

Planning Committee Report	
Planning Ref:	PL/2024/0002542/FUL
Site:	603 – 611 Stoney Stanton Road
Ward:	Foleshill
Proposal:	Change of use of in part the community/education area to a restaurant use (Use Class E(b) with a maximum of 129 covers.
Case Officer:	Emma Spandley

SUMMARY

The application relates to an existing building originally granted retrospective planning permission on 18th May 2015 under FUL/2015/0373 for the erection of the building for use as restaurant and community/education centre on ground floor, five residential units on first and second floor and associated parking and access.

The total gross internal ground floor area approved under FUL/2015/0373 amounted to 534.40 square metres; split into 2no units with 250 square metres for the restaurant and 284.4 square metres for the community/education facility.

FUL/2015/0373 imposed several conditions relating to hours of use; no Hot Food Takeaway (HFT) sales or deliveries (condition No.5 & No.6) and limiting the number of occupiers for the community use and covers for the restaurant use (condition No.8). This was to safeguard the amenity of the existing residential properties.

In 2019 two variation of condition applications were submitted and refused which sought to increase opening hours, to allow ancillary Hot Food Take away (HFT) sales and increase the number of covers. (S73/2019/0042 and S73/2019/2871).

These applications were refused for the following reason:

The proposed variation of hours, additional covers and allowance of ancillary takeaway use is likely to result in customers parking in adjacent residential side streets, leading to increased noise and disturbance to occupiers of those houses during hours when they could reasonably expect less disruption, contrary to Policy R6 of the Coventry Local Plan 2016 and guidance contained within the National Planning Policy Framework.

The current application will add 37sqm to the restaurant floor area, making a total of 287sqm.

However, the parking requirement for the expanded restaurant would be 29no car parking spaces; only 7no are being provided, with a deficit of 22no car parking spaces.

BACKGROUND

Planning permission was granted in 2008 (R/2008/1126) for a double storey mixed-use development which included a ground floor snooker hall with five residential flats on the first floor with bedroom spaces in the roof. A previous application (R/2007/1950) was refused for a 3-storey development that proposed ground floor retail use with snooker

hall and residential to upper floors. The building was not constructed in accordance with the approved drawings, so did not benefit from planning permission.

Planning permission was refused in 2014 (FUL/2014/0449) for use of the whole of the ground floor as a restaurant as it was considered contrary to retail policies in this out of centre location, an unsatisfactory parking layout, the site was of insufficient size to accommodate the parking and servicing for the restaurant and the residential units and an unsatisfactory residential environment.

The 2015 permission (FUL/2015/0373) which was eventually granted which reduced the scale of the restaurant to 250sqm which was/is commensurate with a local retail unit and therefore due to the reduced floor area was acceptable within the out of centre location.

The 2015 permission (FUL/2015/0373) imposed several conditions relating to hours of use, no Hot Food Takeaway sales or deliveries (condition No.5 & No.6) and limiting the number of occupiers for the community use and covers for the restaurant use (condition No.8). This was to protect the amenity of the surrounding residential properties.

In 2016 a variation of condition application (S73/2016/0571) was approved which allowed the restaurant to open midday to midnight instead of 18.00 to midnight, as originally approved.

In 2019 two variation of condition applications were submitted and refused which sought to increase the opening hours, to allow ancillary take away sales and to increase the number of covers. (S73/2019/0042 and S73/2019/2871).

In 2023 an application (PL/2023/0001864/FUL) was submitted which changed the former community space into a retail shop with the restaurant use remaining within the adjacent unit.

KEY FACTS

Reason for report to committee:	Over five letters in support contrary to the officer's recommendation.
Current use of site:	Commercial ground floor with residential above
Proposed use of site:	Commercial ground floor with residential above
Proposed no of units	N/A
Housing mix	N/A
Parking provision	7no spaces
Open space provision	N/A

RECOMMENDATION

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

'The proposed additional covers are likely to result in customers parking in adjacent residential side streets, leading to highway safety issues and increased noise and disturbance to occupiers of those houses during hours when they could reasonably expect less disruption, contrary to Policy AC3 and R6 of the Coventry Local Plan 2017 and guidance contained within the National Planning Policy Framework.'

REASON FOR DECISION

- The proposal is considered to contrary to Policies AC3 and R6 of the Coventry Local Plan 2017 and the emerging Local Plan, together with the aims of the NPPF paragraph No.7 by reason of compromising the amenity and therefore the ability of the existing residents in meeting their own needs of residential on street parking, generating parking stress.

SITE DESCRIPTION

The application site is located at the busy traffic light-controlled junction of Broad Street and Stoney Stanton Road. The carriageway has double yellow lines all around it restricting any on street parking. There is a layby to the southwest of the site able to accommodate 4no cars. This sits outside a row of shops and Hot Food Takeaways.

To the north is Broad Street, which is too, heavily marked with double yellow lines; to the south and southwest of the site is a residential street called Awson Street which is characterised by circa 19th century terraces houses with minimal or no front gardens, that all rely on, on-street parking.

APPLICATION PROPOSAL

The application seeks to change 37sqm of existing floor space from a community use to be incorporated into the existing restaurant.

