



Appeal Decision

Inquiry opened on 6 June 2023

Site visits made on 31 May, 16 June, and 3 July 2023

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State

Decision date: 16th October 2023

Appeal Ref: APP/U4610/W/22/3313890

Land off Abbots Lane and Upper Hill Street, Coventry

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by CDP Developments Ltd against the decision of Coventry City Council.
 - The application Ref.OUT/2021/3576, dated 30 November 2021, was refused by notice despatched on 11 November 2022.
 - The development proposed is described as: Full planning application of 212 dwellings (Class C3) served via access from Abbots Lane and Upper Hill Street; strategic landscaping and earthworks; temporary car parking; surface water drainage and all other ancillary and enabling works. Outline planning application for new residential development up to 478 units (Class C3); ancillary Class E development of up to 950 sqm of floorspace; strategic landscaping and earthworks; surface water drainage; and all other ancillary infrastructure and enabling site works with means of access to be taken from the connections from Abbots Lane and Upper Hill Street (part of the full application) for consideration; all other matters (layout, appearance, scale, and landscaping) reserved for subsequent approval.
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Preliminary Matters

1. The Inquiry opened on 6 June 2023, and it was closed on 16 June 2023. Given that I was intending to take industrial action on 7 June, it was agreed that the first week of the Inquiry would be conducted virtually. As it happened, the strike on 7 June did not take place but because some parties had understandably made other arrangements, the Inquiry did not sit that day.
2. After the first three days (week 1), the Inquiry resumed on 12 June and was closed after 8 sitting days on 16 June 2023. I am grateful to the parties for the pragmatic way in which they approached the various logistical challenges presented by these events.
3. I carried out an unaccompanied site visit in advance of the Inquiry (31 May 2023) in order to familiarise myself with the site and its surroundings. I carried out a further unaccompanied visit on 16 June (the last day of the Inquiry) to observe, in particular, conditions for drivers and pedestrians in the vicinity of St Osburg's RC Primary School, and the site, at the time when children were arriving at the school.
4. I carried out a further unaccompanied visit to the site and its surroundings on 3 July 2023 in order to observe some further matters that had been raised by the parties in closing.

5. The original application was made in hybrid form. A grant of full permission was sought for the westernmost elements of the proposal (Plots 03 and 04). Outline planning permission with all matters reserved, save for means of access, was sought for the easternmost elements (Plots 01 and 02). I have dealt with the proposals on the same basis. The proposal and, as a result, the description of development, was changed before the Council made its decision. I have considered the proposals as revised and used the description from the Council's decision notice in the header above, and for the purposes of my decision.
6. A draft Unilateral Undertaking¹ was presented for discussion at the Inquiry. I allowed some time after the Inquiry closed for the document to be completed and it reached me on 19 July 2023. I deal with the contents below.
7. A number of subject-specific Statements of Common Ground were agreed between the appellant and the Council, as well as a general Statement of Common Ground. I refer to these further below.
8. It was helpfully agreed by the parties that some aspects of the evidence, notably housing land supply, would be better dealt with through a 'round table' discussion rather than the formal presentation of evidence. The Inquiry proceeded on that basis.
9. Applications for costs were made by the appellant against the Council and vice versa. These applications are the subject of separate Decisions.

Decision

10. The appeal is allowed and planning permission is granted for full planning application of 212 dwellings (Class C3) served via access from Abbots Lane and Upper Hill Street; strategic landscaping and earthworks; temporary car parking; surface water drainage and all other ancillary and enabling works. Outline planning application for new residential development up to 478 units (Class C3); ancillary Class E development of up to 950 sqm of floorspace; strategic landscaping and earthworks; surface water drainage; and all other ancillary infrastructure and enabling site works with means of access to be taken from the connections from Abbots Lane and Upper Hill Street (part of the full application) for consideration; all other matters (layout, appearance, scale, and landscaping) reserved for subsequent approval on Land off Abbots Lane and Upper Hill Street, Coventry in accordance with the terms of the application, Ref.OUT/2021/3576, dated 30 November 2021, subject to the conditions in Annex A to this decision.

Main Issues

11. Officers recommended that the proposals should be granted permission, but Members of the Council disagreed and decided to refuse planning permission, for a number of reasons. Based on these reasons for refusal, and the submissions of the various parties to the Inquiry, I consider the main issues to be: (1) the effect of the proposal on the character and appearance of the area; (2) the impact of the scheme on traffic and air quality; (3) whether the housing mix proposed is acceptable; (4) whether the approach taken in terms of affordable housing is justified; and (5) the effect of the proposal on the living conditions of existing residents.

¹ Referred to hereafter as UU

12. There are other matters that need to be dealt with too notably whether the proposal accords with the development plan and if not, whether there are any other material considerations that might point the decision-maker towards a decision that is contrary to the development plan.

Reasons

13. Before I address those main issues, there are a number of background matters that set the scene for their consideration. First, the appeal site has a planning history that is of relevance. It sits alongside the A4053 city centre ring road and was formerly a gas works. As a result, it has significant contamination issues. For various reasons, the appellant has approached the development of the site in a circuitous way. First, an application was made to deal with the remediation of the site (ref. FUL/2021/3298) which was approved by the Council, subject to conditions, in May 2022. I observed at my site visits that works to carry out this remediation were in progress.
14. This followed two applications for outline planning permission for 731 residential units and some retail and commercial space on the site. The first (ref. OUT/2019/2454) was withdrawn while the second (ref. OM/2020/0935) was refused planning permission by the Council. Between those two applications, the appellant sought planning permission for the creation of a linear park from Naul's Mill Park to Belgrade Plaza, including upgrades to the existing underpass below the ring road; the creation of a new water feature using the culverted Radford Brook; and a central landscape feature along with a new pedestrian route from Abbots Lane to Middleborough Road. The Council granted planning permission (ref. FUL/2019/3199) and this linear park has now been completed, save for the final linkage to Belgrade Plaza that I refer to further below.
15. The second important background matter is the development plan. This includes the Coventry City Council Local Plan 2011-2031² that was adopted in December 2017. While there are many policies therein that are relevant to my decision, and I deal with them below, it is correct to note as a starting point that the site is allocated for housing as one of a series of allocations in Local Plan Policy H2. H2:14 identifies the site as the 'Former Transco Site, Abbots Lane' and as previously developed land. The suggestion is that 100 dwellings could be accommodated on it. The Council does not suggest that the proposal is contrary to this policy because it contains way more than 100 residential units. It is not entirely clear how this figure of 100 was arrived at but it seems to have involved an assumption that the kind of densities found in the adjacent terraced housing would be repeated. Be that as it may, the figure of 100 has been treated as but a guide and in my view that must be correct.
16. The National Planning Policy Framework³ is very clear that we should make effective use of land and 100 units on a site of this size, in this location, would in no way achieve that. I return to this matter below, but it is sufficient to record at this stage that the Council has no issue in principle with the development of the site for housing at a much higher density than what is envisaged in the Local Plan. From what I heard, TAG take a similar stance, in very broad terms.

² Referred to hereafter as the Local Plan

³ Referred to hereafter as the Framework - a revised version of the Framework was issued on 5 September 2023, but the changes made have no effect on my consideration of the case in hand, so I have not sought comments on those changes post-event

17. The third fundamental background matter relates to the situation in terms of housing land supply. Helpfully, that appellant and the Council were able to agree a Statement of Common Ground on this matter. Paragraph 74 of the Framework says that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing. The Statement of Common Ground on Housing Land Supply records a number of agreed matters that feed into a set of agreed calculations. The upshot is that (for the purposes of this appeal) the Council can demonstrate 1.84 years' worth of housing. It is accepted that the shortfall against the local housing need, with the requisite buffer, is significant. As the Framework sets out, this has repercussions for how a decision-maker must approach a decision on this case; a matter I revisit below.

