

Delegated Officer Report

Application Number: FM/2016/2084

Car park adjacent to Ringway Whitefriars Fairfax Street

Purpose built student accommodation with the provision, at ground floor level, of commercial units to be used for purposes within Use Classes A1, A3, A4 or A5, together with on site car parking, servicing areas, landscaping and associated infrastructure; temporary use of part of ground floor for public car parking.

Introduction

This is a full application for re-development of an existing public car park to provide purpose built student accommodation. The accommodation would be arranged in a number of blocks up to 22 storeys with a mixed use retail use and associated parking and servicing at ground floor. Temporary car parking is to be provided at ground floor for public use for the existing sports and leisure centre opposite. It should be noted that archaeological investigations have found that the city wall runs through the site to the west.

The accommodation will be arranged around 4 blocks of up to 22 storeys in height to provide 1070 self-contained studios.

To the ground floor there will be three retail units to the west of the site, providing 798 square metres of retail floor space. To the east at ground floor there will be student services and marketing.

Temporary car parking will be provided at ground floor level and upper mezzanines to provide 150 public car parking spaces to serve the sports centre opposite.

The application site is currently used as a public car park and is located at the junction of Fairfax Street and Cox Street. There is a leisure centre opposite which is currently the main city centre swimming pool but it should be noted that planning permission has been granted for a new water park in the City Centre and the future of the existing leisure centre in Fairfax Street is uncertain.

The ring road runs alongside the eastern and northern site boundary in an elevated position. To the west there is a service road with Gala Bingo to the other side of the service road. The service road links to the main bus depot further to the west. The southern boundary of the site adjoins Fairfax Street to the south with the aforementioned leisure centre on the opposite side of Fairfax Street.

Archaeological investigations have identified the city wall running to the west of the site for the depth of the site. The investigations indicate that the wall runs for a short distance from west to east close to the northern boundary of the site, then turns to run for the remainder of the depth of the site towards Fairfax Street. At the turn it is believed that the tower feature still remains.

PLANNING HISTORY

There is no recent or relevant planning history.

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF published in March 2012 replaced all previous national planning policy and 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 Development Plan 2001 (CDP) relevant policy relating to this application is:

CC3 - A living heart
BE21 - Safety and security
BE11 - Alteration or extension of listed buildings
BE2 - The principles of urban design
AM22 - Road safety in new developments
AM12 - Cycling in new developments
S10 - Catering outlets
H12 - Design and density of housing development
H10 - Affordable housing
H9 - Windfall additions to housing land supply
H5 - Conversion from non-residential to residential use
EM5 - Pollution protection strategy
EM2 - Air quality
OS6 – Change of Land Use
OS9 - Access by disabled people
OS7 - Mixed land use
OS4 – Creating a more sustainable city

Emerging Policy Guidance

The Draft Local Plan 2016 to 2031 has been submitted to the Inspectorate, examination hearings are currently underway. Whilst the policies do not hold significant weight at this time, they will gain weight as the local plan continues through the process. Policies within the draft local plan that are relevant include:

R2 – Coventry City Centre Development Strategy
DE1 – Ensuring a High Quality Design
BE11 – Alteration or extension of listed buildings
AC1 – Accessible Transport Network

AC4 – Walking and Cycling
R6 – Restaurants, Bars and Hot Food Takeaways
H5 – Managing Existing Housing Stock
H3 – Provision of New Housing
H6 – Affordable Housing
H11 – Homes in Multiple Occupation (HMOs)
JE3 – Non-employment uses on employment land.
EM1 – Planning for Climate Change Adaptation
EM6 – Air Quality
HWB1 – Health Impact Assessments (HIA)
DS3 – Sustainable Development Policy
DS1 – Overall Development Needs

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Design Guidelines for New Residential Development
SPD Delivering a more sustainable city

CONSULTATION

No Objections received from:
English Heritage
Coventry Airport

No objections subject to conditions have been received from:
Severn Trent
Environmental Protection Officers (CCC)
Conservation (CCC)
Highways (CCC)
Urban Design and Landscaping (CCC)
Ecology
Drainage (CCC)

Objections have been received from:
Sustainability Officer (CCC)

Immediate neighbours and local councillors have been notified. A site notice was posted on 8th September 2016. A press notice was displayed in the Coventry Telegraph on 8th September 2016.

