

Planning Committee Report	
Planning Ref:	FUL/2018/3452
Site:	Old Crown Inn 89 Windmill Road, Coventry
Ward:	Longford
Proposal:	Change of Use of former public house to 11 Bedroom House in Multiple Occupation (sui generis)
Case Officer:	Liam D'Onofrio

SUMMARY

Planning permission is sought for a change of use of the premises from a public house (Use Class A4) to a House in Multiple Occupation (HIMO) (sui generis), which will provide a total of 11 studio apartments together with an office building for on-site management.

The scheme includes alterations and extension to the existing building. Nine car parking spaces will also be provided.

Background

Whilst the lawful use of the building remains that of a public house, conversion works have commenced and the building has been stripped out. The Planning Department issued a (28 day) Temporary Stop Notice on 05/10/2018 and the works ceased accordingly. Although the Stop Notice expired on 02/11/18 no further works have been undertaken on site.

KEY FACTS

Reason for report to committee:	A petition with 166 signatures objecting to the scheme has been submitted sponsored by Councillor Bigham.
Current use of site:	Former Public House
Proposed use of site:	Residential – 11 bedroom House in Multiple Occupation (HIMO)

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions listed within the report.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon the visual amenity of the streetscene or the locally listed building.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal will not adversely impact upon highway safety.
- The proposal accords with Policies: DE1, HE2, H11, AC1, AC4, and DS3 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

Planning permission is sought for a change of use of the premises from a public house (Use Class A4) to a House in Multiple Occupation (HIMO) (sui generis), which will provide a total of 11 studio apartments together with an office building for on-site management.

Minor works associated with the proposal include the demolition of post-Edwardian ground floor additions to the original structure, a single storey ground floor extension at the rear of

the property (4.9m deep by 4.1m wide) and changes to the internal layout to facilitate the change of use.

The public house car park will be used to provide nine car parking spaces for the development. Cycle storage will be provided within an existing building located at the rear of the site.

The application is supported by a Planning Statement, a community use report and marketing evidence.

SITE DESCRIPTION

The application site relates to the Old Crown Inn a locally listed, now vacant public house building, which is located on the northern side of Windmill Road and east of the junction with Recreation Road. The non-statutory local listing identifies the building as - a public house built in 1914 of red brick with stone dressings and bandings, a decorative balustrade, double bays and 'Dutch' gables. It has a very solid and imposing appearance and the date appears on the frontage along with other decorative motifs. It is also understood that the building was used as a recruiting post during WW1.

Residential properties adjoin the northern and eastern site boundaries and a medical centre is located on the opposite side of Recreation Road to the west, with Longford Park Primary School beyond. The area is within a primarily residential area.

PLANNING HISTORY

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

Application Number	Description of Development	Decision and Date
FUL/2018/2677	Change of use from Public House (Use Class A4) to House in Multiple Occupation (Use Class Sui Generis) and associated external alterations	Withdrawn 05/11/18.
FUL/2018/1746	Change of use from Public House (Use Class A4) to House in Multiple Occupation (Use Class Sui Generis) and associated external alterations	Withdrawn 05/09/18.

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The new NPPF published on 24 July 2018 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 new NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

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

Local Policy Guidance

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

Policy DS3: Sustainable Development Policy

Policy H3: Provision of New Housing

Policy H11: Houses in Multiple Occupation

Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation

Policy CO2: Re-Use of or Redevelopment of Facilities

Policy DE1 Ensuring High Quality Design

Policy HE2: Conservation and Heritage Assets

Policy AC1: Accessible Transport Network

Policy AC4: Walking and Cycling

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Design Guidelines for New Residential Development

SPD Delivering a More Sustainable City

CONSULTATION

No Objections received from:

- Planning Policy (CCC)

No objections subject to conditions have been received from:

- Highways (CCC)
- Environmental Protection (CCC)
- Conservation (CCC)
- Waste (CCC)

Immediate neighbours and local councillors have been notified; a site notice was posted on 11/01/19.