18. Against that overall background, I turn to the main issues identified above.

Character and Appearance

19. This main issue is broad in its compass and covers the design of the proposal itself, its response to its context, and the impact it has on nearby heritage assets, both designated and non-designated. Local Plan Policy DE1 sets out that all development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area. Moreover, it protects the setting, integrity, and character of heritage assets.

20. The policy lists key principles that development is expected to accord with. These include a) respond to the physical context of the site; b) consider the local distinctiveness and identity of the site but also have regard to opportunities to enhance the local built and natural environment through new development and enhanced design; and where appropriate retain and incorporate into the layout the protection of important views, including key views of the three spires; d) preserve or enhance the character and setting of the historic built, landscape and where appropriate, archaeological environment; e) preserve or enhance the character and setting of major road, rail, and canal corridors; f) clearly define the boundaries between public and private spaces and enclosure of space; g) provide attractive, safe, uncluttered, active and easily identifiable, high-quality public spaces; h) make places that inter-connect and are easy to move through; i) ensure places are easily understood by users, with clear routes and distinct physical features; and j) seek high-quality design and attention to detail in the layout of developments, individual buildings and infrastructure in terms of function and impact, not just for the short term, but over the lifetime of the development.

21. Local Plan Policy HE2 says that development proposals will be supported where they conserve, and where appropriate, enhance those aspects of the historic environment which are recognised as being of significance. Such heritage assets include listed buildings, locally listed buildings, and conservation areas.

22. That approach is in step with the Framework. Paragraph 126 tells us that the creation of high-quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 134 says that development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design. Paragraph 199 explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

23. There is another aspect of the Framework that feeds into how the issue of design must be approached. As set out above, the site is previously developed (brownfield), contaminated, and located very close to the city centre. Paragraph 119 of the Framework says that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Paragraph 120 goes on to say that planning decisions should, amongst other things, give substantial weight to the value of using suitable brownfield land within settlements for homes and identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated, or unstable land. Moreover, the development of under-utilised land and buildings is promoted and supported, especially if this would help meet identified needs for housing where land supply is constrained.
24. That leads me on to paragraph 124 of the Framework that talks about achieving appropriate densities. Put simply, it suggests that development should make efficient use of land, taking into account, amongst other things, the desirability of maintaining an area's prevailing character and setting, or of promoting regeneration and change.
25. The Council has referred to the issue of density with reference to Local Plan Policy H9. This says that development must make the best use of land whilst ensuring compatibility with the quality, character, and amenity of the surrounding area and requires sites outside the ring road that are previously developed (in other words sites like the appeal site) to achieve a minimum of 35 dwellings per hectare (net). I note that the figure therein is expressed as a minimum. The Council calculates the density of the proposal to be around 377 dwellings per hectare and suggests that this is excessive. However, the reasons behind this suggestion cover aspects relating to the design of the scheme, and the mix of housing it provides. That leads me to conclude that any discussion of the proposal in terms of its mathematical density is an arid one. What matters is whether the scheme provides an appropriate response to its context, and a reasonable mix of units. That has been neatly expressed as whether the proposal optimises the use of the site rather than maximises it. I have proceeded, in the main, on that basis.
26. As set out above, the site (a former gasworks) is located to the immediate north-west of the ring-road. To the north of the site is the Naul's Mill Conservation Area and its low-rise terraced housing. To the west (roughly), on the opposite side of Upper Hill Street, is St Osburg's Church, a Grade II listed building, and St Osburg's RC Primary School (a locally listed building). Nos.58-64 Upper Hill Street (also a locally listed building) is a terrace of four three-storey Victorian houses that back on to the site. North-east of the site is a Fire Station and beyond that, a large roundabout where Radford Road passes under the ring-road. To the south of the site, on the opposite side of the ring-road, is a cluster of tall buildings that form Belgrade Plaza. That, briefly, is the context that the site sits within.
27. However, one cannot disregard the site itself as it provides the baseline for how one approaches an analysis of the proposal. It is crossed by the linear park which links Naul's Mill Park and the city centre. This linear park is, in my view, a work of very high quality that stands in complete contrast to the remainder of the site, which appears as a rather derelict, underused open space, with works of remediation in progress. As it stands, these vacant parts of the site are

- profoundly negative influences on the area, and the site very clearly needs re-development to allow it to contribute once again, to the fabric of the city. Of course, that repair needs to respond positively to what is around and attain a suitably high-standard of design, but one's consideration of the proposal in character and appearance terms cannot ignore the existing state of the site.
28. Turning then to the scheme itself, there are two distinct elements to it. The westernmost elements (Plots 03 and 04) are presented in detail. Plot 03 which would be set back from, but face, Upper Hill Street, sitting alongside Nos.58-64 is designed to take on the form of a contemporary mansion block. As a start point, I consider this approach to be a sound one – it allows for a gentle step up in scale, thereby making better use of the land, and gives scope for subtle references in the use of materials and details to the terraced housing that bounds the site. It would repair what is an unattractive gap in the street-scene.
 29. The approach to Plot 04 is intended to act in a similarly transitional way with references to townhouses, and industrial roof forms. Again, the detailing echoes, in a pleasingly subtle way, existing forms found in the nearby conservation area. It would address Abbotts Lane and return some meaning to the sandstone wall it would sit behind. Moreover, Plots 03 and 04 would sit well in relation to each other, creating attractive spaces between and around them. The public areas would give permeability across the site, a matter I refer to again below, and the private spaces would provide a resource for residents.
 30. Suggestions have been made that the private outside spaces for the residential units are inadequate in terms of their size, and design. That criticism is in my view misplaced. The private outside spaces are limited in size, but they need to be seen in the context of a high-density scheme, and a site that is contaminated. There is communal space proposed on the site, and a linear park. Moreover, Naul's Mill Park, with its excellent children's play facilities are a very short walk away. For a site on the boundary of the city centre, with all the advantages that has in terms of accessibility, I consider the provision for open space to be generous.
 31. On my overall analysis, Plots 03 and 04 are excellent pieces of design, in terms of their arrangement and composition, but also in their detailed resolution. Given the state of the site as it stands, and so long as the quality of the design was carried through to construction, something that can be addressed by conditions, they would provide a significant uplift to both the character and the appearance of the area.
 32. Turning then to Plots 01 and 02, these are presented in outline form. However, the intention is for Plot 02 to take the form of a perimeter block of varying heights, stepping up from Plots 03 and 04, and for Plot 01, on the opposite side of the linear park, to be a tall building, in two parts, a lower element stepping up from Plot 02, and another, taller element rising further to the maximum height proposed across the site.
 33. Conceptually, I regard this approach as a sound one. It allows development on the site to build up from west to east moving upwards from the prevailing forms on Upper Hill Street and Abbotts Lane to the much larger scale of the fire station, the roundabout, the ring road, and the cluster of taller buildings to the north-west of Belgrade Plaza. There is then the question of whether what is proposed on Plots 02 and 01 are excessive in terms of height. In my view, buildings of the height proposed for Plots 02 and especially 01, need an

underlying rationale, or something to justify why they are as tall as they are. One way in which such a justification might work is if the tall buildings mark an important place, or node.