One letter of support has been received indicating that the area is in dire need of redevelopment and the proposal is entirely appropriate. They further consider that the height is appropriate next to the ring road and will have the added benefit of hiding some of the poor quality buildings beyond. They do, however, question the use of the white render which might discolour over time.

An objection has been received to the number of cycle spaces as they consider the provision should be one space for every two beds.

One letter has been received commenting on the proposals and questioning the findings of reports in respect of the proximity to watercourses, potential contamination and the electricity substation on site and underground cables. They further indicate that National Grid and Western Power should have been consulted about this.

APPRAISAL

The main issues in determining this application are the principle of development, design and the impact of the proposals on heritage assets, highway considerations, residential amenity and loss of the car park.

Principle of development

CDP Policy OS4 in seeking to promote a more sustainable City encourages the efficient use and re-use of land and buildings.

Policy OS7 states that a mix of uses will be encouraged in appropriate locations to encourage diversity and vitality provided that the amenities and functional needs of existing and nearby uses are protected.

Policy CC3 seeks to promote new housing within the City Centre. The application site lies inside the ring road and close to Coventry University central campus.

Policy H9 states that windfall additions to housing land supply will be permitted subject to compatibility with nearby uses, the provision of an attractive residential environment, convenient pedestrian access to local facilities, being well served by public transport and compatibility with other Plan policies.

Residential use of the site accords with Policy CC3 in terms of increasing the amount of housing within the City Centre. In terms of Policy H9 it is considered, for the reasons set out later in this report, that compatibility with nearby uses and a satisfactory residential environment can be achieved subject to conditions.

Overall it is considered that the proposed development for student accommodation with ground floor retail is acceptable in principle. The application site occupies a sustainable location within Coventry City Centre and is in a locality which already has a mix of commercial and residential uses. The area is well served by public transport and there is convenient pedestrian access to local facilities within the City Centre and excellent access to Coventry University within a short walking distance.

The principle is therefore considered acceptable and there is no direct conflict with the NPPF's presumption in favour of sustainable development.

Design/Impact upon City Wall

CDP Policy BE2 seeks to promote high quality urban design by ensuring that schemes take into account certain design principles. These principles cover such matters as enhancing townscape character by reflecting local character, strengthening the continuity of street frontages, providing high quality public spaces, promoting greater inter-connectedness, ensuring developments are clearly understood by users and promoting adaptability, mixed use and sustainability.

Policy H12 seeks to secure high quality design in housing developments through schemes respecting existing features and local character, achieving satisfactory relationships between buildings and spaces, good building detailing, provision of convenient and safe pedestrian/cyclist access, appropriate car parking, durable landscaping and energy efficiency.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

This test is re-iterated in CDP Policy BE11 relating to Listed Buildings.

The design follows various revisions in close consultation with officers. During site investigation works the siting of the city wall was identified and as such the scheme had to be amended to respect the siting of the wall. Various options have been considered for the wall. One option was to raise the wall above ground level where it would be on public display. Another was to leave it in situ with a glass floor above so it could be viewed below the ground floor of the building. If the wall was exposed to the elements then it is unlikely to be preserved. If it is below glass then it could be ruined by condensation. It is therefore considered, following the advice of the Council's Conservation Officer and the consultant from Leicester University, the best option is to leave the wall where it is. Heritage England recommend that the application should be determined in accordance with national and local policy guidance and on the basis of our specialist conservation advice.

Whilst leaving the wall where it is, it is still considered important that it is acknowledged as a heritage asset. The scheme has therefore been amended to crank the western section to follow the line of the wall. The building itself will run alongside and follow the route of the wall but set slightly back from it. To acknowledge it, the first three storeys of the western block will be constructed of sandstone to the elevation alongside the wall. The three storey approach was considered to be the appropriate height for the sandstone to have some impact and for it to be viewed from the ring road to the north. The sandstone will project forward onto Fairfax Street and to the rear towards the ring road where it will extend sufficiently for it to be inscribed to identify the location of the wall.

