

Planning Committee Report	
Planning Ref:	FUL/2019/0442
Site:	Old Crown Inn 89 Windmill Road, Coventry
Ward:	Longford
Proposal:	Change of Use of former public house to 12 Bedroom House in Multiple Occupation (sui generis) and associated extensions/alterations.
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 12 bedrooms and a communal kitchen area.

The scheme includes alterations and extension to the existing building. Ten off-street car parking spaces and a cycle store will also be provided.

Background

Deferment from April 2019 Committee

Members considered this application at the April 2019 Planning Committee. Councillor Bigham attended the meeting and spoke in respect of the petition. Councillor Bigham highlighted a number of inaccuracies within the supporting Community Use Report and questioned the whole validity of the report.

Following consideration the Committee expressed concerns that the Community Use Report submitted by the applicant contained a number of errors and, on that basis, requested that the scheme be deferred to a future meeting to enable the applicant to correct and re-submit this document.

The Community Use Report has been corrected accordingly to enable the scheme to be put back before Planning Committee for consideration.

Other matters

Members will recall from the April Committee meeting that a fake letter based on the Council's original notification letter had been distributed within the local area. This letter included a false statement that the proposed HiMO could be used by paedophiles, as a half-way house or bail hostel etc. Officers issued a statement to all residents that had been previously notified confirming that the letter had not been sent by the Council and that the Council does not condone the wording of the letter. The Council's statement has also been attached to the CCC website and made publically visible within the application's associated supporting documents.

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:	More than five objections/petition received.
Current use of site:	Former Public House

Proposed use of site:	Residential – 12 bedroom House in Multiple Occupation (HiMO)
Car parking provision:	10 off-street parking spaces

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, CO2, H3, HE2, H11, AC1, AC4, and DS3 of the Coventry Local Plan 2016, together with the aims of the NPPF 2018.

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 12 bedrooms and a communal kitchen area within the basement.

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 10 car parking spaces for the development. Cycle storage will be provided within an existing building located at the rear of the site. An amended block plan has been received deleting two parking spaces from the property frontage, which could not be safely accessed from Windmill Road.

The application is supported by a Planning Statement, a Community Use Report (as amended) and marketing evidence. The Planning Statement states that this resubmission is essentially for the same form and character of the development as that proposed previously under FUL/2018/3452, subject to two minor changes detailed below:

- An increase in the number of bedrooms provided within the scheme from 11 to 12 by removing the previously proposed management office and replacing it with a bedroom of the same size, scale and configuration.
- To increase the amount of car parking provided as part of the scheme by the introduction of a further car parking space in the rear car park.

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/2018/1746	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.
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/2018/3452	Change of Use of former public house to 11 Bedroom House in Multiple Occupation (sui generis)	Refused 15/02/19 APPEAL submitted March 2019 - pending

The most recent application FUL/2018/3452 was refused at Planning Committee on 15/02/19 for the following reasons:

1. The proposed development is contrary to Policies DS3 and CO2 of the Coventry Local Plan 2016 and the aims and objectives of the NPPF 2018, in particular paragraph 92, in that insufficient information has been provided to demonstrate that the loss of The Old Crown Public House will not have a detrimental impact upon the sustainability of the community through the loss of an important and valued community facility.

2. The proposal is contrary to Policies H3 and AC1 of the Coventry Local Plan 2016, the Car and Cycle Parking for New Development (Appendix 5) and the aims and objectives of the NPPF 2018 in that: the application site is accessed from a narrow, busy road and insufficient provision is made for the parking of vehicles within the application site. The proposal would therefore result in the intensification in demand for on road parking provision in the locality, which would be to the detriment of highway safety, the free flow of traffic and to the amenities of the occupiers of adjacent dwellings.

The current application must therefore seek to overcome these refusal reasons.

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The new NPPF was published in February 2019 and sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The 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

Appendix 5 Car and Cycle parking

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 15/03/19.

Six letters of objection have been received, raising the following material planning considerations:

- a) Loss of community facility.
- b) Insufficient parking, increased traffic near to a school, traffic speed.
- c) Anti-social behaviour to the detriment of the area.
- d) Lack of information on the intended occupancy
- e) If an 11-bedroom HMO was refused what has changed to make a 12 bed HMO acceptable.
- f) The property will be overcrowded with 12 bed sits, it needs to be 6 or 7 apartments and all self-contained.
- g) The scheme has no benefit to local community.

Eighteen letters of objection have been received, however these all make specific reference to uses and occupancy concerns within the falsified letter. These are non-material planning

considerations as they do not form part of the proposal in anyway and cannot be given due consideration in the planning process.

One petition has been received with 261 signatures (206 written and 55 on-line) objecting to the scheme on the following grounds:

We object to a change of use of the former public house at 89 Windmill Road to a 12-bed house in multiple occupation, which is a British English term which refers to a residential property where “common areas” exist and are shared by more than one household. (FUL/2019/0442).

We object to this for many reasons but primarily due to the location of the proposal, which is situated in close proximity to a primary school, namely Longford Park Primary School, which consists of young, vulnerable and impressionable children.

In addition to the above, the proposed HMO is in an area where many elderly residents reside as well as families with young children. A HMO would make residents feel unsafe and would not be welcomed in the area.

Any further comments received will be reported within late representations.

APPRAISAL

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

Principle of development

Loss of public house

The previous application was considered against Local Plan Policy CO2 ‘Re-Use of or Redevelopment of Facilities’ and the NPPF 2018 Paragraph 92, which 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.