34. Here, Plots 01 and 02 would straddle the linear park which provides a new route between Naul's Mill Park and the city centre, and thereby indicate its position. This 'marking' would be strengthened if the route followed its intended, direct path rather than peter out, as it currently does once it passes under the ring road. That said, I have no good reason to doubt that the route will eventually follow its designed, direct path so the point remains.
35. Moreover, Plot 01, alongside the fire station, addresses the important point where Radford Road meets the ring road. Alongside the Belgrade Plaza cluster, it would highlight a place where the ring road is passed under by pedestrians and vehicles. I saw other similar clusters of tall buildings around the ring road and understand that this approach is intentional, and aimed at avoiding interference with important views of the three spires.
36. There has been some concern expressed that Plot 01 could be taller than anything in the existing Belgrade Plaza cluster, on the other side of the ring road, thereby creating a hierarchical difficulty. I do not believe that would be such a difficulty. What is important about the act of 'marking' here is not the demarcation between the city centre itself, and areas outside the city centre, but the point where the ring road is crossed. In that way, if Plot 01 did end up taller than anything in the cluster on the opposite side of the ring road, it would not create any dissonance in character and appearance terms. There are other examples around the ring road where taller buildings in a cluster straddling the ring road sit outside its circumference.
37. To work as effective and appropriate markers, Plots 02 and 01 would have to attain the same very high level of design quality that I have referred to above in relation to Plots 03 and 04. The principle of their design is set by the parameter plans but precise details can be secured through the reserved matters process, and other conditions.
38. Points need to be made too about permeability and pedestrian (and cyclist) movement. The linear park, in providing a route between the city centre and Naul's Mill Park, and beyond, has made a significant contribution to the permeability of the site itself, and the wider area. The scheme here would accentuate that permeability by allowing access for pedestrians and cyclists across the western part of the site, towards St Osburg's RC Primary School, and the footbridge at the end of Upper Hill Street. That is a significant design benefit of the proposal.
39. Turning then to the heritage assets affected, I deal first with St Osburg's Church, a Grade II listed building. The front of the Church addresses Upper Hill Street and its side faces on to Barras Lane. It is sited in a way that follows the established street pattern. Opposite the Church sits the Victorian terrace Nos.58-64 Upper Hill Street, but to the south-east, there is a lack of enclosure and the vacant site. I do not say that it is a significant detractor, but nevertheless, the vacant state of the appeal site undermines the street-scene that the Church responds to. Repairing that gap in the street-scene with a well-designed building and associated infrastructure would enhance the setting of the Church, and thereby its significance. For much the same reasons, there would be a beneficial impact too on the significance of Osburg's RC Primary

School, a locally listed building. I might also add that the proposal would allow for pleasing glimpsed or incidental views of the spire of the Church, and the frontage of the school, from many of the spaces between the buildings, particularly along the route between Plots 04 and 03. This 'device' would assist in assimilating the scheme into the area but also further enhance the setting and thereby the significance of the Church, and the school.

40. As set out, Nos.58-64 Upper Hill Street, also a locally listed building, sits opposite the Church and its rear backs on to the appeal site. Its south-east front faces on to the appeal site. The vacant state of the appeal site means that it appears rather isolated and something of a remnant. The repair to the street-scene effected by Plot 03 would remedy that situation. Plots 03 and 04 would be more significant in scale than the terrace but because of the degree of separation, and the inclusion of a route between Plot 03 and the south-east front of the terrace, the relationship would be a comfortable one. The replacement of the existing boundary wall between the side and rear of the terrace and the appeal site would be a benefit too. Overall, the proposal would enhance the setting and thereby the significance of the terrace.
41. The sandstone wall fronting Abbotts Lane, which forms the northern boundary of the site, lies within the Naul's Mill Conservation Area. It is a substantial, well-constructed wall that is a remnant of the former gasworks. As such, it is a positive contributor to the character and the appearance of the conservation area. The body of the appeal site is outside the conservation area, but it is an important element in its setting. The vacant and rather derelict state of the appeal site is a significant detractor in that setting.
42. The scheme will involve alterations to the sandstone wall to allow for a properly designed main vehicular access of Abbotts Lane. Those alterations (which can be covered by a suitably worded condition) will involve a part of the wall that has already been unsympathetically altered. Fabric removed will be used to repair other parts of the wall. I do not regard the proposed intervention as a negative one. In any event, it needs to be seen in context. The redevelopment and re-use of the site in a well-designed way will return some status to the boundary wall, and act as a significant enhancement to the setting of the conservation area. Overall, the proposals would enhance the conservation area, and its setting, and thereby its significance.
43. Bringing those myriad points together, I am firmly of the view that the scheme is of a very high standard of design, in terms of the buildings themselves, and the spaces between them. The arrangement, with height increasing across the site towards the Radford Road roundabout, is appropriate and the height of the various buildings is in no way excessive, given that they mark an important point where the ring road is crossed, and adding to the existing Belgrade Plaza cluster. The significance of affected heritage assets would be enhanced. On that overall basis, the proposals optimise, rather than maximise the site, in design terms. The proposals accord with Local Plan Policies DE1, and the key principles therein, and HE2, and advice in the Framework.
44. I note the Council's reliance on the Building for a Healthy Life toolkit in their assessment of the proposals, alongside the National Design Guide, and the National Model Design Code. I have carried out my own analysis with reference to the Local Plan policies, the key principles therein, and the Framework. I do

not believe that had I used the documents the Council rely upon, in the way that they have, I would have reached a different conclusion.

Traffic and Air Quality

45. In the lead up to the Inquiry, the Council dropped its objection to the proposal in terms of traffic movements, subject to certain highways and transport related contributions, including mobility credits, and the securing of a Residents' Parking Zone outside the site. I return to these matters in considering the obligations below. TAG however maintained objections relating to traffic. I have to say that while I understand the concerns relating to traffic generation and parking, I find the approach that has been taken to dealing with them a little difficult to fathom. The site is on the edge of the city centre and is very well-connected in terms of public transport, walking, and cycling.
46. In that context, the site seems to me to be an ideal candidate for a 'car free' development that provides the absolute minimum amount of car parking. Providing the level of car parking proposed seems to me to provide an incentive for residents of the scheme to run a car despite the city centre location, and the accessibility of the site, thereby adding to the amount of parking on adjoining streets, alongside traffic on local roads, and in the Air Quality Management Area⁴. Having said all that, I have to assess the scheme as it is presented. Firstly, I consider that the approach that has been taken to vehicular access is a sound one. The main vehicular entrance into, and exit from, the site that opens on to Abbotts Lane (using one of the previous site accesses) is well considered and located. The system of vehicular access around the site, with vehicles kept to the western part is logical.
47. I appreciate the concerns expressed about the potential for tension between the Upper Hill Street egress point proposed, and traffic around the school entrance, particularly at drop-off, and collection, times. I saw that some of the parking and waiting that takes place at these times is a little lacking in discipline, particularly in the area to the south-east of Nos.58-64 that used to provide access to the site when it was in its former use. In my view, the location of the proposed egress point, and the potential for traffic from the appeal site to emerge from it, is likely to act as a disincentive for people to park and/or wait in this area. In that way, any tension that results will have a positive impact on highway safety on Upper Hill Street.
48. The proposal includes some surface car parking around the site, and a more significant amount in the lower levels of Plot 02. I have made my position on its provision clear above but note that the significant amount proposed in the lower levels of Plot 02 will be subject to further consideration under reserved matters. In that context, I do not see its inclusion as part of the proposal before me as a difficulty.
49. In terms of any increase in parking pressure on adjoining streets, I doubt whether this would manifest itself given that the edge of centre location of the proposal is likely to attract people who are not reliant on cars. In any event, the appellant has undertaken to fund the introduction of a Residents' Parking Zone in the adjoining streets which would exclude residents of the proposal.