The Council's Conservation Officer recommend conditions for a watching brief, landscaping details for the courtyard/parking area over the remains of the wall and for details of the wording of the design of the lettering to be inscribed on the sandstone wall in relation to the city wall.

The site is approximately triangular in shape and it was considered important for the buildings to address the site rather than the initial proposals for rectangles to fit within it. The eastern wing has been re-modelled so that it has impact on the corner of Fairfax Street and Cox Street.

There will be temporary parking at ground floor which will be considered under the highways assessment. The ground floor will then revert to retail fronting Fairfax Street. Above the ground floor retail units there will be a first floor area of amenity space for residents which

will provide landscaping and planting fronting Fairfax Street. The sandstone to identify the wall will run through this area of amenity space to the west.

With a maximum of 22 storeys for the central wing, the development will be prominent. However, it is now considered that the design is acceptable and whilst prominent, it will be a landmark building in this location.

The Council's Urban Design Officer and the Conservation Officer are both satisfied with the proposals. However, due to the proposals for white render, it is considered important to receive sample materials for approval to enable officers to consider the render to ensure we are satisfied that it will weather well – through render choice, detailing around windows, parapets, joints etc. A condition for material samples is recommended accordingly.

Impact on residential amenity

CDP Policy OS7 relating to mixed uses states that such schemes should protect the amenities of existing nearby uses.

Policy EM5 advises that proposals which could result in the pollution of water, air or ground or pollution through noise, dust, vibration, smell, light, heat or radiation will only be permitted if the health, safety and amenity of the users of the land and neighbouring land; and the quality and enjoyment of the environment are assured.

Policy EM2 relating to air quality states that where likely damage to air quality cannot be satisfactorily mitigated, development will not be permitted.

The development will be up to 22 storeys but will be set some 80 metres from the retail units to the north on Lower Ford Street and approximately 130 metres to the nearest residential accommodation on Lower Ford Street. It is not therefore considered that the proposals will have a detrimental impact on the amenities of existing residents.

Environmental Protection have no objection subject to conditions for a noise and vibration assessment to demonstrate that internal noise levels for the proposed development meet the criteria set out in BS 8233 together with any mitigation measures. They also require a condition for a package of mitigation measures for air quality. In addition they required a detailed Unexploded Ordnance Risk Assessment in accordance with CIRIA C681. This has now been provided and a condition is recommended to require the safety measures proposed within that report to be implemented.

Overall subject to appropriate conditions the proposal is considered acceptable in terms of its impact on residential amenity.

Highway considerations

CDP Policy AM22 seeks to ensure that road safety considerations are addressed in new developments whilst Policy AM12 promotes provision for cyclists.

Policy AM19 seeks to retain off-street parking areas where there are problems with on-street parking. There is no on-street parking provision in the area other than pay and display and as such the proposals are not considered to be inconsistent with this Policy.

The application is accompanied by a parking survey which indicates that there is parking capacity in the vicinity. The site is owned by the Council and when the disposal was considered by Cabinet Member there was an objection to the loss of car parking. There is a clause in the land sale that states:-

“ For a period commencing on the practical completion of the construction of the building for the Permitted Use and expiring on the earlier of:

- *(i) the date the Swimming Facilities are wholly or partially closed and*
- *(ii) the date the Council of the City of Coventry ceases to be the operator of or to be engaged in procuring the operation of or to be the main funder of the operation of the Swimming Facilities and*
- *(iii) the date there is a disposal by Council of the City of Coventry by way of sale or lease of land and buildings which include the whole or part of the Swimming Facilities*
- *and, subject to obtaining planning permission for such use as part of the planning permission for the Permitted Use, the Tenant shall provide on the ground floor of the building constructed on the Property a privately operated car park for use by members of the public together with tenants of and visitors to the Property.”*

The applicants suggest a condition that the temporary use of the car park shall discontinue upon the closure of the public swimming facilities or upon the expiry of 5 years from the date of the planning permission, whichever is the earlier. Highways consider that the provision of the car park is part of a contractual agreement and their main concern is the impact on highway safety so recommend a management plan. A condition is recommended to require the car park until closure of the swimming baths or after 5 years if it can be demonstrated that there is no longer a need for this parking in the vicinity of the swimming baths.

