

<b>Planning Committee Report</b>	
<b>Planning Ref:</b>	FUL/2022/0583
<b>Site:</b>	Brookside House Burnsall Road CV5 6BU
<b>Ward:</b>	Earlsdon
<b>Proposal:</b>	Demolition of existing industrial building and erection of purpose-built student accommodation (196 Rooms), amenities, landscaping, access and associated works
<b>Case Officer:</b>	Ayesha Saleem

## **SUMMARY**

The application comprises of the demolition of an existing industrial unit and erection of student accommodation building with amenities, landscaping, and access. The application is considered to prejudice the ongoing and future use of surrounding sites for employment purposes, possibly impacting the air and noise quality for future occupiers not making this a satisfactory environment for residents; and also provides no parking. Therefore, the proposed development is considered to be unacceptable.

## **BACKGROUND**

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

## **KEY FACTS**

<b>Reason for report to committee:</b>	5 or more letters of support have been received
<b>Current use of site:</b>	The site currently is currently an industrial unit.
<b>Proposed use of site:</b>	To be developed for purpose-built student accommodation.

## **RECOMMENDATION**

Planning committee are recommended to refuse planning permission.

## **REASON FOR DECISION**

- a) The proposal is unacceptable in principle as it is an incompatible land use. The lack of on-site parking would also be unacceptable on this site which is not directly accessible to the university.
- b) The proposal does not accord with Policies DS3, DE1, H10, JE3 and AC3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

## **BACKGROUND**

### **APPLICATION PROPOSAL**

The application proposes the demolition of the existing industrial building on the site and its replacement with a purpose-built student accommodation. The development will provide 196 self-contained studio units. Each studio will accommodate a bathroom, cooking facilities as well as a bed and living space.

The new building will incorporate 6 floors of accommodation. The ground floor will provide the entrance at street level from Burnsall Road and will have a main lobby/reception area. From this, it will lead to studio apartments along with stairs and elevators to accommodation both at lower ground level and four floors above.

Floors 1 to 5 comprise of living accommodation in self-contained studio apartments. At floor five, 8 of the units have their own private roof terrace. A communal roof terrace is also provided at the southern end of the building.

On the lower ground floor level there is a mix of living accommodation and shared living space such as dining/cooking areas, study rooms, a cinema room and a gym. Bike storage for circa 50 bikes is also provided on this level along with space for plant and equipment. No car parking is proposed.

Externally, a private amenity area is provided at the southern end of the building, which will be landscaped to provide a small garden area for use exclusively by occupants. Access to this and to the cycle storage will be via a ramped access that runs to the east of the building between it and the existing commercial use to the east.

The building is to be designed in red brick walls, aluminium cladded walls and concrete rainscreen cladding to the roof.

### **SITE DESCRIPTION**

The application site extends to 0.174 hectares and is located on the corner of the south side of Burnsall Road within the Canley area of Coventry, next to the green open space towards Fletchamstead Highway. The site is approximately rectangular in shape and is currently occupied by a two-storey warehouse building with associated office accommodation on the Burnsall Road frontage. The parking and yard area are surfaced with concrete. The site falls quite sharply from north to south with a levels difference of approximately 3 metres between the front and rear of the site.

Immediately to the west of the building runs a small brook which is bound by trees whilst further to the west beyond this is an area of open grass leading up to the A45 Fletchamstead Highway. To the south is a wooded and treed area whilst to the east are existing commercial properties used for a mix of employment purposes. On the north side of Burnsall Road further employment uses within the B Use Class. Further to the east along Burnsall Road are residential dwellings.

## PLANNING HISTORY

Application Number:	Description of development:	Decision and date:
S/1949/0204	Erection of a building	Approved - 02/11/1949
S/1955/0279	Erection of extension to printing works	Approved - 04/11/1955
S/1960/0237	Extension to factory premises	Approved - 29/07/1960
S/1985/1399	First floor extension to existing offices	Approved - 07/03/1985
PREP/2021/2690	Proposed erection of student accommodation (47 units)	Response- 18/05/2021

## POLICY

### National Policy Guidance

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

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

### Local Policy Guidance

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

Policy DS3: Sustainable Development

Policy DS4 (a): General Masterplan Principles

Policy H10: Student Accommodation

Policy JE3: Non-Employment Uses on Employment Land

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy GE4: Tree Protection

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 EM2: Building Standards

Policy EM4: Flood Risk Management

Policy EM5: Sustainable Drainage Systems (SuDS)

