

Planning Committee Report	
Planning Ref:	FUL/2020/2053
Site:	Coombe Social Club, Binklow Road, Coventry, CV3 2HY
Ward:	Wyken
Proposal:	Erection of patio/smoking area with new boundary walls and railings, alongside a new draught lobby and landscaping.
Case Officer:	Richard Edgington

SUMMARY

This application seeks to remove four of the existing parking spaces to create an ancillary external seating area with associated landscaping and boundary treatments. The application also seeks consent for the erection of a draught lobby to the front elevation of the building.

BACKGROUND

The application has been amended during the course of the application, and the application has therefore been subject to additional consultation in accordance with the Development Management Procedure Order (2015). Within the course of the second consultation a number of representations have been received both objecting to, and in support of the application.

KEY FACTS

Reason for report to committee:	The application has been referred to committee due to more than 5 representations contrary to the officer's recommendation.
Current use of site:	The site is currently in use as a sports/social club, the area of the site relevant to this application is currently laid to hardstanding and can accommodate four vehicles.
Proposed use of site:	The area of the site is proposed to be used as an ancillary smoking/external seating area and landscaping.

RECOMMENDATION

Planning committee are recommended to refuse planning permission, for the reasons set out at within this report.

REASON FOR DECISION

1. The proposal will adversely impact upon the amenity of neighbours.
2. The proposal is contrary to Policies R6 and DE1 of the Coventry Local Plan 2016, and Paragraph 127 of the National Planning Policy Framework (2019).

BACKGROUND

APPLICATION PROPOSAL

The application as proposed seeks consent for the creation of a new fenced seating area with complimentary landscaping to the Brinklow Road elevation. The fencing is proposed across the width of the front elevation (13.5m) and will extend approximately 6.8m from the front elevation. Within the fenced area the plans indicate a paved seating area with large parasols (These fittings/furniture do not form part of the detail of this planning application).

SITE DESCRIPTION

The application site is known as the Coombe Social Club and lies within the locality of Binley, east of the administrative area of the authority. The building fronts the Brinklow Road (B4027) to the north and has two existing dropped kerb points. One point of which provides the vehicular access to the four spaces to the front of the site, the second providing an access point along the eastern boundary of the site leading to the car park to the rear which provides approximately 40 vehicle spaces, inclusive of one accessible space.

The existing building is two storeys in height and is finished in a white render with a concrete tiled roof, there are noted to be serviceable windows to all elevations serving function rooms and bar areas.

Immediately to the east of the site lie a row of four Grade II Listed dwellings at 8-12 Brinklow Road. The dwellings are setback from the main highway by an area of front amenity space/respective parking areas. To the north east of the site lies the locally listed 'Old Grammar School' which occupies a corner plot. There are also noted to be neighbouring residential dwellings both immediately to the north and west of the site.

To the south of the site lies the Binley Business Park which comprises a suite of office units (Use Class B1) and associated parking and landscaping.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most relevant in respect of this application:

Application Number	Description of Development	Decision and Date
R/2007/0501	Erection of patio / smoking area with new boundary walls and railings and new draught lobby and landscaping	Refused 30 th May 2007
R/2007/1255	Erection of patio / smoking area with new boundary walls and railings and new draught lobby and landscaping.	Approved 20 th July 2007

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) is also a material consideration and 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 R6: Restaurants, Bars and Hot Food Takeaways

Policy DS3: Sustainable Development Policy

Policy GE1 Green Infrastructure

Policy DE1 Ensuring High-Quality Design

Policy HE2: Conservation and Heritage Assets

Policy AC3: Demand Management

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPG Design Guidelines for New Residential Development

CONSULTATION

No Objections received from:

3. Conservation.

No objections subject to conditions have been received from:

4. Highway Authority, whom have requested that should consent be granted conditions securing the closing of the redundant access point, and requiring the vegetation/landscaping not being located within the pedestrian visibility splay.

Comments have also been received from:

5. Environmental Protection, who have indicated that whilst it is acknowledged that it is not unusual for pubs/clubs to have a provision of outdoor seating at the front. This represents a significant intensification of the use, a temporary permission was suggested to allow monitoring for noise.

Immediate neighbours and local councillors have been notified, within the consultation, a number of responses were received both in support and objection. 12 letters of objection have been received, raising the following material planning considerations:

- a) Loss of parking
- b) Exacerbate existing parking issues

- c) Out of character with predominantly residential area
- d) Exacerbate existing noise issues
- e) Increase in litter
- f) Odours will be within close proximity to neighbouring residents

In addition, a total of 56 letters of support have been received, raising the following material planning considerations:

- g) Enhance visual appearance and character of the area

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- h) Need for a beer garden in the area
- i) Beneficial facility for families
- j) Garden should be located to the rear
- k) Rear car park underused

Any further comments received will be reported within late representations.

