

Planning Committee Report	
Planning Ref:	FUL/2018/2395
Site:	84 Dawlish Drive
Ward:	Earlsdon
Proposal:	Application for the removal of condition no.1 (temporary permission), imposed on planning application ref: FUL/2017/1989 for the change of use from Use Class A1 (retail) to Use Class A3 (restaurant), granted 14th December 2017.
Case Officer:	Emma Spandley

SUMMARY

The application seeks to removal condition one of planning application FUL/2017/1989. Condition one, allowed the use of the building as a restaurant for a temporary period ending on 31st December 2018. The application seeks to remove the temporary consent.

BACKGROUND

There have been applications dating back until 2005, which were subsequently refused and dismissed at appeal for a hot food takeaway (Use Class A5) element together with restaurant use (Use Class A3).

In 2015, the Permitted Development Rights relating to change of uses, changed and included the change of use from a shop (Use Class A1) to a restaurant use (Use Class A3) but only for a temporary period of 2 years.

In 2017, an application was granted for a change of use from shop (Use Class A1) to a restaurant use (Use Class A3). Taking into account the change to permitted development, mentioned above, and the number of objections received, a temporary permission was granted which expires in August 2018.

The temporary consent was given so a full assessment of the impacts of the restaurant use could be established.

KEY FACTS

Reason for report to committee:	The premises, No.84 Dawlish Drive, is owned by Councillor Rois Ali
Current use of site:	Restaurant Use (Use Class A3) for a temporary period
Proposed use of site:	Restaurant use (Use Class A3) to remove the temporary permission.

RECOMMENDATION

Planning committee are recommended to grant permission, subject to the conditions listed.

REASON FOR DECISION

- The restaurant use does not appear to be resulting in significant harm to the living conditions of local residents.
- A temporary consent was given, as, at the time, the Government allowed a temporary change of use from shops (Use Class A1) to a restaurant (Use Class C3). The temporary consent allowed monitoring to be undertaken as to the impacts of the restaurant use on the neighbouring residential uses.
- The proposal accords with Policies: R6 & H5 of the Coventry Local Plan 2016, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application seeks to remove condition one, (temporary permission) imposed on planning permission FUL/2017/1989.

SITE DESCRIPTION

The application relates to a mid-terraced shop unit forming part of a small parade with residential accommodation above. There is a service road to the rear and a parking area on street to the front. The wider area is predominately residential.

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
R/2005/6674	Change of use from A1 to hot food takeaway and restaurant and single storey extension.	Refused 16 th December 2005 & dismissed on appeal due to the impact on living conditions of nearby uses & impact of extensions on neighbours
FUL/2011/0593	Change of use from A1 to daytime sandwich bar and evening A5 use plus provision of fume extraction system.	Refused 27 th May 2011 & dismissed on appeal due to the impact on living conditions of nearby uses.
FUL/2013/0543	Change of use to pizza restaurant / takeaway and erection of single storey rear extension.	Refused 28 th May 2013 & dismissed on appeal, reasons explained in full below
FUL/2014/2322	Erection of a single storey rear extension (retrospective),	Approved 12 th August 2014
FCU/2015/1906 -	Notification of temporary change of use to A3, date given for the temporary change of use was 15.6.15, which expired on 15.6.17;	Only notification is given 15 th May 2015 – 15 th May 2017h
FUL/2015/1694	Extraction flue to rear	Approved 9 th July 2015
FUL/2015/3518	Shopfront (retrospective) and rear ductwork enclosure	Approved 17 th December 2015
AD/2017/2803	Submission of amended details (changing colour of extract flue) imposed on permission FUL/2015/3518 for shopfront and rear ductwork enclosure	Approved 18 th January 2018
FUL/2017/1989	Change of use from Use Class A1 (retail) to Use Class A3 (restaurant)	Approved 14 th December 2017

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 H5: Managing the existing housing stock

Policy R6: R6 Restaurants, bars and Hot Food Takeaways

Supplementary Planning Guidance/ Documents (SPG/ SPD):

N/A

CONSULTATION

No Objections received from:

- Environmental Protection

Immediate neighbours and local councillors have been notified; a site notice was posted on 10th September 2018.

At the time of writing the report, no comments had been received.

APPRAISAL

The main issue in determining this application is the impact upon neighbouring amenity.

Principle of development

The principle of the development has been assessed against policy R6 of the Coventry Local Plan 2016. Policy R6 states catering outlets should be located in defined centres and employment areas and will be discouraged outside those locations.

The assessment is done on the compatibility of the catering use and whether it creates harm to amenity or highway safety.

Therefore, if the proposed use results in harm to amenity or highway safety then it would be contrary to Policy R6. However, if it does not, then the principle is acceptable. These issues are discussed in more detail below.

Impact on residential amenity

Policy H5 of the Coventry Local Plan 2016 called 'Managing Existing Housing Stock', states ...'uses will be supported providing a satisfactory residential environment is created'.

As well as flats above the retail units in the parade, there are houses to the north on Dawlish Drive. It was due to concerns regarding the impact upon living conditions of local residents, that the previous appeals involving hot food takeaway use on the site were dismissed in 2006, 2011 & 2013. Of particular concern was the general noise and disturbance associated with takeaway use of the site, such as car doors slamming, car engines revving and people talking.

The previous application FUL/2017/1989 which granted the temporary restaurant use, removed the hot food takeaway element for the reasons listed above and also restricted the use of the restaurant stating that no customers shall be present in the building before 09:00 or after 23:00 on any day.

The restaurant use has been in operation since April 2017, there has been one complaint to Environmental Protection with regards to people talking loudly outside, however, this was unsubstantiated. There have been no complaints to Planning Enforcement on the site.

Given the lack of complaints about the business since it opened in April 2017 it is evident that the use of the site as a restaurant does not result in significant noise and disturbance, and therefore harm to living conditions, of nearby residents. It is considered reasonable to carry forward the hours of operation condition, restricting the use of the site between the hours of 09:00 and 23:00.

On this basis, it is considered that the restaurant use is in accordance with Policy R6 of the Coventry Local Plan 2016.

Highway considerations

Policy AM22 seeks to ensure highway safety in new developments. Harm to highway safety was not a reason for refusal in the appeal in 2013, nor in the assessment of the most recent application, FUL/2017/1989 which granted consent for the restaurant use, temporary for 1 year.

There is off street parking in the parking bays to the front of the shops. Therefore, it is considered that the proposal complies with Policy AC3 of the Coventry Local Plan 2016.

Equality Implications

The proposal has been reviewed and it is considered there are no known equality implications as a result of this proposal, in accordance with the Equality Act 2010

Conclusion

The proposed development is considered to be acceptable in principle and will not result in any significant impact upon 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 R6 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITION/REASON

1. The development hereby permitted shall be carried out in accordance with the following approved document, location plan.

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

2. No customers shall be present in the building before 0900 hours or after 2300 hours on any day.

Reason: *In order to protect the amenity of local residents in accordance with Policy R6 of the Local Plan 2016-2031*