Policy EM6: Redevelopment of Previously Developed Land

Policy EM7: Air Quality

Policy EM8: Waste Management  
Policy IM1 – Developer Contributions for Infrastructure

**Supplementary Planning Guidance/ Documents (SPG/ SPD):**

Supplementary Planning Guidance/Documents (SPG/SPD):  
Residential Design Guide  
Delivering a More Sustainable City SPD  
Coventry Connected SPD- Appendix 5-car park and cycle parking standards  
Air Quality Supplementary Planning Document (SPD)

**CONSULTATION RESPONSES**

No objection from:  
West Midlands Fire Service  
West Midlands Police Service  
Highways (CCC)  
Education (CCC)  
Trees (CCC)  
Archaeology (CCC)  
Streetscene and Greenspace (CCC)

No objection subject to conditions from:-  
Economic Development Service (CCC)  
Urban Design (CCC)  
Ecology (CCC)  
Drainage (CCC)

Objection from:-  
Environmental Protection (CCC)  
Public Health (CCC)

**PUBLIC RESPONSES**

Notification letters were sent out to neighbouring houses, two site notices were displayed on the 22<sup>nd</sup> of March 2022 and a press notice was advertised on 24<sup>th</sup> March 2022.

26 letters of support have been received raising the following material planning considerations:

- c) Improvement to the area
- d) Type of accommodation is needed
- e) Design is acceptable
- f) Location is good
- g) The development will result in job opportunities
- h) The development will result in freeing up more houses

5 letters of objections have been received raising the following material planning considerations:

- i) Loss of light

- j) Harmful overlooking
- k) Overshadowing
- l) Out of character
- m) Pressure of local infrastructure
- n) Too close to residential dwellings
- o) No parking and disabled parking
- p) Parking and traffic is an existing issue
- q) Highway safety concerns
- r) Impacts industrial area
- s) Concerns regarding noise
- t) Concerns regarding design and massing
- u) Construction noise and air pollution
- v) Impact upon wildlife
- w) No neighbour letters sent to residential dwellings close to the development

Any further comments received will be reported within late representations.

## **ASSESSMENT**

### Principle of Development:

The redevelopment consists of the demolition of the existing industrial building and the erection of purpose-built student accommodation. As such, officers consider policies; H10 and JE3, of the Coventry Local Plan (2011-2031) (Local Plan) to be of relevance in this instance alongside the National Planning Policy Framework (NPPF).

Policy JE3 states '1. Proposals for the redevelopment in whole or in part of employment land for non-employment purposes will not be permitted unless it can be demonstrated that the part(s) of the site where non-employment development is proposed are:

- a) No longer suitable for employment use bearing in mind their physical characteristics, access arrangements and/or relationship to neighbouring land-uses and there is evidence of unsuccessful active and substantial marketing of the site for employment use using a variety of media which supports this; or
- b) It would not be financially viable to re-use or re-develop the land or buildings on the land in whole or in part for employment purposes; or
- c) The non-employment development proposed would be used for purposes which are clearly ancillary to and will support the operations of a primary employment use on the land; or
- d) The non-employment development would generate significant employment gains which are of sufficient weight to justify the loss of employment land.

2. In addition to at least one of the above criteria being satisfied it will also need to be demonstrated that:

- a) The potential of the site to contribute to the employment land requirements of the city over the plan period is not significant; and
- b) The proposal would not significantly compromise the viability or deliverability of other adjacent employment land or land allocated in this Plan for employment development; and

c) The proposal will not have an unacceptable adverse impact on the continuing operation of any nearby existing businesses.'

Policy H10 states 'Purpose-built student accommodation and conversions of residential and non-residential properties to student accommodation will be encouraged where:

- a) It is directly accessible from the universities:
- b) Such development can play a part in the regeneration of the immediate neighbourhoods without disadvantage to local services.
- c) It will not materially harm the amenities of occupiers of nearby properties; and
- d) It will reflect and support or enhance the appearance and character of the area.

To support the intended use of the proposals the specified tenure will be secured through a Section 106 agreement.'

The applicant has provided details of marketing activity as part of this proposal as required by part 1a of Policy JE3. Having reviewed the information, Policy officers consider that the evidence presented meets the requirements set out in part 1a of the policy. On that basis it is considered that Part 1 of Policy JE3 has been complied with. It is not considered that the loss of this employment use will significantly impact on the supply and delivery of employment land in Coventry.

