The car park capacity on the site will be reduced as it will be repurposed to provide the additional outside storage space for the building products, however, the proposed use is not a retail use that would require the same level of car parking. The Local Highway Authority is satisfied that the applicant has provided sufficient information through their comparable existing sites to justify the parking requirements for the proposed site, based on the nature of operations and is considered acceptable.

While the majority of journeys to the site will be via car / van parking up to pick up building products and then leaving the site, the site is located in a sustainable location, providing sustainable transport links for future staff and customers with options to make journeys to and from the site by sustainable means of transport. Shared cycle routes run along the A45, local bus services run along Sir Henry Parkes Road serving the City Centre, Warwick University and Kenilworth and Canley Railway Station is located circa 600m to the north with trains towards Coventry and Birmingham.

The submitted Transport Statement and associated Travel Plan identifies that the proposed development will result in a substantial reduction in forecast traffic to the site compared to the existing Homebase use. While the proposal is forecast to generate a slight increase in vehicle journeys during the weekday morning peak hour (+11 trips), there will be significantly fewer vehicular journeys during the weekday evening peak hour and Saturday and Sunday peak times. There will also be significant reductions to daily

trip generations throughout the week. This is due to shorter opening times of the proposal, which will be from 07:30 to 17:00 Monday to Friday and from 08:00 to 12:00 on Saturday and the site will be closed on Sundays. These opening hours will be conditioned.

During the only peak hour when the level of vehicular trip generation rises (weekday morning peak hour) the proposed scheme is forecast to generate less than 30 additional two-way vehicle movements per hour, a level that is considered to be insignificant and would not have a 'severe' impact on the local highway network. The overall reduction in vehicular trip generation potential during the other peak hours and daily, is considered to offer benefits to the local highway network.

The Local Highway Authority is satisfied that the proposal presents an overall reduction in trips, and therefore no detrimental impacts in terms of capacity to the adjacent junctions and network. It is therefore considered that the redevelopment proposals will not have a negative impact on existing traffic flows in the local area and would be acceptable in highway and transport terms.

By virtue of the reduced trip movements to the site and the substantially reduced opening times compared to the current retail use, the Council's Environmental Protection Team have raised no objection in terms of air quality and noise in regard to HVG movements visiting the site, as set out above. To protect neighbour amenity further, the delivery times to the site will be conditioned to be the same as the opening times - from 07:30 to 17:00 Monday to Friday and from 08:00 to 12:00 on Saturday and with no deliveries taking place on Sundays.

The Council's Highway officers raised no objection to the proposal subject to Conditions requiring details of cycle parking for staff to be submitted for approval and the development operating in accordance with the submitted Travel Plan. Although Highways Officers requested a Travel Plan monitoring fee it is not considered appropriate because of the nature of the proposal not being a major development and the Council being satisfied that the proposal would present an overall reduction in vehicle trips to and from the site. The imposed conditions will ensure that the development operates in accordance with the approved Travel Plan.

## **Flood Risk**

Policy EM4 states that all major developments must be assessed in respect of the level of flood risk from all sources. By virtue of the Canley Brook that runs along the north of the site, a small area of the site is in flood zone 2, however, most of the site is in flood zone 1, the lowest level of floor risk, and only a small part of the site suffers from surface water flooding.

The Lead Local Flood Authority (LLFA) agrees with the submitted Flood Risk and Drainage Strategy Report insofar as the proposal comprises the re-use of an existing building and hard standing and does not propose to change their footprint or introduce a more vulnerable use onto the site and the existing drainage for these areas will be retained. The connection to the existing surface water sewer is an appropriate method to dispose of surface water from the new hardstanding areas and the proposed design will reduce flood risk and promote a sustainable drainage strategy.

The LLFA accept that there is inadequate space for a proposed soakaway; the proposed surface water discharge rate for the new hardstanding area will be restricted to 5 l/s; the attenuation crates have been designed to prevent flooding of the development site in the 1:1, 1:30 year and 1:100 Year + 40% Climate Change Event; and maintenance strategies have been provided to show the management of overland flow routes in the event of exceedance or blockage of the proposed drainage system.

As a result, the Lead Local Flood Authority are satisfied with the submitted flood risk assessment and drainage report and raise no objection to the proposal.

## **Ecology and Trees**

The application site is adjacent to the Burnsall Road Local Wildlife Site (LWS) and Canley Brook Local Geological Site. Canley Ford Community Woodland (Local Nature Reserve) is approx. 500m away and several other LWS are within a 1 km radius.

Most of the site includes buildings and hardstanding and there are no records of notable wildlife from the site. The surrounding area is residential with gardens but includes large areas of green infrastructure and there are records of bats and hedgehog from the local area and great crested newts have been recorded from a pond approx. 200m from the site and an otter recorded nearby in Canley Brook.