⁴ Referred to hereafter as AQMA

50. In that overall context, I see no difficulties arising from the scheme in car parking terms.
51. The Council has maintained an objection in relation to air quality and the potential impact on the AQMA. The background is that as a result of a Ministerial Direction, the Council has a legal obligation to reduce annual mean NO₂ concentrations to a value below the statutory limit of 40 micrograms per cubic metre, in the area of concern, in the shortest possible time. In order to achieve that, the Council has worked closely with the Government's Joint Air Quality Unit to develop a package of measures as part of a Local Air Quality Action Plan⁵.
52. In closing, it was explained on behalf of the Council that this issue turns on whether there is an unacceptable risk that if conditions restricting occupation of the proposed units until the LAQAP measures have been implemented (in the case of Plots 03 and 04), or have proved to be successful (Plots 01 and 02), are not imposed, then the development could prevent the Council from complying with the Ministerial Direction. I acknowledge the concerns expressed by the Council about the margins for error in the modelled results, and the vagaries of the TEMPRO model in relation to cumulative impacts. The Council suggests too that if the development proceeds before 2027, the expected concentration would be higher than the statutory limit, in one location, even allowing for expected improvements as a result of increasing number of electric and/or hybrid vehicles on the roads.
53. Even if I accept all those points, and I note that the appellant takes a very different view about them, the fact remains that the risk of exceedance only exists if the LAQAP is not in place at the appropriate time. As a consequence of the Ministerial Direction, it is for the Council to ensure that the LAQAP is in place, and that annual mean NO₂ concentrations reach a value below the statutory limit of 40 micrograms per cubic metre, in the area of concern, in the shortest possible time. In that context, I am not persuaded that conditions along the lines suggested by the Council are necessary. I do not see why much-needed housing, on a brownfield site, at the edge of the city centre, should be held up in this way, when the adoption of the LAQAP is within the Council's control.
54. As the appellant points out, it is open to the Council to take other measures to improve air quality alongside the LAQAP, for example electrifying the bus fleet and/or encouraging more walking and cycling. More importantly, I note that in granting planning permission for other developments in and around the city, for example the Eastern Green SUE, that are likely to have a bigger impact on air quality in the city centre, conditions of this sort have not been imposed because it has been assumed that the LAQAP would be in place at the appropriate time. Consistency in these matters seems to me essential if housing delivery is to be secured alongside improvements in air quality.
55. As a result, I am content that the proposal need have no undue impact on air quality in the AQMA and there is no divergence from the requirements of Local Plan Policy EM7 in this regard.

⁵ Referred to hereafter as LAQAP

Housing Mix

56. Local Plan Policy H4 deals with securing a mix of housing. It sets out in the first instance that the Council will require proposals for residential development to include a mix of market housing which contributes towards a balance of house types and sizes across the city in accordance with the latest Strategic Housing Market Assessment⁶. Secondly, it says that in assessing the housing mix in residential schemes, the Council may take into account circumstances where it may not be appropriate to provide the full range of housing types. These include: b) locational issues, such as highly accessible sites within or close to a designated centre where larger homes and low/medium densities may not be appropriate; and c) sites with severe development constraints where housing mix may impact on viability.
57. The supporting text to Local Plan Policy H4 highlights that in Coventry, there is a greater need for larger 3 and 4 bed family homes (60-70% of total new homes) but it goes on to acknowledge that a need remains for smaller properties to help maintain a mix of new homes and improve quality within the housing stock. The Council says that while the SHMA referred to in Local Plan Policy H4 is of some vintage, this need is borne out in the latest version of the SHMA (known as the Housing and Economic Development Needs Assessment⁷). I have no good reason to dispute that.
58. The approach of Local Plan H4 is similar to what is set out in the Framework. Paragraph 60 of the Framework is very clear that the needs of groups with specific housing requirements should be met. Paragraph 62 explains that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, amongst other groups, families with children). All that needs to be seen in the context of the social objective of the Framework to support strong, vibrant and healthy communities.
59. Against that policy background, the Council argues that the proposal, with its preponderance of one and two-bedroom units, and lack of larger 3-bedroom units, is skewed too far towards one demographic and as a result falls foul of Local Plan Policy H4, and the Framework. I do not agree with that analysis, for a number of reasons. In the first instance, the overall housing mix proposed is not fixed. While what is proposed as part of the 'full' application is set out, the 'outline' element includes up to 478 units with the proportion of 1-, 2- and 3-bedroom units a matter for further consideration.
60. Nevertheless, if Plots 1 and 2 were to come forward, in time, with mostly smaller 1- and 2- bedroom units, I do not consider that would cause difficulties in the terms the Council describe. While I appreciate that there may well be a greater need for larger 3- and 4-bedroom homes in Coventry, that need is city-wide. Local Plan Policy H4 does not suggest that this need must be met on all sites; the policy makes specific reference to balancing house types and sizes across the city. Moreover, the policy accepts that there may be good locational reasons why larger houses may not be appropriate, and sites with severe constraints where housing mix may impact on viability.

⁶ Referred to hereafter as SHMA

⁷ Referred to hereafter as the HEDNA

61. As I have set out above, optimising this site, which is close to the city centre, and highly accessible as a result, in the context of the difficult housing supply situation the Council finds itself in, weighs strongly against the provision of larger units, and houses with gardens. There are other constraints too; the contaminated nature of the site, as a result of its former use, means that gardens are not a particularly sensible idea.
62. I note too what the appellant, and others, say about the dearth of smaller housing units in the city and the impact that shortage has on the retention of graduates from the Universities. I do not believe the approach the appellant has taken will mean that the development would be homogenised, with a transient population of mostly young people. People of all ages are attracted to smaller housing units for all sorts of reasons, notably affordability, and accessibility. I might also add firstly that it is not unknown for families to live in 1- or 2-bedroom properties, and linked to that, secondly, that we must be careful not to forget that some families do not contain two adults.
63. Overall, I see no difficulty with the housing mix proposed. Linked to my conclusions above, it optimises rather than maximises the potential of the site. There is accordance with Local Plan Policy H4 and advice in the Framework.

Affordable Housing

64. Local Plan Policy H6 deals with the provision of affordable housing and requires new residential schemes of 25 dwellings or more (excluding student accommodation), or more than 1 ha, to provide 25% of all dwellings as affordable homes. It goes on to say that where the specified level of affordable housing cannot be provided, including for reasons of viability, robust evidence must be presented to justify a reduced or alternative form of contribution. It is agreed in the Statement of Common Ground on Viability Matters, based on the viability assessments carried out, that the scheme cannot sustain a policy compliant level of affordable housing (and other necessary contributions) without further reducing the profit margin of the scheme below a normal target developer return. It must follow then that the proposal complies with Local Plan Policy H6. However, that analysis has been complicated by two factors.
65. First, parts of the overall proposals have been grant funded by the West Midlands Combined Authority⁸. That grant funding has been directed towards the remediation of the site, and the provision of the linear park. One of the conditions of that grant funding is, it seems, that the scheme overall must include affordable housing at the proportion of 20%. However, affordable housing for the purposes of the agreement with the WMCA is not defined in the way that it is defined in the Local Plan and/or the Framework. In that context, the way 'affordable housing' comes forward in the overall scheme is a matter between the appellant and the WMCA. It has no bearing on whether the proposal complies or not with Local Plan Policy H6.
66. The second complication is the suggestion that the proposal might be implemented as a 'Build to Rent' scheme. On this basis, the Council suggests that the initial viability assessment used to justify the provision of no affordable housing as part of the scheme might not be robust. I cannot accept that; the uncontested evidence produced by the appellant is that 'Build to Rent' schemes generally deliver lower returns than open market schemes. Given that the

⁸ Referred to hereafter as the WMCA

viability assessment shows that proposal at issue is not even close to being viable, in the conventional sense, I do not believe that it being a 'Build to Rent' scheme will make any positive difference to the analysis.

67. Linked to that, I would also point out that on a major scheme of this type, involving brownfield, contaminated land, it is unrealistic to suggest that a developer should accept something less than a normal target return/profit in order to provide affordable housing, or indeed any other contributions. Given the obvious risks involved, such a requirement is likely to prevent the scheme coming forward which, given the prevailing nature of the site, and the Council's housing land supply situation, is in no-one's interest.
68. In conclusion, I consider the approach of the proposal to affordable housing to be acceptable and compliant with Local Plan Policy H6.

Living Conditions

69. Concerns were raised about the impact of the proposal on residents of Nos.58-64 Upper Hill Street in terms of overlooking and/or visual impact. I appreciate that Plots 04 and 03 will be visible from these properties, and their rear gardens but in my view, the separation distances involved are such that even allowing for the increased scale of the new buildings, the visual impact would be well within reasonable bounds. Moreover, the design of the accommodation in Plots 04 and 03 is such that there would be little in the way of overlooking.