APPRAISAL

The application is a full application and therefore all relevant matters are to be considered. 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/noise and highway/parking considerations, a summary of the planning balance has also been included.

Principle of Development

The site is understood to be a member's club, whom have function rooms for general hire. The site is located outside of a district centre, and as such there are no specific policies within the development plan which provide a criterion for acceptability in this case. It should however be noted that both the NPPF and adopted Local Planning policy seek to direct town centre uses into designated centres.

However, weight is given that the site is existing and is established within the locality. As such it is considered that Paragraph 80 of the NPPF can be afforded weight in the determination of the application. Here, the NPPF states that planning decisions should 'help create the conditions in which businesses can invest, expand and adapt'. It is also noted that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs.

Whilst Paragraph 80 is supportive of expansions of business, weight is also afforded to Policy R6 of the adopted local plan which relates to the provision of restaurants, bars and takeaways within designated centres. The supporting text to the policy within the local plan identifies that such uses have the potential to cause significant issues with residential amenity. Particular issues of note within the text relate to noise, odour and traffic. These impacts form part of the rationale for the presumption of such uses being

located within defined centres, 'where residential amenity is less likely to be an issue'. The text also states that such uses will be 'resisted' elsewhere.

When considering the principle therefore it is considered that there is a policy conflict within national and local planning policy. On balance, however, it is deemed that given that the site is existing, and the NPPF places 'significant' weight to supporting business, that the principle of development in this case can be considered acceptable under Paragraph 80 of the NPPF. Whilst the principle can therefore be deemed acceptable on balance, this is subject to the material planning considerations which are discussed within the succeeding sections of this report, including regard to Policy R6.

Residential Amenity/Noise

Paragraph 127 of the NPPF relates to impacts of development in relation to amenity and states that; planning decisions should create places that are safe, inclusive and accessible which promote health and well-being, with a high standard of amenity for existing and future users.

The proposed development would result in an intensification of the use of the site to the front and would promote the outside space as a seating/trading area. The seating area at its closest points to the neighbouring properties would lie 10m (to the west), 21m (to the north) and 11.5m (to the east). It is considered that the creation of a trading space would likely result in an increase in noise levels. The Environmental Health Officer has been consulted and has indicated that the road noise would likely act as mitigation during daytime trading hours, especially given it having a 'B' Road status and is well used.

The most pertinent issue therefore relates to the noise impacts upon neighbouring residents in the evenings, and at weekends, where background noise will likely be less prominent, and therefore have a greater impact. It should be noted that a total of 12 objections have been received to the development, many of which raise concerns upon the impact of noise/amenity. This issue formed the basis for refusal on the original application, although the site has obtained consent previously for the proposals, subject to a condition limiting the hours of use, this consent was not implemented. This was however determined under the previous local plan, and prior to the National Planning Policy Framework, as such limited weight can be afforded to the previous consent.

When considering the existing opening times of the site overall, the site is licensed to operate 7 days per week from 12 noon until 12 midnight (7 days per week). It should be noted that these hours vary from the proposed hours of operation for the use of the proposed external seating area, which proposes the following hours of use:

Sundays/Bank Holidays	Monday – Friday	Saturday
1200 - 2200	1700 – 2200	1200 - 2200

In making the assessment based on the information submitted and the aforementioned policies, it is considered that given the close proximity to the neighbouring residential dwellings, and intensification of the use, would result in the proposed development having a detrimental impact upon the amenity of neighbouring residents. Within the current

application there are no means of noise screening or mitigation detailed or proposed within the application. As such with the absence of such controls it is considered that the development gives rise to amenity issues, most notably through an increase in noise and odours resultant from the smoking/trading area. It is therefore considered that the development as proposed is contrary to Policies R6 and DE1 of the adopted Local Plan and Paragraph 127 of the NPPF (2019).

Impact Upon Heritage Assets

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.

In the determination of planning applications Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard for Listed Buildings in the determination of planning applications. The legislation requires LPA's to assess whether there is harm caused upon the heritage asset, and where harm is caused, this should be offset by demonstrable public benefit. In this case the listings of the neighbouring Grade II Listed Cottages relate primarily to their materiality and form as opposed to setting. Given that the changes are modest in design terms it is not considered that the proposal would result in harm upon the heritage assets, as such there is no requirement to offset any harm with public benefit. It should also be noted that the Conservation Officer was consulted and has raised no objections to the development, the application is therefore acceptable in this regard.