However, in relation to part 2 of Policy JE3 we consider that parts B and C are relevant given the proximity of the industrial neighbouring units which, upon inspecting the planning history, have no restrictions in relation to the use or hours of operation. Therefore, the creation of a residential based use on the application site is considered to prejudice the ongoing and future use of surrounding sites for employment purposes, as certain processes may be restricted given the proposed residential use neighbouring the site. Furthermore, businesses may be deterred from investing in adjacent sites or relocating to them due to a fear that they will become subject to noise nuisance complaints. The proposal does not comply with this part of Policy JE3.

In relation to Policy H10 we consider that the information provided in this proposal is sufficient to judge that, on balance, the proposal is in conformity with majority of this policy however not part a. The site is not considered to be directly accessible to either Warwick University or Coventry University. The walk to Warwick university campus would involve crossing the A45 and would be almost a mile. The proposal does not comply with this part of Policy H10. Furthermore, the location is not considered to be sustainable for this use as, being in an industrial estate, it does not have access to the usual facilities you would expect to find in a residential location.

Therefore, officers object to the principle of development and it is considered that the applicants have failed to adequately demonstrate that the proposal comply with Policies JE3, DS3 and H10 of the Coventry Local Plan 2016.

Impact on visual amenity:

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

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

There has been a positive design narrative for this proposal with the unit being broken down into a series of forms as well as a demonstration of a tripartite design with a clear base, middle and top elements expressed within the proposal therefore Urban Design officers would hold no objection in principle to the delivery of this proposal.

The narrative of this development being read as a collection of buildings the parapet that is shared amongst the different elements have been broken down, raising, and lowering aspects so that the units are read as a series of forms.

The proposal will provide a variety of hard and soft landscaping elements. The delivery of vertical planting along the eastern site boundary which is a welcomed addition would enhance the residents' outlooks through the use of soft landscaping, this would be supported by Policy DE1 by providing a positive response to the existing context.

Furthermore, the use of landscaping is beneficial as it helps in ensuring a level of privacy is retained for habitable rooms through the use of defensive planting, which is evident along the western boundary.

Additionally, there has been the beneficial suggestion of materiality indicated within the elevational plans. However, the material specifications could be conditioned if the application was recommended for approval.

Therefore, in regard to the design, massing and materials, Urban Design officers raise no objections to the proposals which are in accordance with Policy DE1 of the Coventry Local Plan 2016.

Impact on residential amenity:

The closest residential dwellings are located east from the application site on Burnsall Road at a distance of circa 108 metres. The dwellings located on Burnsall Grove are at a distance of circa 124 metres. Given the significant separation distance the proposal is not considered to have a detrimental impact upon the amenity of these residential dwellings in regard to harmful overlooking, overbearing and overshadowing.

The proposal is to provide sufficient internal amenity areas such as a communal area (64sqm), gym (68.8sqm), cinema room (20.5sqm), a study area (36sqm) located on the lower ground floor level. There is also a communal terrace located on level 5 which is circa 35.05 sqm. Externally, a private amenity area is provided at the southern end of the

building, which will be landscaped to provide a small garden area for use exclusively by occupants. Therefore, in regard to the level of amenity provided for future occupiers the proposal on balance is considered to be acceptable.

The neighbouring industrial Unit 1 Sigma House Burnsall Road is located east to the application site at a minimum separation distance of circa 4.1 metres and a maximum separation distance of circa 6.7 metres in which there is to be a retaining wall in between. Whilst this distance is small there would be no habitable room windows facing the adjacent unit at lower ground level and studio windows above that level would be angled so as to provide a more pleasant aspect for future occupiers.

Environmental Protection officers have assessed the noise report and air quality assessments which have been submitted alongside the application.

The current Air quality assessment is valid, there could however, be future uses that move in nearby units which generate dust, fumes and odour which could adversely affect the proposed development. Although these should be controlled at source it should be noted that the industrial/commercial character of the area and especially B class uses can by their nature generate smells and odours, which although controlled to safe levels may still be offensive or unpleasant.

The proposed noise mitigation measures for windows would safeguard users from current noise levels. Similarly, with air quality above, there is no guarantee that future adjacent uses will operate purely daytime and be quiet uses. There is always the possibility of a new activity moving in next to the site, which could be a noisy B use class and possibly operate with unrestricted hours.

