

Planning Committee Report	
Planning Ref:	FUL/2019/3161
Site:	The Old Fire Station, Hales Street
Ward:	St Michaels
Proposal:	Change of use of part of ground floor to restaurant and Installation of outdoor extraction system to kitchen; outdoor ventilation systems to restaurant; outdoor air conditioning units & cold room condensers
Case Officer:	Anne Lynch

SUMMARY

The application proposes change of use of part of the ground floor of the Old Fire Station to an A3 restaurant together with extraction and ventilation systems and external plant to the rear of the building.

BACKGROUND

The main building has planning permission for a mixed use comprising restaurant facilities, bar and training facility but as this is considered to be a mixed, sui generis use, planning permission is required for this change of use.

KEY FACTS

Reason for report to committee:	The premises are owned by an Elected Member, Councillor Rois Ali
Current use of site:	Mixed use of the building
Proposed use of site:	Restaurant (A3) in part of the ground floor

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to conditions.

REASON FOR DECISION

- The proposal is acceptable in principle.
- The proposal will not adversely impact upon highway safety.
- The proposal will not adversely impact upon the amenity of neighbours.
- The proposal accords with Policies: DE1, HE2 and R6 of the Coventry Local Plan 2016, Policies CC2, CC10 and CC13 of the City Centre Area Action Plan, together with the aims of the NPPF.

BACKGROUND

APPLICATION PROPOSAL

The application proposes change of use of part of the ground floor of the Old Fire Station to provide a restaurant (A3) with the layout showing approximately 50 covers a lobby and a bar/counter. New odour extraction to include fan and filters and external flues, air conditioning outdoor units and condensers for cold/freezer room along the wall at the rear. The hours of opening are indicated as 11.00am until 11.00pm seven days a week.

SITE DESCRIPTION

The application site forms part of the ground floor of the Old Fire Station which is a locally listed building, built towards the end of the 19th century. The building was converted to a mixed use premises following planning permission in 2005. The building has a central door with three arches to either side which were previously the fire engine access points. The area to the left of the entrance has since been converted to a gelato café in the area of the main building and the extension to the end. The area behind the central entrance and the two arches to the right form the area proposed for the restaurant. The arch to the end forms part of a shisha bar/lounge. Both the shisha bar and gelato café have been converted without planning permission.

The Old Fire Station is located on Hales Street and close to its junction with Trinity Street and Fairfax Street. Pool Meadow Bus Station is to the east and south with the shopping area of Trinity Street beyond. To the west is Millennium Place and the Coventry Motor Museum. Lady Herbert's Gardens and remnants of a City Gate and Wall are to the north and within a designated Conservation Area.

Immediately to the rear of the site there is a service yard which is shared with traders at the bus station. The building has a tower to the rear elevation facing the service station. This is a key ornate feature to the building. The front elevation comprises three engine entrances on either side of the pedestrian entrance to the building and a two storey entrance to the end. The building adjoins a café and other commercial uses around the bus station to the other side towards Trinity Street.

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
51457	Change of use from former Fire Station to restaurant, bars, hot food takeaway and college of Further Education. Internal and external alterations including to existing vehicular access and formation of new pedestrian access. Extensions to side, rear and roof and construction of tower and terraces. Closure of Highway to facilitate Development.	9 th March 2005
ADV/2019/2729	Display of Signage	Separate application also being presented to Planning Committee

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF 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) 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 DS1: Overall Development Needs

Policy DS3: Sustainable Development Policy

Policy DE1 Ensuring High Quality Design

Policy R6: Restaurants, Bars and Hot Food Takeaways

Policy HE2: Conservation and Heritage Assets

Policy AC3: Demand Management

City Centre Area Action Plan:

Policy CC1: Coventry City Centre Development Strategy

Policy CC2: Enhancement of heritage assets

Policy CC3: Building Design

Policy CC10: Environmental Management

Policy CC13: Cathedrals and Cultural Area

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Delivering a More Sustainable City

SPD Coventry Connected

SPD Hot Food Takeaways

CONSULTATION

No objections subject to conditions/contributions have been received from:

- Environmental Protection

Immediate neighbours and local councillors have been notified; a site notice was posted on 11th February 2020.

One representation has been received, not objecting, but raising the following material planning consideration:-

- a) Asking for further information on the proposed extraction systems to ensure no impact on their premises from fumes. Also assuming that removal of waste and an understanding of the shared service area have already been taken into consideration.

APPRAISAL

The main issues in determining this application are principle of development, impact upon the character of the area and heritage assets and the impact upon neighbouring amenity.

Principle of development

The site is located within the Cathedrals and Cultural Area as set out in the City Centre Area Action Plan. Policy CC13 states that mixed use development, including active ground floor uses (A1, A2, A3, A4) with upper floor residential provision of at least 60 homes will be promoted on the land at the junction of Hales Street and Trinity Street. Development adjoining the Conservation Areas should enhance their setting and improve linkages between them and other areas of the city centre. Policy CC13 therefore has a general acceptance of mixed uses with active ground floor uses in this location and this includes A3 restaurant uses.