The applicant has argued that Policy CO2 does not specifically mention public houses and deals only with social, community and leisure facilities that are not defined as main town centre uses by the NPPF. Although bars and pubs are identified as a main town centre use in the NPPF Annex 2 this explicitly mentions ‘more *intensive* recreational uses’. Public houses are clearly not just a town centre use as they can be found serving communities within residential suburbs, small villages and even remote locations. Officers consider that Policy CO2 should be given appropriate weight as it reflects the aims and objectives of NPPF 2019 Paragraph 92, which is clear that social, recreational and cultural facilities should be protected against unnecessary loss. For the avoidance of doubt Paragraph 92 remains unchanged in the February 2019 update of the NPPF.

Following the previous refusal the applicant has provided some additional supporting information that seeks to address concerns raised. The applicant indicates that the evidence submitted in respect of the fact that the public house had become a “end of life” premises; that the application of CAMRA’s public house viability test; and the

submitted Community Use Report; all unequivocally demonstrated that the public house had no viable future and that the local area was well served with alternative facilities.

Officers give weight to the supporting Marketing Report that indicates that Admiral Taverns plc had determined that the business was failing and that it had become an “end of life” premises and the applicant’s assertion 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.

In terms of the alternative facilities within the locality the Community Use Report identifies a number of comparable types of licensed premises within 1000m of the application site, which is considered to be a reasonable walking distance. These are listed as:

- The Wheatsheaf, Foleshill Road (850m).
- Parkstone Working Men’s Club (950m).
- The Coach and Horses, Longford Road (1000m).
- The New Horseshoe, Foleshill Road (1000m).
- The Bird in Hand, Aldermans Green Road (1000m).

There are several venues just outside the 1000m radius:

- Longford Engine, Longford Road (1200m).
- The Royal Hotel, New Church Road (1200m).
- The Rose and Crown, Hall Green Road (1300m).

At the April 2019 Committee the Community Use Report was identified as having a number of errors. One of these was the inclusion of Foleshill Social Club on Foleshill Road, which has been deleted from the amended report. Furthermore the report had 'cut and pasted' references to another public house within another local authority area. These errors have now been corrected accordingly.

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 supporting information demonstrates other 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.

The initial application FUL/2018/1746 was 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 in accordance with Policy CO2 and the NPPF 2019.

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 residential use and associated refurbishment proposes a positive re-use of a former public house.

There remains clear concern from local residents regarding who will occupy the residential use. A falsified Council letter has clearly intensified concerns and anxiety around the proposed use.

To clarify, a house in multiple occupation (HiMO) is a residential use. HiMOs are prevalent within large areas of the City and are typically, but not exclusively, occupied by students and/or young professionals. Permitted development exists for dwellinghouses (Use Class C3) to change to a small house in multiple occupation (Use Class C4) for up to six residents and vice versa without needing planning permission. A HiMO for seven or more residents requires planning permission, although in this case a change of use of the existing public house to any type of residential use would need planning permission.

The planning system cannot control who moves into any open market residential property, in terms of their social, cultural or educational background etc. Officers can however confirm that the use of a property where residents' movements are controlled, such as a bail hostel/half-way house (Use Class C2a – Secure Residential Institutions) fall within a different use class to open market residential dwellings, apartments or HiMOs and could not therefore operate lawfully without further planning permission for a change of use.

No issues were previously raised at the February 2019 Planning Committee in terms of the proposed residential use. The proposed residential use is considered to remain acceptable in principle in accordance with Local Plan Policies H11 and DE1 and the aims and objectives of the NPPF 2019.

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 raised no objection to the scheme. The application contains a schedule of refurbishment works to the exterior of the building, which the Conservation Officer considers to be appropriate. Conditions have been suggested to ensure that the conversion proceeds in accordance with the schedule of works.

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 2019.

Impact on residential amenity

The comings and goings associated with 12 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.

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 previous scheme provided 9 car parking spaces. In seeking to overcome the previous refusal reason relating to parking/highway safety the applicant notes that although they considered the previous scheme to be *“wholly policy compliant”* in terms of parking provision; *“the current application provides an additional bedroom increasing the number of bed spaces to 12; this gives a parking requirement of 9 [spaces], whereas the parking*

provision proposed amounts to a total of 10 spaces". Two new spaces were also proposed to the frontage; however these have been deleted as they could not be safely accessed from Windmill Road.

Officers confirm that the Council's Appendix 5 Car and Cycle Parking Standards for New Development requires 0.75 spaces per bedroom for HiMOs. The 12 bedrooms proposed therefore generate the requirement for nine off-street parking spaces. The proposed scheme will provide ten off-street parking spaces. The scheme is therefore considered to provide an appropriate level of car parking provision and is Policy compliant.

The refusal reason also related to Recreation Road being a relatively narrow, busy road. The applicant notes that; *"to maintain the free flow of traffic Recreation Road has double yellow lines on both sides of the road throughout its entire length. Recreation Road is not a busy road: it is a cul-de-sac serving approximately 30 dwellings and providing access to the car park of the adjacent Windmill Point Health Centre, it therefore has no through traffic"*.

The Highway Authority are satisfied that the current scheme is Policy compliant and have raised no objection to the proposal, 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 also be secured by condition.

The previous Community Use Report indicated that there were no cycle routes or local attractions of any note. At the April meeting Councillor Bigham pointed out that a cycle route runs adjacent to the site on Recreation Road and is a key route to the busy Longford Park, which has 'Green Flag' status. Furthermore there are a number of schools within the vicinity and Councillor Bigham considered that highway safety should not just include vehicles but also pedestrians and cyclists. As previously noted the Community Use Report has been updated to correct this oversight. Officers are mindful of the historic use of the property and the proposed residential scheme is not considered to raise any significant highway safety issues that would warrant refusal.

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 CO2, DE1, HE2, H3, H11, AC1, AC4, and DS3 of the Coventry Local Plan 2016, together with the aims of the NPPF 2019.

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 101F, 102E, 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.*