The application includes a comprehensive Preliminary Ecological Appraisal which includes habitat information and an assessment of the potential for bats. The report states that the habitats within the site have relatively low value and there is little potential for protected species including bats and great crested newts. The report accepts that the site generally is important for connectivity and that the development, if mitigation measures are not incorporated, will lead to a loss in biodiversity. The applicant has previously submitted evidence that there will be no harm to the Local Geological Site and the report includes several recommendations to mitigate the development and to provide enhancement measures.

The Landscape Mitigation Plan shows areas of soft landscaping and the retention of a number of trees. An area in the north of the site has been identified for tree planting and ground flora seeding, two areas in the east and west of the site have been identified for shrub planting and an area in the centre of the site has been identified for the in-filling of existing gaps with tree planting. As a result, it is accepted that the development would not lead to any overall loss of biodiversity.

The acoustic barrier will not impact on Canley Brook or wildlife movements within it as the barrier will be installed only along the boundary of the site that is directly to the rear of houses on Canley Road, where it will be most beneficial. As a result, the acoustic barrier would be 30m from Canley Brook.

There is no objection to the proposal on ecology grounds, subject to conditions requiring the measures in the submitted Preliminary Ecological Appraisal and the Landscape Mitigation Plan to be implemented in full and for a Construction Environmental Management Plan to be submitted pre-commencement.

A tree survey, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan have been submitted with the application. There are no tree preservation orders (TPO) on or adjacent to the site and the site is not located within a conservation area. Therefore, no trees are statutory protected.

The proposed development will require the removal of 16 individual trees, 1 group of trees and a section of an additional group. These are predominantly adjacent to the existing building and in the existing car park and are required to be removed to allow the reconfiguration of the site for the storage of the building materials and the vehicular accesses and routes. All the trees proposed for removal are of low quality (Category C) value and have low amenity value. Therefore, the tree loss would be low and not objected to. The majority of the trees on the site, including those around the perimeter of the site would be retained.

As the existing building and existing area of hard standing will be retained, the proposed works would not be as intrusive on the trees being retained as may have otherwise been the case, however, a condition will be attached to the permission requiring the measures set out on the tree protection plan to be implemented in full prior to commencement.

### **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 waste water by whatever means. By virtue of the existing building and yard being retained and no changes to their footprint or the introduction of more vulnerable uses on the site, the Council's Environmental Protection Team raised no objection in this regard or required any further information.

### **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 proposal is considered to provide an acceptable form of development and will not result in any significant harm upon neighbour amenity, highway safety, ecology or

infrastructure, subject to relevant conditions. It is therefore considered that the proposed development accords with development policies DE1, DS3, AC2, AC3, EM4, EM5, GE3, GE4, JE1 and JE7 of the Coventry Local Plan 2016, together with the aims of the NPPF. Subsequently the application is recommended for approval, subject to conditions.

### **Approved Plans**

AH/DB/2000130/01 – Location Plan  
AH/DB/200130/02A – Block Plan – Sheet 1  
AH/DB/200130/02B – Block Plan – Sheet 2  
8340-03-012 Rev. P1 – Proposed Roof Plan  
8340-03-011 Rev. P2 – Proposed Mezzanine Floor Plan  
8340-03-010 Rev. P2 – Proposed Ground Floor Plan  
8340-03-009 Rev. P2 – Proposed Elevations  
8340-03-004 Rev. P1 – Existing Elevations  
8340-03-003 Rev. P9 – Proposed Site Plan  
8340-03-002 Rev. P1 – Existing Site Plan  
20372-20-02 – Existing Floor Plans  
20372-20-01 Rev. A – Topographical  
Landscape Mitigation Plan Response, Ref. RSE\_4135b\_L1\_V1, dated 25 March 2021, prepared by RammSanderson Ltd.  
RSE\_4135b Rev. V1 – Landscape Mitigation Plan  
RSE\_4135\_TPP Rev. V1 – Tree Protection Plan  
RSE\_4135 - BS 5837:2012 Tree Survey  
RSE\_4135\_TCP Rev. V1 – Tree Constraints Plan  
Preliminary Ecological Appraisal Report (PEAR) and Bat Building Assessment, Ref. RSE\_4135\_01\_V3, dated January 2021, prepared by RammSanderson Ltd.  
TPCO-BSP-ZZ-XX-RP-C-0001-P01\_FRA\_&\_Drainage\_Strategy, dated 8<sup>th</sup> February 2021, prepared by BSP Consulting  
TPCO-BSP-ZZ-XX-RP-D-0002-P02\_Travel\_Plan, dated 25<sup>th</sup> October 2021, prepared by BSP Consulting  
TPCO-BSP-ZZ-XX-RP-D-0001-P02\_Transport\_Statement, dated 25<sup>th</sup> October 2021, prepared by BSP Consulting  
23468-DWG-EX-00001 Rev. 01 – External Lighting Proposal Sheet 1  
23468-DWG-EX-00001 Rev. 01 – External Lighting Proposal Sheet 2  
External Lighting Design – C4C23468, dated 30.04.2021, prepared by Whitecroft Lighting  
Air Quality Assessment, ref. 20-2021.01, dated January 2021, prepared by Delta Simons  
Technical Note 1, ref. 21648R02PKMW, dated 02/02/2022  
Noise Impact Assessment ref. 21648R01Djbpk, Fifth Issue, dated 19/05/2022, Prepared by Environoise  
CON29M Coal Mining Report, Ref. D40189\_51002330445001, dated 20 November 2020