Therefore, Environmental Protection officers have also raised concerns in relation to the future operations and uses in association with industrial activities possibly impacting the air and noise quality for future occupiers not making this a satisfactory environment for residents given the close proximity to industrial neighbouring units.

#### Highway considerations:

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

The Transport Statement (TS) submitted with the application considers how the proposed development will operate without causing and adverse impact on the local highway network. This is to be achieved by the promotion of active travel modes and public transport in addition the development is to be car-free with no parking spaces provided on-site for residents.

The TS details that 50 secure cycle parking spaces are to be provided within the development with a contribution to be made to the West Midlands Cycle Hire Scheme to



provide a dock close to the site. This is considered acceptable and in line with the promoting active travel at the site. It should be noted that there is little room to increase the number of secure cycle parking spaces in the current design if there is a more demand for cycle parking in future. This should be considered, and provision made of the future expansion of the cycle parking facilities.

The proposal details a pick-up/drop-off layby at the front of the development onto Burnsall Road. This facility is to be provided for daily deliveries of food and shopping etc for students. In addition, this facility will be used as a temporary 2-car parking area in order to allow students to move in or out of the building at the start and end of term. This is to be managed by wardens during this time and it is expected that 2 students per hour will be able to move in/out meaning that all residents will be able to move in/out over a period of a week.

A Travel Plan Statement (TPS) has also been submitted with the application. This aims of the TPS is to promote and encourage the use of sustainable transport modes by residents of the development. It is considered that the TPS is suitable for the development and the measures that it outlines should be adopted.

In the event of the application being approved, the developer would be required each year to submit an Annual Monitoring Report to Coventry City Council for approval. This report shall demonstrate to the Council's reasonable satisfaction how the TP has been implemented during the previous 12-month period and include:

- Measures introduced and actions taken to promote the TP;
- A statistical summary of the modal split of employees/residents/users disclosed by the monitoring surveys
- The progress of the TP in achieving targets and identifying any amendments to be agreed in writing by the council in the event that targets are not achieved; and
- A plan for future actions to be implemented

Applicants would be required to pay an annual Travel Plan Monitoring Fee of £6,800 to Coventry City Council for a period of 10 years. This is in addition to any contributions secured for sustainable travel and the cost of preparing and implementing the Travel Plan.

The Local Highway Authority has no objections to the proposal subject to the conditions and a S106 contributions.

Specifically in relation to parking, Planning Officers have assessed the proposals and no on-site parking is being provided on site. The maximum parking standards required for this site given it is out of centre is 1 car parking space per 4 bedrooms. Given this development is for 196 rooms the development will require 49 parking spaces.

Any reduction from the maximum standard of parking provision will only be accepted:

- In highly accessible locations where transport, by means other than the private car, is a realistic alternative. Eg – close proximity to the city centre, a train station, a high-quality rapid transit route or other public transport interchange
- where accompanied by a package of measures (proportionate to the scale of the development) to enable sustainable means of transport – this will include appropriate contributions to the implementation and maintenance of resident's parking zones as set out in the Coventry Connected SPD.

In our view the proposal does not accord with any of the above. There is a train station at Canley and that is circa 800m. This would give easy access to the city centre but student accommodation in this location is essentially targeted at Warwick University students. Some sustainable measures have been proposed but they do not include any provision for a resident's parking scheme.

There is no way of controlling car ownership and the impact potentially 49 vehicles could have on Burnsall Road (usually quite congested with parking for the existing employment uses) or Burnsall Grove (the nearest residential street). There are parking restrictions along Burnsall Road so that parking is only allowed on one side of the road, which planning officers assume is to ensure sufficient width for HGV access.

Given there is no provision for on-site parking, planning officers object to the proposals on this basis.

#### Ecological considerations:

The site is immediately adjacent to Burnsall Road (Local Wildlife Site), an important area of woodland and other habitats along the Fletchamstead Highway. There are several other non-statutory LWS within a 1km boundary and Canley Ford Community Woodland (Local Nature Reserve) is circa 1km away. Canley Brook (approx. 200m away) is a Local Geological Site (the stream banks and bed expose and stones, interbedded with mudstone and siltstone, of the Upper Carboniferous).