Other Matters

70. That leads neatly on to concerns expressed about overlooking of the front of the school from Plot 03. Again, the separation distance is considerable but, in any event, I fail to see why passive surveillance of the school and Upper Hill Street should be a negative factor. That is especially so when one considers what the West Midlands Police have said about the area.
71. West Midlands Police have raised concern about general, and car-related, crime in the area. That may be so, as things stand, but the concern expressed fails to appreciate the regenerative effect the scheme will have on the area returning a derelict, under-used piece of land, to a beneficial purpose, with a significant incoming population providing increased presence and surveillance. I see no reason to find against the proposal on this issue.
72. Points have been made too about the relationship between the proposed building on Plot 01 and the nearby fire station. I consider that in an edge of city centre context, the separation between the two buildings would be such that no tension would arise between them in terms of overlooking, or anything else.
73. TAG also raised concerns about the contaminated nature of the site and pointed to issues with a (well-publicised) site in Southall in this regard. There may well have been difficulties with this particular site, but I have no direct evidence of their root cause. In terms of the site before me here, the Council has granted planning permission for its remediation and conditions have been put forward to ensure that the remediation process is properly completed before the development at issue can commence. It seems to me that it would be far better for the site to be remediated in this way, and then re-used for a beneficial purpose than to leave it derelict and un-used and left to fester in its contaminated state.

74. There is one final point under this heading, and it relates to the benefit of making optimum use of the site. It was suggested that increasing the provision of housing on the appeal site would allow other sites allocated in the Local Plan, which have been taken out of the Green Belt for the purposes of providing housing, to remain undeveloped. Given the scale of the Council's housing need, I consider that idea to be specious. The best that can be said is that making more intensive use of the appeal site might relieve the Council of some pressure to take even more land out of the Green Belt in future.

The Development Plan and Other Material Considerations

75. It is plain from all my conclusions above that the proposal is in ready accordance with the development plan, in terms of the individual policies referred to by the Council, but also read as a whole. The Framework clearly supports the proposal too. That is not surprising given that the development plan and the Framework pull in much the same direction. Paragraph 11 c) of the Framework says that development proposals that accord with an up-to-date development plan should be approved without delay.

76. Having made those findings, there is no need for me to apply the tilted balance in paragraph 11 d) ii) but for the sake of completeness, I would add that it is obvious from the foregoing that there are no adverse impacts that would result from the proposal that come anywhere near outweighing the massive benefits that the scheme would deliver.

Conclusion

77. Drawing all the threads together, I am of the view that the proposal is acceptable, subject to conditions and various obligations that I address below.

Conditions and the Obligation

78. Paragraph 56 of the Framework tells us that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. A list of draft conditions was handed up and discussed at the Inquiry and a refined list was submitted after the Inquiry closed⁹. I have considered those conditions in the light of advice in the Framework treating those that are pre-commencement in nature as having been accepted by the appellant. I have made some minor changes to the draft conditions in the interests of precision.

79. A series of conditions is required to deal with the commencement of the element of the proposal for which full planning permission is to be granted and to deal with the submission of reserved matters and the eventual commencement of the element for which outline permission is to be granted. A condition is necessary to set out the approved plans. I have repeated the plan numbers and titles as they are represented in the final draft list, with some minor corrections.

80. There was some discussion about the phased way in which the development overall will take place. A condition is needed to secure details of the overall phasing programme, and many of the other conditions need to be amended to reflect the staged way in which the development is likely to come forward.

⁹ Inquiry Document 36

81. It is necessary, in the interests of precision, to apply a condition to ensure that details submitted in pursuance of the reserved matters accord with the Abbots Park Design Code (Revision 2). To ensure that the design quality that I have referred to above is carried through into the eventual implementation, conditions are needed to deal with the approval of external materials, a hard and soft landscaping scheme, and details of important design elements of the proposals. Linked to that, a condition requiring the submission of a Sustainable Building Statement (SBS), as required by LP Policy EM2 is reasonable. Moreover, a condition is needed to deal with the scope and nature of works required to the existing sandstone boundary wall.
82. In relation to landscaping, a phasing scheme is required too to ensure that its provision is in step with the rest of the development. A Landscape and Ecological Management Plan (LEMP) is also required to cover its future growth. A condition is needed too to deal with the biodiversity enhancements that have been put forward. To protect existing planting, a condition covering the submission of an Arboricultural Method Statement is also necessary.
83. To prevent light pollution, and any undue impact on local residents or biodiversity interests, it is essential that external lighting across the various phases of the development is effectively designed and managed. A condition is necessary to achieve these ends.
84. Surface water drainage needs careful attention and as a result, a condition to deal with the provision of a Sustainable urban Drainage System (SuDS) is a reasonable imposition.
85. As indicated above, planning permission for the remediation of the site was granted separately (under ref.FUL/2021/3298). This grant of permission also dealt with the archaeological potential of the site. These matters do not, therefore, need to be dealt with as part of this proposal. All that is required are conditions designed to ensure that remediation, and matters archaeological, are completed in accordance with the previous grant of permission, before the development approved herein commences.
86. This is a significant development, and the construction process will have the potential to undermine the living conditions of those who live nearby, and biodiversity. To that end, a Construction Management Plan and a Construction Environmental Management Plan need to be secured in order to keep any such impacts within reasonable bounds.
87. A condition has been put forward to seek the provision of electric vehicle charging points on 25% of the parking spaces. I do not believe that to be necessary; it is a matter that can be left to the Building Regulations. Cycle parking/storage on each phase of the development is something that needs to be covered by condition. The development will sit in grounds that will need to be managed. It is reasonable for the Council to exert some control over the manner in which that 'estate management' takes place because some areas of the site will be public. That can be dealt with through a condition. Refuse and recycling is obviously an important consideration in a development of the nature proposed and details can be dealt with through a condition.
88. Given the approach of LP Policy LP7 it is reasonable to add a condition designed to ensure the development gives opportunities to promote employment and commercial opportunities for local people and businesses.

89. The scheme includes elements that sit within Use Class E. Given the breadth of what this Use Class now covers, conditions are necessary to limit the floor-space given over to this use, and to restrict the sorts of uses within Use Class E that can take place.
90. As explained above, I have found the scheme acceptable in air quality terms because it is for the Council to ensure that the LAQAP is implemented in a timely fashion. It is not necessary, therefore, to tie occupation of either element of the proposal to the successful implementation of the LAQAP.
91. Finally, conditions are put forward to inhibit the provision of any telecommunications equipment and associated plant on the site, and to deal with the existing installation which is to be moved. I can see the reasons why the Council believe this to be necessary, but it seems to me that any replacement of the existing installation on-site (or indeed elsewhere) will need a separate grant of planning permission (or prior approval). The same goes for any new installation on-site. On that basis, conditions along the lines proposed are not necessary.
92. As set out above, a completed UU under s.106 was submitted after the Inquiry closed. This contains a significant number of obligations which I have considered in the context of paragraph 57 of the Framework. Mirroring the requirements of the CIL Regulations¹⁰, this says that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
93. The various Obligations come under three main headings: healthcare; education; and transport. The Healthcare Contribution is £344,498 and it would be payable to the Council at various stages relating to occupation. The Education Contribution of £531,541 would be payable to the Council in a similar, staged manner.
94. I must record that I have significant misgivings about these sums and the impact they have on the viability of the scheme. As set out above, it is agreed in the Statement of Common Ground on Viability Matters that the scheme cannot sustain a policy compliant level of affordable housing and other necessary contributions without further reducing the profit margin of the scheme below a normal target developer return. It would appear to me that the obvious benefits of the scheme in bringing forward well-designed and much-needed housing, while returning to use a contaminated, brownfield site, something that warrants a reasonable developer return given the obvious risks involved, should not be frustrated by the need to make healthcare, or education contributions. As such, I do not consider that these contributions are necessary to make the proposal acceptable in planning terms. That said, the appellant does not contest them, and the UU as drafted does not contain a clause making the contributions dependant on a finding on my part that they meet the tests referred to above. On that basis, they will be payable.
95. Turning then to the transport related obligations, I am satisfied that the Docking Station Contribution (to allow for the provision of two cycle hire docking stations within the development), the Electric Vehicle Car Club (located within, and to service, the development), and the Resident Parking Zone