### **Conditions**

1. Time limit
2. Approved plans
3. Hours of opening for public and deliveries
4. Outside storage height
5. Restricted outside storage areas
6. Staff cycle parking details
7. Travel Plan
8. Lighting spec compliance

9. CEMP
10. Dust Management Plan
11. Air Quality EVPs and boiler NOx level
12. Noise Assessment compliance
13. Boundary treatment
14. Acoustic barrier
15. Tree protections measures
16. Noise Management Plan
17. Landscaping plan to be implemented within 3 months of use starting

## **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 plans:  
 AH/DB/2000130/01 - Location Plan  
 AH/DB/200130/02A - Block Plan - Sheet 1  
 AH/DB/200130/02B - Block Plan - Sheet 2  
 8340-03-012 Rev. P1 - Proposed Roof Plan  
 8340-03-011 Rev. P2 - Proposed Mezzanine Floor Plan  
 8340-03-010 Rev. P2 - Proposed Ground Floor Plan  
 8340-03-009 Rev. P2 - Proposed Elevations  
 8340-03-004 Rev. P1 - Existing Elevations  
 8340-03-003 Rev. P9 - Proposed Site Plan  
 8340-03-002 Rev. P1 - Existing Site Plan  
 20372-20-02 - Existing Floor Plans  
 20372-20-01 Rev. A - Topographical  
 Landscape Mitigation Plan Response, Ref. RSE\_4135b\_L1\_V1, dated 25 March 2021, prepared by RammSanderson Ltd.  
 RSE\_4135b Rev. V1 - Landscape Mitigation Plan  
 RSE\_4135\_TPP Rev. V1 - Tree Protection Plan  
 RSE\_4135 - BS 5837:2012 Tree Survey  
 RSE\_4135\_TCP Rev. V1 - Tree Constraints Plan  
 Preliminary Ecological Appraisal Report (PEAR) and Bat Building Assessment, Ref. RSE\_4135\_01\_V3, dated January 2021, prepared by RammSanderson Ltd.  
 TPCO-BSP-ZZ-XX-RP-C-0001-P01\_FRA\_&\_Drainage\_Strategy, dated 8th February 2021, prepared by BSP Consulting  
 TPCO-BSP-ZZ-XX-RP-D-0002-P02\_Travel\_Plan, dated 25th October 2021, prepared by BSP Consulting  
 TPCO-BSP-ZZ-XX-RP-D-0001-P02\_Transport\_Statement, dated 25th October 2021, prepared by BSP Consulting  
 23468-DWG-EX-00001 Rev. 01 - External Lighting Proposal Sheet 1  
 23468-DWG-EX-00001 Rev. 01 - External Lighting Proposal Sheet 2  
 External Lighting Design - C4C23468, dated 30.04.2021, prepared by Whitecroft



Lighting

Air Quality Assessment, ref. 20-2021.01, dated January 2021, prepared by Delta Simons

Technical Note 1, ref. 21648R02PKMW, dated 02/02/2022

Noise Impact Assessment ref. 21648R01Djbpk, Fifth Issue, dated 19/05/2022, Prepared by Environoise

CON29M Coal Mining Report, Ref. D40189\_51002330445001, dated 20 November 2020

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

3. The premises shall not be open to the public and no deliveries shall take place to and from the site other than between 07:30 hours and 17:00 hours Mondays to Fridays, between 08:00 hours and 12:00 hours on Saturdays and at no time on Sundays and Bank/Public Holidays.

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

4. No items, materials, containers, etc. shall be stored at a height greater than 5.5 metres above ground level.

**Reason:** *In the interests of the visual amenities of the area in accordance with Policy DE1 of the Coventry Local Plan 2016.*

5. No storage shall take place in the open on any part of the site, other than within the area hatched black on approved drawing No. 8340-03-003 Rev. P9 - Proposed Site Plan.

**Reason:** *In the interests of the visual amenities of the area in accordance with Policy DE1 of the Coventry Local Plan 2016.*

6. Prior to occupation of the development hereby permitted, details of cycle parking facilities for the staff shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in full accordance with the approved details prior to first occupation of the building and thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.