Policy R6 states that outlets should be located within defined centres and will normally be discouraged outside those locations. Proposals within defined centres will be permitted provided they:

- a) Would not result in significant harm to the amenity of nearby residents or highway safety;
- b) Would not result in harmful cumulative impacts due to the existence of any existing or consented proposed outlet.
- c) Are in accordance with the emerging Hot Food Takeaway Supplementary Planning Document (in particular, proposals for A5 uses); and
- d) Are compatible with other Plan Policies.

A change of use of the premises from a bar to a restaurant would not always require planning permission. However, the building is in a mixed (sui generis) use and therefore any changes require permission. There is also a condition on the 2005 permission which requires the development to be carried out only in strict conformity with the approved drawings and documents.

The property is already in a mixed used that includes catering uses. The proposed restaurant use is considered to be acceptable in this location and the principle of development is considered acceptable subject to other Plan Policies.

Impact on visual amenity 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.

The National Planning Policy Framework, paragraph 127 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 130) “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).”

Local Plan Policy HE2 reflects NPPF policy and states that development proposals involving heritage assets in general and listed buildings in particular, should acknowledge the significance of the existing building and the area by means of their siting, massing, form, scale, materials and detail. This is also reflected in Policies CC2 and CC13 of the Area Action Plan.

The only external works are for the extraction flue and plant which is at the rear of the building in the area of the service yard. It is low level and located below the height of the adjacent bus station so will not be visible from outside of the service yard. The proposals are not therefore considered to have any impact on the heritage asset or the Conservation Area opposite.

Highway considerations

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. The car parking standards set out in Appendix 5 to the Local Plan indicate that the provision of private car parking will not generally be promoted within the City Centre as it is highly accessible by a range of transport modes and there is already an adequate supply of publicly available car parking. There is no requirement for parking in this City Centre location.

Neighbouring amenity

In addition to the requirements of Policies DE1 and R6 to protect residential amenity, Policy CC10 states that new residential and commercial schemes and the introduction of fixed plant machinery should be designed to meet internal and external noise levels specified in BS4142 and BS 8233.

Environmental Protection have no objection to the proposals subject to a condition for a noise assessment using BS4142:2014 'Method for Rating Industrial and Commercial Sound'. This is to ensure that nearby residents are not affected by noise from the outdoor air conditioning units and cold room condensers.

Other matters

In addition to asking about the extraction equipment, the neighbour has also asked about the understanding of the shared service area being taken into consideration. Whilst the matter has been raised with the Council's Property Management team, who have had further discussions with the neighbour, it is important to clarify that this area is utilised by a number of users who have use over this area. As such, this is considered a private matter between the respective commercial tenants and not a material consideration for this application.

Equality Implications

Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

There are no known equality implications arising directly from this development.

Conclusion

The proposed development is considered to be acceptable in principle, will not be visible from the Conservation Area and will not result in any significant impact upon neighbour amenity and is therefore recommended for approval subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1, HE2 and R6 of the Coventry Local Plan 2016, Policies CC2, CC10 and CC13 of the City Centre Area Action Plan together with the aims of the NPPF.

CONDITIONS:/REASON

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
518/PL/01 Location Plan

518/PL/02 Block Plan
518/PL/04 Proposed Floor Plan
518/PL/06 Proposed Back Elevation
518/PL/08 Proposed Section/Side Elevation
Cylindrical & Splitter Silencers For Fan Systems
Electrostatic Precipitation (ESP) Filter Unit
Electrical Data
Ventilation and Extraction Statement
Ventilation Specifications

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

3. Within one month of the installation of the external plant and machinery it shall have been colour coated on the external face in full accordance with the details shown on the approved drawings and in the application documentation. Any replacement or modification shall be colour coated to match within one month of being carried out.

Reason: *To ensure that the proposed development has a satisfactory external appearance in the interests of the visual amenities of the area in accordance with Policy DE1 of the Coventry Local Plan 2016.*

4. Prior to use as a restaurant a noise assessment using a BS4142:2014 'Method for Rating Industrial and commercial sound assessment shall be submitted to and approved in writing by the local planning authority to demonstrate that the rating level noise from the proposed plant does not exceed the existing background level (LA90) at a distance of 1m from façade with 3dB facade correction. Mitigation measures must be based on the plant working at 100% capacity and any corrections for tonal and other sound characteristics must be included. Thereafter the plant and machinery shall operate in full accordance with the approved details.

Reason: *To safeguard the amenities of the adjoining occupiers of the development in accordance with Policies DE1 and R6 of the Coventry Local Plan 2016 and Policy CC10 of the City Centre Area Action Plan.*