A petition sponsored by Councillor Bigham has been submitted with 166 signatures stating the following: *'We the undersigned wish to express our opposition to the planning permission that has been applied for at 89 Windmill Road (The Old Crown Public House). The planning application seeks to change the use of the premises, following redevelopment, from a long established public house (opened in 1914) to a single residence for up to 11 occupants with a communal kitchen facility. At present we have no clear understanding of the intended primary use of the development and who the occupants may be. Given the proximity of a junior school and residential accommodation, and our previously stated concerns, we urge the Council to reject this application'*.

Seven letters of objection has been received raising the following material planning considerations:

- Strong objection as a HMO in this location is completely inappropriate.
- Surely, the local school should be a primary consideration when introducing 11 bedsits to an area where HMOs are not present.
- The local community is made up of families old & young, many who have lived in the area for their entire lives and seen generations of their family grow up. The 11 bedsits will be for the rental market - where is the longevity and commitment to the community by allowing short-term rental contracts for lone adults to be introduced?

- Failure to see how the building works and subsequent residents will enhance existing residents' way of life and implore rejection of the application to seek a proposal that can co-exist with the local school and enhance the family-aspect of this community.
- Concerns on usage/type of occupancy.
- Loss of long established community facility, more important than housing.
- Pressure on road infrastructure/congestion.
- Extra traffic and impact upon pedestrian and school children safety.

One local resident has provided comments that highlighting typos within the applicant's supporting Planning Statement. These have subsequently been corrected by the applicant.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are the principle of development, the impact upon the character of the area and heritage assets, the impact upon neighbouring amenity, highway considerations, air quality, equality implications and contributions.

Principle of development

Loss of public house

Policy CO2 'Re-Use of or Redevelopment of Facilities' states that proposals for the re-use or redevelopment of community premises for a use outside the scope of this policy will not be supported if:

- a) There is an outstanding local need which could reasonably be met at that location;
- b) The site remains viable for existing uses or could be made viable through appropriate diversification of use;
- c) the proposal is not compatible with nearby uses.

In all cases consideration should be given to the suitability of the location for such facilities having regard to other Policies in this plan and its supporting documents.

NPPF Paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

This is the third application submitted to provide additional supporting marketing information, which was considered to be insufficient on the previous applications. A detailed assessment has now been provided to support the current scheme. The Marketing Report indicates that Admiral Taverns plc had determined that the business was failing and that it had become an "end of life" premises. The applicant asserts that Admiral Taverns' determination that the public house has reached an "end of life" position is expert evidence itself of the non-viability of the premises as a public house.

The submitted Community Use Report includes CAMRA's Public House Viability Test, which is designed to provide an objective means of assessing whether a public house is unviable. The report summaries trading details of the public house and demonstrates declining sales over the 10 year period from 247 barrels per annum in 2009 to 132 barrels per annum in 2018, a decline of some 47%. Rental income received by Admiral Taverns for the property has also steadily declined, reflecting the pub's decline in profitability and the Community Use Report confirms that the rent was a peppercorn for the last 12 month trading period.

The Community Use Report identifies key factors in rendering the pub unviable and also broader changes bearing on the public house market, coupled with the extensive competition within the local market place, the marked decline in beer sales and, more significantly, the marked shift from “on” to “off” sales (on sales comprise pubs, restaurants, hotels and other licenced premises, whilst off sales comprise specialist off-licences, grocers, supermarkets and other retailers).

The Community Use Report states that such effects have had a significant impact on the public house trade within the UK. Pubs that have survived and prospered are those that are able to diversify their offer, particularly those able to capture the food trade. Unfortunately, the Old Crown is unable to respond effectively to these changes and not positioned in the market place to establish a food-led offer; the number of competing food outlets and convenience stores in the locality, plus the large level of licensed trade competition in the area, means that the former pub is unable to attract the scale of financial investment needed to refurbish it as a wet trade outlet, let alone secure the substantial investment that would be required to repair, refurbish, and convert the outlet to a food-led proposition. The Community Use Report concludes that it is therefore demonstrably the case that the former public house has no viable future as a licenced premises.