**Reason:** *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DS3, AC3 and AC4 of the Coventry Local Plan 2016.*

7. The Travel Plan (ref. TPCO-BSP-ZZ-XX-RP-D-0002-P02) hereby approved shall be implemented in full accordance with the details specified therein. The Travel Plan, as approved shall be monitored and reviewed in accordance with the approved Travel Plan targets and shall not be amended in any way.

**Reason:** *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DS3, AC3*

and AC4 of the Coventry Local 2016.

8. The external lighting hereby permitted shall be installed and operated in accordance with the approved external lighting proposal diagrams, ref. 23468-DWG-EX-00001 Rev. 01 and external lighting design document ref. C4C23468, dated 30.04.2021.

**Reason:** *To safeguard the amenities of the adjoining occupiers of the development in accordance with Policies DE1, DS3 and EM2 of the Coventry Local Plan 2016.*

9. No development (including any demolition or preparatory works) shall commence unless and until a Construction Environmental Management Plan (CEMP) and a method statement detailing the control of noise and emissions to air during the construction phase have been submitted to and approved in writing by the Local Planning Authority. Such a method statement should be in-line with the Best Practice Guidance entitled 'The control of dust and emissions from construction and demolition' produced by the Greater London Authority and London Councils. The CEMP shall include the following in relation to noise and dust mitigation and biodiversity enhancement:

**NOISE AND DUST:**

- (a) Proposed hours of work.
- (b) Map with nearest receptors and distances for dust and noise.
- (c) Noise impact on nearest neighbours and control measures as required.
- (d) Monitoring methods and measurement locations for dust and noise and recording details.
- (e) Dust mitigation measures.
- (f) Contact details for responsible persons and site personnel training.
- (g) Information provision and liaison with local residents.

**BIODIVERSITY ENHANCEMENT:**

- (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 and shall not be amended in any way.

**Reason:** *In order to ensure a satisfactory level of environmental protection; to minimise disturbance to local residents, in the interests of highway safety during the construction process; 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 Policies DS3, EM7, GE3, AC1 and AC2 of the Coventry Local Plan 2016*

10. Prior to the operation of the use on the site, a dust management plan detailing the control of dust into the air during the operational stage of the use of the site, particularly in relation to the outside storage area, outside delivery areas and the pick up / collection areas, should be submitted to and approved in writing by the Local Planning Authority and shall include:-
- a) map with nearest receptors and distances for dust;
  - b) monitoring methods and measurement locations for dust recording details;
  - c) dust mitigation measures;
  - d) contact details for responsible persons and site personnel training; and
  - e) information provision and liaison with local residents.
- The development shall only proceed in full accordance with the approved details.

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

11. Any gas boilers installed on site shall have a dry NO<sub>x</sub> emission rate of no more than 40mg/kWh and 10% of parking spaces shall be provided with electric vehicle charging, which shall be provided prior to commencement of use on the site and shall not be removed or altered in any way and shall be kept available for such use by staff and visitors at all times.

**Reason:** *To mitigate the impacts of development on air quality as the proposed development is located within an Air Quality Management Area declared for Nitrogen Dioxide and as required by the NPPF (para.150(b) & 110(e)), in accordance with Policies AC1, EM7, DS3 and EM2 of the Coventry Local Plan 2016 and the aims and the objectives of the NPPF.*

12. The Noise Impact Assessment and Mitigation Measures hereby permitted shall be fully implemented and operated in strict accordance with the approved Noise Impact Assessment ref. 21648R01Djbpk, Fifth Issue, dated 19/05/2022, Prepared by Environoise and Technical Note 1, ref. 21648R02PKMW, dated 02/02/2022.

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

13. Notwithstanding the plans hereby permitted, prior to the installation of the boundary paladin fence, details of the position, appearance and materials of such boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in full accordance with the approved details before the respective use on the site commences operations 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.*

14. Notwithstanding the plans hereby permitted, prior to the installation of the acoustic barrier, details of the position, appearance and materials of the acoustic barrier shall be submitted to and approved in writing by the Local Planning Authority. The acoustic barrier shall be completed in full accordance with the approved details before the respective use on the site commences operations and thereafter shall be 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 DE1 of the Coventry Local Plan 2016.*

15. 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.*

16. Before the development hereby permitted commences a noise management plan shall be submitted to and approved in writing by the Local Planning Authority. This shall specify the provisions to be made for the control of noise emanating from the site. The noise mitigation scheme should be installed 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 safeguard the amenities of the adjoining occupiers of the development in accordance with Policy DE1 of the Coventry Local Plan 2016.*

17. The development, hereby permitted, shall be carried out in full accordance with the measures set out in the submitted Preliminary Ecological Appraisal; and the Landscape Mitigation Plan, including planting and hard landscaping shown on the approved plans, shall be completed in all respects within three months of the first use of the development and the 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.*