¹⁰ Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended)

Contribution (to set up a controlled parking zone in adjoining streets), would all contribute to controlling the impact of the proposal in transport and air quality terms. As a result, they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

96. I do, however, wonder about the Travel Monitoring Contribution. This is the sum of £6,800 for monitoring, for a period of ten years, the Travel Plan conditions. The difficulty is that there is no suggested travel plan condition, and neither would one be necessary, given that this is a highly accessible city centre site. The contribution is not therefore necessary but given the way in which the UU is drafted, it will be payable.
97. The appellant has raised doubts about the Council's request for a Mobility Credits Contribution. This is the sum of £406 per dwelling (£280,140 in total) to be used towards providing incoming residents of the proposal with mobility credits. The sum is based on providing a 6-month bus pass to the first resident of each dwelling. I can understand those doubts. As set out above, the site is very close to the city centre, bus services and the railway station, with ready access to opportunities for walking and cycling. In that context, I do not consider incoming residents need to be further encouraged to use public transport. The Mobility Credit Contribution is not necessary to make the development acceptable in planning terms. I have not taken them into account, or attached any weight to them, in my decision to allow the appeal. Given the workings of the UU, the Mobility Credit Contribution will not then be payable.

Final Conclusion

98. On that overall basis, it is my conclusion that the appeal should be allowed.

Paul Griffiths

INSPECTOR

APPEARANCES

For the Local Planning Authority

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Instructed by Robert Parkes, Legal Services Manager, Coventry CC

He called:

Richard Edgington

Senior Town Planner, Coventry CC

Afreen A Patel

Urban Design and Heritage Manager, Coventry CC¹¹

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Senior Air Quality Consultant, Atkins

Rob Back

Strategic Lead – Planning, CCC

Neil Benison

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For the Appellant

Christopher Young KC

Instructed by K Ventham, Stantec

And Sioned Davies Counsel

They called:

James Donagh

Director, Stantec

Ben Pycroft

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Associate Director, Air Quality, RSK Environment Ltd

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Gareth Turner

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Roger Harrabin

Complex Development Projects

Kathryn Ventham

Director, Stantec

Ben Naish

Osborne Clarke¹²

For the Rule 6(6) Party (TAG)

Ms Coyle

TAG

Alan Heap

TAG

¹¹ As of June 2023

¹² Took part in the discussion about the various planning obligations

Interested Persons

John Witcombe	The Very Reverend Dean of Coventry
Fleur Sexton	
Obi Obwuadigbo	
Paul Maddocks	The Coventry Society
Nicola Rynott	Head of St Osburg's RC Primary School
James McLean	
Councillor Jackie Gardiner	Member, Sherbourne Ward
Glyn Davies	
Mr Hoque	
Dr Virdee	

Inquiry Documents

Document 1	Opening for the Appellant
Document 2	Opening for TAG
Document 3	Opening for the Council
Document 4	Copy of 2013 SHMA
Document 5	Air Quality SoCG
Document 6	Viability SoCG
Document 7	Draft Transport SoCG
Document 8	Consultation Response – Paradise St.
Document 9	Committee Report on Eastern Green SUE
Document 10	Revised Consultation Response – Paradise St.
Document 11	Highgate Report on viability
Document 12	BfL Report
Document 13	Housing Land Supply SoCG
Document 14	Cllr Gardiner's Submission
Document 15	Design SoCG
Document 16	Bundle of material relating to Council's design evidence

Document 17	Plans – various
Document 18	Photographs of Roman streets
Document 19	Letter from Andy Street, Mayor of WMCA
Document 20	TAG design comments
Document 21	Draft UU
Document 22	Suggested conditions
Document 23	TAG planning comments
Document 24	PPG extract – Build to Rent viability
Document 25	Decision on Elliott’s Yard
Document 26	Downing (Belgrade Plaza) letter
Document 27	Suggested Site Visit Route
Document 28	Details of City Centre South
Document 29	Council’s Air Quality Note
Document 30	CIL Compliance Statement
Document 31	TAG Closing Statement
Document 32	Council’s Closing Statement
Document 33	Appellant’s Closing Statement
Document 34	Post Inquiry Costs Applications and Responses
Document 35	Completed UU
Document 36	Post Inquiry Suggested Conditions

Annex A: Conditions

- 1) The development to which the FULL planning permission relates must not be begun later than the expiration of three years from the date of this permission.
- 2) Application for approval of the reserved matters specified in condition 4 below associated with the development for which OUTLINE planning permission is hereby granted must be made to the local planning authority before the expiration of five years from the date of this permission.
- 3) The development for which OUTLINE planning permission is hereby granted, referred to in condition 2 above, must be begun not later than two years from the final approval of reserved matters or, in the case of approvals on different dates, the final approval of the last such matter to be approved for that phase.
- 4) Details of the reserved matters associated with the grant of OUTLINE planning permission namely a) scale; b) layout; c) appearance; and d) landscaping, shall be submitted to and approved in writing by the local planning authority before any part of the development covered by the grant of OUTLINE permission commences and shall be implemented in the form approved.
- 5) The development hereby permitted shall be carried out in accordance with the following approved plans:

2298-GHA-ZZ-ZZ-DR-A-(10)0001_P02 – Proposed Site Location Plan

2298-GHA-ZZ-ZZ-DR-A-(10)0002_P02 – Proposed Site Plan

2298-GHA-ZZ-ZZ-DR-A-(10)0003_P01 – Existing Site Plan

Full Permission

2298-GHA-Z3-00-DR-A-(05)0300_P03 – Plot 3 L00 Ground

2298-GHA-Z3-00-DR-A-(05)0500_P02 – Plot 03 L00 Ground Context

2298-GHA-Z3-01-DR-A-(05)0301_P03 – Plot 3 First Floor Layout

2298-GHA-Z3-02-DR-A-(05)0302_P03 – Plot 3 Second Floor Layout

2298-GHA-Z3-03-DR-A-(05)0303_P03 – Plot 3 Third & Fourth Floor Layout

2298-GHA-Z3-05-DR-A-(05)0305_P03 – Plot 3 Fifth Floor Layout

2298-GHA-Z3-06-DR-A-(05)0306_P03 – Plot 3 Sixth Floor Layout

2298-GHA-Z3-07-DR-A-(05)0307_P03 – Plot 3 Seventh Floor Layout

2298-GHA-Z3-08-DR-A-(05)0308_P03 – Plot 3 Eighth Floor Layout

2298-GHA-Z3-09-DR-A-(05)0309_P03 – Plot 3 Ninth Floor Layout

2298-GHA-Z3-10-DR-A-(05)0310_P03 – Plot 3 Tenth Floor Layout

2298-GHA-Z3-11-DR-A-(05)0311_P03 – Plot 3 Rooftop Layout

2298-GHA-Z3-ZZ-DR-A-(05)0600_P02 – Plot 3a Bay Study 01

2298-GHA-Z3-ZZ-DR-A-(05)0601_P03 – Plot 3a Bay Study 02

2298-GHA-Z3-ZZ-DR-A-(05)0602_P02 – Plot 3b Bay Study 01

2298-GHA-Z3-ZZ-DR-A-(05)0603_P02 – Plot 3D (link) Bay Study 01

2298-GHA-Z3-ZZ-DR-A-(05)0605_P02 – Plot 3D (link) Bay Study 02

2298-GHA-Z3-ZZ-DR-A-(05)0606_P03 – Plot 3C Bay Study 01
2298-GHA-Z3-ZZ-DR-A-(05)1200_P02 – Plot 3 – Elevations 1 of 2
2298-GHA-Z3-ZZ-DR-A-(05)1201_P02 – Plot 3 – Elevations 2 of 2
2298-GHA-Z3-ZZ-DR-A-(05)1300_P02 – Plot 3 – Site Sections A-A and B-B
2298-GHA-Z3-ZZ-DR-A-(05)1301_P02 – Plot 3 – Site Sections C-C and D-D
2298-GHA-Z3-ZZ-DR-A-(05)1302_P02 – Plot 3 – Site Sections E-E and F-F
2298-GHA-Z3-ZZ-DR-A-(05)1303_P02 – Plot 3 – Site Sections G-G and H-H
2493.1001 P3 Plot 4 – Proposed GF Plan (Level 0)
2493.1002 P3 Plot 4 – Proposed 1st Floor Plan
2493.1003 P3 Plot 4 – Proposed 2nd Floor Plan
2493.1004 P3 Plot 4 – Proposed 3rd Floor Plan
2493.1005 P3 Plot 4 – Proposed 4th Floor Plan
2493.1006 P3 Plot 4 – Proposed 5th Floor Plan
2493.1007 P3 Plot 4 – Proposed Roof Plan
2493.1200 P1 Plot 4 – Proposed Boundary Wall Condition
2493.2001 P2 Plot 4 – Abbots Lane Elevation
2493.2002 P2 Plot 4 – Radford Brook Park Elevation
2493.2003 P3 Plot 4 – New Gas Street Elevation
2493.2004 P3 Plot 4 – Gable Elevation
2493.2005 P2 Plot 4 – Courtyard Elevation (1 of 3)
2493.2006 P2 Plot 4 – Courtyard Elevation (2 of 3)
2493.2007 P3 Plot 4 – Courtyard Elevation (3 of 3)
2493.2101 P2 – Bay Study A
2493.2102 P2 – Bay Study B
2493.2103 P3 – Bay Study C
2493.2104 P2 – Bay Study D
2493.2105 P3 – Bay Study E
2493.3001 P2 Plot 4 – Section A-A
2493.3002 P2 Plot 4 – Section B-B
2493.3003 P3 Plot 4 – Section C-C
2493.4001 1B2P Apartment Type
2493.4020 2B4P Apartment Type
2493.4022 2B4P Apartment Type
2493.4030 2B5P Apartment Type
2493.4040 2B4P Townhouse Type A
2493.4044 3B6P Townhouse
2298-GHA-ZZ-00-DR-A-(05)0100_P08 – Site Wide GF GA
2298-GHA-ZZ-01-DR-A-(05)0101_P03 – Site Wide L1 GA
2298-GHA-ZZ-02-DR-A-(05)0102_P03 – Site Wide L2 GA

2298-GHA-ZZ-03-DR-A-(05)0103_P03 – Site Wide L3 GA
2298-GHA-ZZ-04-DR-A-(05)0104_P03 – Site Wide L4 GA
2298-GHA-ZZ-05-DR-A-(05)0105_P02 – Site Wide L5 GA
2298-GHA-ZZ-06-DR-A-(05)0106_P02 – Site Wide L6 GA
2298-GHA-ZZ-07-DR-A-(05)0107_P02 – Site Wide L7 GA
2298-GHA-ZZ-07-DR-A-(05)0108_P01 – Site Wide L8 GA
2298-GHA-ZZ-07-DR-A-(05)0109_P01 – Site Wide L9 GA
2298-GHA-ZZ-07-DR-A-(05)0110_P01 – Site Wide L10 GA
2298-GHA-ZZ-07-DR-A-(05)0111_P01 – Site Wide L11 GA
2298-GHA-ZZ-07-DR-A-(05)0112_P01 – Site Wide L12 GA
2298-GHA-ZZ-07-DR-A-(05)0113_P01 – Site Wide L13 GA
2298-GHA-ZZ-14-DR-A-(05)0114_P02 – Site Wide L14-L18 GA
2298-GHA-ZZ-19-DR-A-(05)0119_P01 – Site Wide L19 Roof GA
2298-GHA-ZZ-19-DR-A-(05)0121_P02 – Site Wide L21 Roof GA
2298-GHA-ZZ-B1-DR-A-(05)0099_P01 – Site Wide B1 GA
2298-GHA-ZZ-B2-DR-A-(05)0098_P01 – Site Wide B2 GA Plan
2298-GHA-ZZ-ZZ-DR-A-(05)0400_P02 – Site Section A-A
2298-GHA-ZZ-ZZ-DR-A-(05)0401_P03 – Site Section B-B
2298-GHA-ZZ-ZZ-DR-A-(05)0402_P01 – Site Section C-C
2298-GHA-ZZ-ZZ-DR-A-(05)0403_P03 – Site Section D-D

Outline Permission

2298-GHA-ZZ-ZZ-DR-A-(05)0001_P01 – Parameter Plan 01 – Phasing & Plot Plan
2298-GHA-ZZ-ZZ-DR-A-(05)0002_P01 – Parameter Plan 02 – Existing Site Plan
2298-GHA-ZZ-ZZ-DR-A-(05)0003_P01 – Parameter Plan 03 – Proposed Uses B2 Level Plan
2298-GHA-ZZ-ZZ-DR-A-(05)0004_P01 – Parameter Plan 04 – Proposed Uses B1 Level Plan
2298-GHA-ZZ-ZZ-DR-A-(05)0005_P01 – Parameter Plan 05 – Proposed Uses GF Level Plan
2298-GHA-ZZ-ZZ-DR-A-(05)0006_P01 – Parameter Plan 06 – Limits of Deviation
2298-GHA-ZZ-ZZ-DR-A-(05)0007_P02 – Parameter Plan 07 – Min + Max AOD Levels
2298-GHA-ZZ-ZZ-DR-A-(05)0008_P01 – Parameter Plan 08 – Public Realm Phasing Plan
2298-GHA-ZZ-ZZ-DR-A-(05)0009_P01 – Parameter Plan 09 – Proposed Movement Plan
2298-GHA-ZZ-ZZ-DR-A-(05)0010_P02 – Parameter Plan 10 – Temp CP Strategy
2298-GHA-ZZ-ZZ-DR-A-(05)00011_P01 – Parameter Plan 11 – End Scheme Car Park Strategy

- 6) The details to be submitted in pursuance of approval under condition 4 above shall accord with the principles set out in the Abbots Park Design Code Revision 2 dated September 2022.
- 7) No development shall commence on either the FULL or OUTLINE elements of the scheme unless and until full details of the colour, finish, and texture of all materials to be used on all external surfaces of the various buildings and structures (including the façade artwork detail), in the particular phase of development under consideration, together with details of the windows, doors, balconies, and rainwater goods, and samples of the facing materials and roof coverings for that phase, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall commence of the FULL element until a hard and soft landscaping scheme, including a full planting schedule specifying species, location, number, density, height, and eventual spread and the location of grassed areas (turfed or seeded), the depth of topsoil where necessary and an implementation timetable. The scheme should also include details of the Green Roofs proposed. The landscaping scheme shall be implemented in accordance with the approved details and retained and maintained as such thereafter. In the event that any trees or plants that formed part of the approved landscaping scheme die, are removed, or become diseased, within ten years after their planting, they shall be replaced in the next planting season with others of similar size and species.
- 9) Details of the landscaping for each phase of the development submitted in pursuance of condition 4 shall include a phasing scheme for its implementation. The landscaping shall be implemented in accordance with the approved phasing scheme.
- 10) No external lighting in any phase of the development, including roadway and pathway lighting shall be erected or installed until full details of the type, design and location of the lighting columns, fixtures, and fittings, together with their associated angle, fall, spread, and intensity, for the phase of the development under consideration has been submitted to and approved in writing by the local planning authority. External lighting shall be implemented in accordance with the approved details and retained as such thereafter.
- 11) Before development commences on any phase of the development, the following drainage details for the phase of the development under consideration shall be submitted to and approved in writing by the local planning authority: a) the provision of a Sustainable urban Drainage System (SuDS) in accordance with the latest available design guidance. This shall include all relevant details and calculations to enable a full evaluation to be undertaken, and clear and accountable consideration shall be given to the following features: general below ground attenuation, aimed solely at managing the quantity of water on site (preference should be given to localised cellular storage unless there is no possible mechanism for doing so); water quality control medium(s) such as permeable paving, filter drains, rain gardens, ponds or swales aimed at improving the quality of water passing through the system