Officers are satisfied that given the overwhelming evidence provided that there are viability issues with the existing public house use and that a positive re-use should therefore be considered. The Community Use Report points to eight nearby public houses/social clubs within a 1km radius or less providing similar facilities to meet community needs meeting the aims of NPPF Paragraph 92.

It is noted that the petition and objection raise no objection to the loss of the public house, rather who the intended occupants will be. The initial application FUL/2018/1746 was been submitted in July 2018 and, to date, no application for an asset of community value has been made in relation to the public house property.

The loss of the public house is considered to be acceptable in principle.

Proposed residential use

Policy H11 of the Local Plan states that the development of purpose built HIMOs or the conversion of existing homes or non-residential properties to large HIMOs will not be permitted in areas where the proposals would materially harm:

- a) The amenities of occupiers of nearby properties (including the provision of suitable parking provisions;
- b) The appearance or character of an area; and
- c) Local services.

The site is within a predominantly residential area and the proposed residential use is compatible with surrounding residential uses. The site is within a sustainable location within walking distance of local shops, services and public transport, which additional residents would support. The scheme proposed a positive re-use of a former public house and associated refurbishment.

The petition and objection letter focus concern upon the perceived negative use of the building as a House in Multiple Occupation, raising concerns of who the future occupants might be and implying concern with the proximity of the proposed HIMO to the local school.

The planning system has no control over who occupies a private family dwellinghouse, apartment or HMO in terms of their social, cultural or educational background etc. However the provision of a mix of dwelling sizes, types and tenures is important to ensure that the housing supply meets the needs of different groups within the local community. Policy DS3 seeks to secure development that improves the economic, social and environmental conditions in the area by, amongst other things: the creation of mixed, sustainable communities through a variety of dwelling types, sizes, tenures.

The planning assessment should therefore focus on whether the property is of a suitable size and character for its intended use or whether the property would impact upon the amenities or character of the surrounding area. Officers are mindful that surrounding dwellinghouses would have a permitted change from a dwelling house (Use Class C3) to a small house in multiple occupation (Use Class C4) for up to six residents. In this context the occupation of this large, vacant public house building by just 11 residents (and one building manager) could not be considered over-intensive and the site will provide a generous amount of inside and outside amenity space and off street car parking, creating a good quality residential environment.

The comings and goings associated with 11 residents are considered to be easily absorbed into the streetscene and will not result in any significant impact upon the amenities and quiet enjoyment that adjoining neighbours may reasonably be expected to enjoy that would warrant refusal of the scheme, particularly when compared with the historic use of the building as a public house.

An office is shown on the floor plan and clarification has been sought on its purpose. The applicant has stated that this room will be used as an office and sleep-over accommodation. The property will be managed and staffed by a 24 hour concierge who will have sleep over facilities if required. The CCTV cameras and Fire Alarm will also be linked back to the office so this can be monitored. The office has been located upon the entrance to the building so people entering and exiting the building can be seen clearly.

The proposal is therefore considered to be acceptable in principle in accordance with Local Plan Policies CO2, H11 and DE1 and the aims and objectives of the NPPF 2018.

Impact upon the character of the area and heritage assets

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

Policy HE2 reflects NPPF policy and states that development proposals involving heritage assets should acknowledge the significance of the existing building and the area by means of their siting, massing, form, scale, materials and detail.

NPPF Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Conservation Officer has commented that the proposal to change the use of the now vacant Old Crown Inn largely retains much of what is historically significant about the

physical appearance of the building. The application contains a schedule of refurbishment works to exterior of building, which the Conservation Officer considers to be appropriate.

The Conservation Officer has requested the following amendments to ensure that the historic significance of the building is retained.

- Confirmation of the retention and refurbishment of existing timber windows or like-for-like replacement. No issues are raised with the adaptation of original windows to accommodate 12mm slim-line double glazed units.
- The ground floor plans for 'Room 1' show a window being entirely blocked-up and another being partially blocked-up (to allow a stud wall to be inserted). The stud wall needs to be re-positioned so that the window is not blocked, and all existing windows should be kept as opening windows.
- The rear elevation in Room 7 shows the removal of the window stone mullions and transoms. These need to be retained.