The site is immediately adjacent to a brook which joins with Canley Brook to the south within Burnsall Road Local wildlife site. There are no records of notable wildlife from the site. The existing site within the industrial park consists of buildings and hardstanding with limited biodiversity value.

The application includes a Preliminary Ecological Appraisal (Harris Lamb, February 2022). The report provides background information, an assessment of the habitats present on the site and potential impact on wildlife of the development. The report also includes a summary of a DEFRA metric Biodiversity Impact Assessment. The Preliminary Ecological Appraisal includes a number of recommendations and requirement for further ecological surveys to be undertaken, which have been submitted by the Agent. Overall, the report concludes that if the recommendations are fully implemented the development

would provide an overall net gain in biodiversity. This is accepted subject to further consideration of the potential recreational impact on the adjacent LWS.

There is no objection to the proposal on ecology grounds subject to condition relating to the recommendations in the Preliminary Ecological Appraisal (Harris Lamb, February 2022, Assessment of Effects and Mitigation Measures, Section 5, page 29)

#### Other Matters:

Public Health officers assessed the Health Impact Assessment and have requested further information. For the HIA screening to be robust, all categories need to be completed and a clear directive as to the impact on Health Inequality given backed up by evidence. For example, Categories 9, 10 and 11 have no response, these relate to social cohesion and lifetime neighbourhoods, minimising use of resources and climate change respectively.

In relation to the neighbour comments relating no neighbour letter were sent to the residential dwellings closest to the site, these dwellings are at some distance away and do not immediately abut the application site. Two site notices were placed on Burnsall Road, and a press notice was also advertised.

#### Streetscene & Greenspace:

Policy GE1 Green Infrastructure of the Coventry Local Plan 2016 requires, where the opportunity arises and in line with the city's most up-to-date Green Space Strategy, for new developments to enhance the green infrastructure and create and improve linkages between individual areas.

Developments must respect the importance of conservation, improvement and management of green infrastructure in order to compliment and balance the built environment. This is underpinned by the recently adopted Coventry City Council Green Space Strategy [GSS] (2019 – 2023).

This development will have an estimated population of 196 students. Based on the Green Space SPD this number of occupants will equate to the requirement of 0.58 ha of on-site quality open space [0.165 ha Formal and 0.415 ha Informal] which is publicly accessible.

As the non-built-up areas of the development consist predominantly of hardstanding with ground cover and planters plus a roof-top terrace and it is assumed that the development will be a secure site, the landscaped areas are not considered quality, publicly accessible open space. If the application was to be recommended for approval officers would seek a contribution in the form of a Section 106 legal agreement to provide enhancements to existing adjacent open spaces. The two sites which S106 funds would be used to enhance are Burnsall Grove Open Space and Prior Deram Park. As the application is recommended for refusal, the open space contribution was not requested.

### Equality implications:

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

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

### **CONCLUSION**

In view of the unacceptable principle, insufficient parking, future uses impacting noise and air quality not making this a satisfactory residential environment and not securing S106 contributions the scheme does not accord with development plan policies, supplementary planning guidelines and the principles of the NPPF 2021 and therefore the application is recommended for refusal. The development does not accord with Policies DS3, DE1, H10, JE3 and IM1 of the Coventry Local Plan 2016.

### **CONDITIONS/ REASON**

1. The proposals would introduce an inappropriate residential use into an industrial estate which is incompatible with surrounding industrial uses. As such
  - i) Would prejudice the ongoing and future use of surrounding sites for employment purposes
  - ii) Fails to provide a satisfactory residential environment for future occupiers by reason of impact from air and noise quality.
  - iii) Is not in a sustainable location with good access to services and facilities expected by residential occupiers and is not directly accessible to the universities.

iv) The proposals would therefore be contrary to Policies JE3, DE1, H10 and DS3 of the Coventry Local Plan 2016 and the principles of the National Planning Policy Framework 2021.

2. The proposal fails to make provision for on-site parking provision in a location that is not directly accessible to the universities or in a sustainable location with access to services. As such the proposal would result in the intensification in demand for on street parking provision in the locality with no mechanism for mitigating the impact of the development. Therefore, the proposal would be to the detriment of highway safety, the free flow of traffic and to the amenities of the occupiers of neighbouring units. The proposals would therefore be contrary to Policies H10 and AC3 of the Coventry Local Plan 2016, and the parking standards contained within Car Parking for New Development (Appendix 5)' and the aims and objectives of the National Planning Policy Framework 2021.