Highways consider that the car parking provision is consistent with the Cabinet report that recommends circa 170 spaces. The Highways Officer does not consider the impact of the proposals to be severe and therefore has no objections subject to conditions for cycle provision, construction of the accesses, relocation of the lighting mast, a construction method statement and a management plan for operation of the public car park.

Other considerations

Sustainability

The Council's Sustainability Officer objects to the proposals. The application indicates that the energy provided to the development will be electricity from 100% renewable off-site sources. The Sustainability Officer does not consider this to be an acceptable alternative to on-site provision. He considers that there should be an evaluation of on-site renewable/low carbon technologies which could provide the minimum on-site generation. In particular, the Sustainability Officer requires a proper evaluation of connecting to heatline which currently feeds the sports centre across the road from the development.

The applicants argue that their 100% renewable off-site sources will have a significantly lower carbon footprint than any on-site provision. The applicants indicate that the fundamental point is that their proposals would result in less carbon generation which is the underlying purpose of the policy, even if they do not comply with the letter of the Policy in terms of on-site generation. Similarly, in relation to heatline, they argue that the reduced carbon footprint of their proposal compared to a connection to heatline demonstrates that they comply with the underlying purpose of the policy by reducing CO2 emissions by around 169.03 tonnes annually. As such, they consider it to be inappropriate to connect to heatline in circumstances where a reduced carbon footprint could be achieved without it. They consider this accords with the draft policy CC10 which provides that a scheme should not connect where the connection would be unviable or inappropriate and they offer the following comparisons:-

- 10% on-site renewable generation we would release around 1,137 tonnes of CO2 per annum;
- Connection to heatline but sourcing their own electricity from a renewable resource we would release around 169.03 tonnes of CO2 per annum;
- Their proposal of a connection to a 100% renewable energy source, they would release around 0 tonnes of CO2 per annum

They further indicate that whilst all of their energy will be from renewable sources, they are taking further steps to reduce the energy requirements of the development by a fabric first approach and active efficient energy use.

The Sustainability Officer still considers that their approach is contrary to the City Centre Area Action Plan and the Council's Sustainability SPD. The AAP has limited weight at this stage and the SPD is guidance. The Sustainability Officer has been asked to indicate how the proposals are contrary to SPD but no further information has been provided in support of this objection. The applicants have indicated that a suitably worded condition would secure the objectives of the SPD and officers do not disagree with this approach.

Flood Risk and Drainage

Severn Trent and the City Council's Flood Risk and Drainage Officer have no objection subject to a condition for drainage details.

A local resident has indicated that the application documents are incorrect where they indicate that the proposal is not set more than 20 metres from the nearest watercourse. The Environment Agency advise that the development is set more than the required minimum distance of 8 metres from the culverted river and therefore have no objection.

Safety and Security

West Midlands Police have provided advice on measures to enable the development to comply with Secured By Design principles and these have been relayed.

West Midlands Fire Service require additional information such as the provision of sprinklers and this has also been relayed to the applicants.

Other matters

A resident has raised concern about potential contamination on site having regard to the UXO report. Environmental Protection are satisfied that the UXO report addresses their concerns and request a condition that the risk assessment method statement and operational UXO risk management plan are adhered to.

Comments have also been made about the possibility of underground cables on site given the location of an existing substation. Any arrangements with utilities will need to be resolved by the land owners and a standard informative is recommended in respect of utilities.

CONCLUSION

The proposals are considered to be of a satisfactory design that respects heritage assets and are not considered to have a detrimental impact on visual or residential amenity or highway safety and therefore the application is recommended for approval.