The applicant has agreed to these requirements and plans have been amended accordingly to the conservation officer's satisfaction.

This distinctive historic building makes a positive contribution to the character of the area and great weight is placed upon the desirability of finding a new viable use that will be consistent with the building's conservation and enable investment and refurbishment of the building to secure its future.

The scheme is therefore considered to accord with the aims and objectives of Policies DE1 and HE2 and the NPPF.

Impact on residential amenity

As detailed within the principle section of this report the proposed residential use is considered to be compatible with surrounding residential uses and will not result in any significant impact upon the amenities of the occupiers of surrounding properties.

In terms of built form the proposed single storey rear extension will replace an existing outbuilding in a similar position and will not breach the 45-degree sightline or separation distances from surrounding properties. The scheme is not therefore considered to create any significant loss of light, outlook or privacy to the occupiers of surrounding occupiers.

Highway considerations

The proposed development provides nine off street parking spaces in accordance with the Council's Appendix 5 Car and Cycle Parking Standards for New Development. The Highway Authority have no objections to the proposed scheme, subject to conditions to secure car parking and cycle storage prior to first occupation of the building.

The bin storage area will be located within 25m of the public highway for collection. Bin storage details can be secured by condition.

Air quality

Policy DS3 states that when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF and will seek to secure development that improves the economic, social and environmental conditions in the area, including, amongst other things: increased health, wellbeing and quality of life; and measures to adapt to the impacts of climate change.

The scheme is subject to an air quality condition consistent with all development within the City to secure one electric vehicle (EV) charging space and low emission boilers.

Equality implications

The proposed change of use is not considered to raise any equality implications.

Developer Contributions

The application is a minor and therefore no contributions or obligations are triggered.

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon visual amenity, heritage assets, neighbour amenity or highway safety, subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1, HE2, H11, AC1, AC4, and DS3 of the Coventry Local Plan 2016, together with the aims of the NPPF 2018.

CONDITIONS/REASON

1. The development hereby permitted shall begin no later than three years from the date of this permission.

Reason: *To comply with Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following approved documents Drg No.3653 101C, 102B, 104C, Proposed Schedule of Works REV 30/01/19.

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

3. The building shall not be occupied unless and until bin storage and secure, covered cycle parking has been provided in accordance with details that have been submitted to and approved in writing by the local planning authority. Thereafter those facilities shall remain available for use at all times.

Reason: *In the interests of the visual amenities of the development and in encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DE1, DS3 and AC4 of the Coventry Local Plan 2016.*

4. The development shall be carried out only in full accordance with sample details of the elevational and roofing materials and also the brickwork, bonding and coping details for the replacement boundary wall to Recreation Road, and a schedule of remedial works to the building elevations, which shall first be submitted to and approved in writing by the local planning authority.

Reason: *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policies HE2 and DE1 of the Coventry Local Plan 2016.*

5. Any gas boilers installed on site shall have a dry NOx emission rate of no more than 40mg/kWh. One electric vehicle recharging point shall be provided prior to occupation of the property and shall be kept available for such use by residents at all times.

Reason: *To mitigate the impacts of development on air quality in accordance with Policy DS3 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF.*

6. The development shall proceed in full accordance with the Proposed Schedule of Works REV 10/10/18. All existing timber windows may be adapted to accommodate 12mm slim-line double glazed units; however windows shall otherwise be retained and refurbished or replaced for like-for-like units.

Reason: *To ensure a satisfactory standard of appearance of the development in the interests of the amenities of the locality in accordance with Policies HE2 and DE1 of the Coventry Local Plan 2016.*

7. The development hereby permitted shall not be occupied unless and until the car parking areas indicated on the approved drawings have been provided in full and thereafter those areas shall be kept marked out and available for such use at all times.

Reason: *In accordance with the aims and objectives of Policy AC1 of the Coventry Development Plan 2016 and Appendix 5 - Car and Cycle Parking Standards for New Development.*