either above or below ground; the use of water harvesting and grey water reuse at individual plot level within the development. This consideration should include both the deployment of water butts, and dedicated tank-based storage where appropriate and any reasons for not using them should be clearly stated – all in accordance with Coventry City Council's SPD: *Delivering a more Sustainable City*; b) a detailed strategy document must be submitted to, and approved in writing by, the local planning authority for the long-term inspection and maintenance of the SuDS and other surface water drainage elements on the site. It should also mention any notable Health and Safety or specialist training, and any special equipment required as part of the routing maintenance; c) development discharge rates to be managed to Qbar greenfield rates or 5 l/s, whichever is the greater. The discharge rates for brownfield sites shall be considered as greenfield in accordance with the SFRA; d) a 5 metre way-leave must be provided from the top bank of any ordinary watercourse to the building line; e) evidence to show the management of overland flow routes in the event of exceedance or blockage of the drainage system. Details should include a demonstration of how the building will be protected in such an event; f) provision must be made for the drainage of the site to ensure that there is no discharge of surface water to the public highway; g) where new or redevelopment site levels result in the severance, diversion, or the reception of natural or engineered drainage flow, the developer shall maintain existing flow routes (where there are no flood risk or safety implications) or intercept these flows for discharge by a method first approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 12) No development shall commence under the terms of the permission granted herein until the remediation strategy permitted under ref.FUL/2021/3298 has been completed in full accordance with the approved details and associated conditions.
- 13) Before development commences on any phase of the development, a Construction Management Plan (CMP) for the phase under consideration shall be submitted to and approved in writing by the local planning authority. The CMP shall include details of a designated point of contact within the site, and associated contact details; hours of working; delivery timings; the parking of vehicles by site operatives and visitors; the delivery access point; the loading and unloading of plant and materials; the anticipated size and frequency of vehicles moving to and from the site; the storage of plant and materials to be used in the construction of the development; the erection and subsequent maintenance of a security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel-washing facilities and other measures to ensure that any vehicle, plant, or equipment leaving the site does not carry mud or deposit other materials on the public highway; measures to control the emission of dust and dirt during demolition and construction; measures to control any asbestos present; measures to minimise noise disturbance to neighbouring properties during demolition and construction; details of any piling together with details of how any associated vibration will be monitored and controlled; and a scheme for the recycling/disposal of waste resulting from demolition and

- construction. Development shall be carried out in accordance with the approved CMP.
- 14) No development shall commence under the terms of the permission granted herein until the archaeological remediation and mitigation strategy permitted under ref.FUL/2021/3298 has been completed in full accordance with the approved details and associated conditions. unless the local planning authority gives its written consent to an alternative approach.
 - 15) Before development commences on any phase of the development, a Construction Environmental Management Plan (CEMP) for the phase under consideration shall be submitted to and approved in writing by the local planning authority. The CEMP shall include: a risk assessment of any potentially damaging construction activities; identification of biodiversity protection zones (for example buffers to trees and hedges or to protected wildlife habitat); 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 and/or protected trees); the location and timing of sensitive works to avoid harm to biodiversity features (in relation to breeding birds in particular); the times during construction when specialist ecologists need to be present on site to oversee works (as required); responsible persons and lines of communication; and the role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person (as necessary). Development shall be carried out in accordance with the approved CEMP.
 - 16) Prior to first occupation of any phase of the development permitted herein, a Landscape and Ecological Management Plan (LEMP) for that phase shall be submitted to and approved in writing by the local planning authority. The LEMP shall include; a description and evaluation of features to be managed; ecological trends and constraints on site that might influence management; aims and objectives of management, including mitigation and enhancement for species identified on site; appropriate management options for achieving aims and objectives; prescriptions for management actions; preparation of a work schedule (including an annual work plan capable of being rolled forward over a ten year period); details of the body or organisation responsible for implementation of the plan, along with funding mechanism(s) for that body or organisation; ongoing monitoring and remedial measures, including where monitoring shows that conservation aims and objectives of the LEMP are not being met. The LEMP shall be implemented in accordance with the approved details within three months of first occupation of the phase of development to which it relates.
 - 17) Prior to first occupation of any phase of the development permitted herein, details of the biodiversity enhancements for that phase of the development shall be submitted to and approved in writing by the local planning authority. These should include: areas of biodiverse/biosolar roofs; wildlife friendly landscaping; areas of vertical greening; a diverse mix of native species; bat boxes; a range of nesting boxes; and invertebrate habitat features. Installation shall take place in accordance

- with the approved details before the relevant phase of the development is first occupied and retained in their approved form thereafter.
- 18) Prior to the first occupation of any phase of the development permitted herein, details of the cycle parking facilities (whether internal or external) relating to the phase under consideration, including a timetable for its provision, shall be submitted to and approved in writing by the local planning authority. The cycle parking facilities shall be provided in accordance with the approved details and retained as such thereafter.
 - 19) Prior to first occupation of any phase of the development permitted herein, details of the waste management provision, and a refuse strategy, including a timetable for implementation, for the phase under consideration, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.
 - 20) Prior to first occupation of any phase of the development permitted herein, an Estate Management Plan (EMP) for the phase under consideration, including details of long-term management responsibilities, maintenance schedules, access control systems, and CCTV, shall be submitted to and approved in writing by the local planning authority. NO phase shall be occupied until the EMP for that phase has been implemented in full and estate management shall continue thereafter in accordance with the approved EMP.
 - 21) Before development commences on any phase of the development, a Sustainable Building Statement (SBS) relating to the phase under consideration, demonstrating how the requirements of Local Plan Policy EM2 (Building Standards) have been met, shall be submitted to and approved in writing by the local planning authority. The phase under consideration shall not be occupied until the SBS has been fully implemented in accordance with the approved details. The measures in the SBS shall be retained thereafter.
 - 22) Before development commences on any phase of the development permitted herein, a Local Labour and Business Strategy (LLBS) shall be submitted to and approved in writing by the local planning authority. The LLBS shall incorporate measures to promote employment opportunities arising from the development, to encourage job applications from residents of Coventry, and measures to promote opportunities for local businesses to gain contracts associated with the construction of the development. Development shall be carried out in accordance with the approved LLBS.
 - 23) Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and/or the provisions of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument amending, revoking and/or replacing that Order, the Class E uses approved herein shall not include Class E(g)(ii) Research and Development of Products or Processes; or Class E(g)(iii) Industrial Processes.
 - 24) The Class E uses approved herein shall not exceed 950 sqm in gross internal area.

- 25) Prior to first occupation of any phase of the development permitted herein (excluding anything already permitted under ref.FUL/2021/3298), an Arboricultural Method Statement relating to the phase under consideration shall be submitted to and approved in writing by the local planning authority. This shall include details of the methodology for carrying out a hand dug exploratory trench/pit within a root protection area without causing damage to roots greater than 25mm in diameter, contingency plans should roots be discovered in the exploratory trench/pit, design of foundations to respect a 200-300mm air void located between the existing ground level and the lower surface level of suspended foundation floors, and full tree protection details. Development on each phase shall be carried out in accordance with the approved details.
- 26) No development shall commence until a site-wide phasing programme has been submitted to and approved in writing by the local planning authority. This shall include: details of the precise location and extent of individual development phases; the extent of development within each phase and a description of the intended timing of development and completion dates for each phase; permanent and temporary access arrangements to serve each phase of the development; any interim surface or boundary details relating to each phase of the development; and the timings for provision of green infrastructure and footpath/cycle routes within each phase. Development shall be carried out in accordance with the approved site-wide phasing programme.
- 27) No works shall be carried out to the existing sandstone wall unless and until a method statement showing the extent of the works to be carried out to it, the ways in which the work will be undertaken, and details of repairs/replacement has been submitted to and approved in writing by the local planning authority. The works to the wall shall be carried out in accordance with the approved details.