Design and Character

Design Policy DE1 states that development proposals must respect and enhance their surroundings and contribute to the character of the area. This is consistent with Paragraph 127 of the National Planning Policy Framework (NPPF) (2019).

In this instance the site as existing is laid to a concrete finish and is not deemed to have architectural merit and has limited design qualities. The proposed paved area and associated landscaping and wooden fence is considered to mark a visual improvement upon the appearance of the site. The front porch/vestibule extension is also not considered to have a detrimental impact upon the character or appearance of the area.

Whilst materially, the proposals will not cause harm to the visual appearance of the area, there is acknowledged to be a level of visual impact as a result of a commercial trading area within the residential setting. However, on balance there is not considered to be a level of visual harm which would warrant refusal of the application, and indeed the setback and landscaping would have likely provided sufficient mitigation. On balance the visual impact is deemed acceptable.

Highways & Parking

Policies AC1 and AC2 relate to highway impacts of new developments, in this case as the site is existing it is not considered that the ancillary structures would result in

significant additional footfall which would have a detrimental impact upon the existing highway network.

In this case the Highway's Officer has been consulted and has raised no objections to the development. Conditions have however been requested to close the to-be redundant access point and to omit any landscaping from the visibility splays to the retained vehicle access. Had the application been considered acceptable in all other respects it is considered that these conditions would have been reasonable and would therefore form part of the conditions attached to the consent.

Policy AC3 of the adopted Local Plan presents the requirement for parking provision for developments to accord with the adopted Parking Standards. These are set out within Appendix 5 of the Local Plan (2016). In this case the site benefits from a car park to the rear of the site accessed to the east of the site, adjacent to the boundary, this car park contains 43 spaces, inclusive of one accessible space.

The development as proposed seeks consent for the removal of the existing parking area to the front of the building which has provisions for 4 spaces. The relevant assessment in this case is as to whether the loss of the four car parking spaces to the front will have a significant impact upon the parking provision for the site. Paragraph 109 of the NPPF is relevant here which states that;

'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'.

It is noted that within the consultation that objections have been received relating to existing parking issues within the site, in part as a result of the quantum of visitation, and in other part that there is limited signage alerting patrons to the rear car park. Considering the maximum parking requirement for the site, as the site and existing conditions pre-date the local plan and adopted Parking Standards set out within Appendix 5 it would be unreasonable to retrospectively apply the parking standards in this case. Based on the assessment of the site, and the absence of an objection from the Highway Authority that the loss of the four spaces would not result in a 'severe' impact upon the local highway network and as such is acceptable. Were a planning application approved on the site, an informative would likely be appended to a decision notice to strongly encourage the applicants to enhance signage towards the rear car park to promote usage.

Sustainable Development/Planning Balance

Paragraph 11 of the NPPF sets a presumption in favour of sustainable development, Paragraph 8 also highlights that the NPPF has multiple objectives including social, economic and environmental. As discussed within the principle section of this report, there is considered to be a policy conflict with the proposal having economic benefits, particularly looking toward an ease of current COVID-19 lockdown restrictions. However, this has been balanced against the amenity impacts of the development. In making this assessment, officers have afforded greater weight to the amenity implications of the development proposed in this case and as such forms the recommendation for refusal.

The Local Planning Authority has fulfilled its requirements under Paragraph 38 of the NPPF to pro-actively work to find solutions to identify a positive outcome. Within the course of the application, the Case Officer and Environmental Health considered the use of a temporary permission to allow for opportunity to support the economic objectives in the short term. However, in doing so would result in a level of uncertainty in relation to noise generation which have the potential to give rise to amenity issues. Furthermore, the conditions requested by the Highway Authority to re-instate the unused dropped kerb would be deemed unreasonable for a temporary consent. Without such a condition, the site/development would give rise to highway safety issues with an unused secondary access point. It has therefore been concluded that a temporary permission in this case would not be deemed appropriate for these reasons.

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

In conclusion it is considered that based on the planning merits of the application as proposed, the development would result in a detrimental impact upon residential amenity by virtue of noise, as such the application it is recommended that planning permission is refused for this reason.

REASONS FOR REFUSAL

1. The development as proposed would result in a significant intensification of commercial use within a primarily residential location. By virtue of the proximity to neighbouring dwellings it is considered that the proposal would result in harm to the amenity of neighbouring occupiers by virtue of noise and disturbance, thereby contravening Policies R6 and DE1 of the adopted Local Plan (2016) and Paragraph 127 of the NPPF (2019).