The proposal also seeks a maximum of 129 covers for the restaurant

PLANNING HISTORY

R/2007/1950 (Cov Ref: 39451/B)	Demolition of five existing retail properties and erection of three-storey building for ground floor A1 food shop use, first floor D2 snooker hall use and second floor C3 dwelling use	REFUSED
R/2008/1126 (Cov Ref:39451/C)	Double storey mixed use development, erection of a ground floor snooker hall with 5 residential flats on the first floor. (Re-submission)	APPROVED
FUL/2010/1473	Retention of existing building for use of ground floor as supermarket with first floor residential	REFUSED
AD/2012/1126	Submission of amended details involving - raising of roof height by 800m and extension to rear of 3m and elevational alterations - to planning permission reference number 39451/C for demolition of five existing retail properties	REFUSED

	and erection of three-storey building for ground floor D2 snooker hall use & residential above	
FUL/2014/0449	Erection of building (retrospective) for use as restaurant (ground floor), five residential units (first and second floor) and associated parking and new access	REFUSED
FUL/2015/0373	Erection of building (retrospective) for use as Restaurant and Community/Education Centre on ground floor, five residential units on first and second floor and associated parking and access	APPROVED
S73/2016/0571	Variation of condition 5 (to allow opening from Midday to midnight) : imposed on application reference FUL/2015/0373, granted on 18th May 2015 for erection of building (retrospective) for use as a restaurant and community/education centre on ground floor and five residential units above	APPROVED
FUL/2016/0573	Internal and external alterations to provide four residential units at ground floor and extension to restaurant area	WITHDRAWN
FUL/2018/0020	Conversion of Community/Education Centre on ground floor to two retail units and associated parking and access. Previous Planning Application Ref. No: FUL/2015/0373	REFUSED
S73/2019/0042	Variation of conditions: 5 - to increase opening hours until 0200 every day and to allow ancillary take	REFUSED

	<p>away sales; and 8 - increase number of covers to 150; imposed on planning permission S73/2016/0571 for variation of opening hours condition imposed on FUL/2015/0373 for erection of building (retrospective) for use as Restaurant and Community/Education Centre on ground floor, five residential units on first and second floor and associated parking and access</p>	
S73/2019/2871	<p>Variation of conditions: 5 - to allow ancillary take away sales and condition 8 - increase number of covers to 100; imposed on planning permission S73/2016/0571 for variation of opening hours condition imposed on FUL/2015/0373 for erection of building (retrospective) for use as Restaurant and Community/Education Centre on ground floor, five residential units on first and second floor and associated parking and access</p>	REFUSED
FUL/2019/0060	<p>Change of use from community space to storage/warehouse (retrospective)</p>	APPROVED
PL/2023/0001864/FUL	<p>Change of Use of ground floor from Use Class B8 (storage/warehouse) to Use Class Class E (commercial business and service).</p>	APPROVED

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF) December 2024. 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) sits alongside the NPPF with its own legal status 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 2017, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

- Policy DS3: Sustainable Development Policy
- Policy AC1: Accessible Transport Network
- Policy AC2: Road Network
- Policy AC3: Demand Management
- Policy R6: Restaurants, bars and Hot Food Takeaways

Emerging Local Policy Guidance – Local Plan Review Reg 19 Consultation

Local Plan review is currently at Reg 19 consultation. Relevant emerging policy relating to this application is:

- Policy DS3: Sustainable Development Policy
- Policy AC1: Accessible Transport Network
- Policy AC2: Road Network
- Policy AC3: Demand Management

Supplementary Planning Guidance/ Documents (SPG/ SPD):

- SPD Coventry Connected

CONSULTATION

Statutory

Objections have been received from:

- Local Highway Authority

Non-statutory

No objections subject to conditions have been received from:

- Environmental Protection, subject to the opening hours remaining as midday to midnight.

Neighbour consultation

Immediate neighbours were notified on 15th January 2025.

Three letters of support have been received with the reasoning being the proposals will not impact them.

36no of the same letter signed individually supporting the application on the following material planning grounds:

- It is an appropriate form of development
- Makes the business financially viable
- No impact on parking
- No noise issues

Two letters of objection have been received in relation to the impact on parking in the surrounding residential streets.

Any further comments received will be reported within late representations.

APPRAISAL

Principle of development

The National Planning Policy Framework, paragraph 11, states that “Plans and decisions should apply a presumption in favour of sustainable development. For Decision Making, this means:-

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Footnote 8 to paragraph 11 confirms that this includes situations where the local authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer set out in paragraph 78).

Based on the provisions of the December 2024 NPPF the Council is able to demonstrate a 5.6-year housing land supply as of 31st December 2024.

Principle of a restaurant

Policy R6 of the Coventry Local Plan directs restaurants, bars and Hot Food Takeaways to be located within defined centres and states proposals for out of centre locations would only be supported by a sequential assessment and would not result in significant harm to the amenity of nearby residents or highway safety.

The site currently has permission to operate as a restaurant with opening hours from midday to midnight, with no more than 50no covers and no Hot Food Takeaways (HFT) or deliveries. This was due to the fact the building is out of centre and only provides a

small car park to the rear with 12no spaces, 5no of which are associated with the upper floor flats; therefore, there are a total of 7no spaces allocated for the restaurant use only.

At the time of the 2015 application it was considered that as the restaurant use was only 250sqm, which was equivalent to a local shop, it was acceptable within this out of centre location and would not harm the function of the designated centres in this instance, however, due to its location at a busy traffic light-controlled junction of Broad Street and Stoney Stanton Road. With the carriageway on Stoney Stanton Road and Broad Street having double yellow lines all around it restricting any on street parking, the covers and therefore the capacity was restricted in order for the proposal to not result in significant harm to the amenity of nearby residents or highway safety.

As stated above, two further applications in 2019 have been refused which sought to increase the covers from 50 to 150 and 100 and to allow Hot Food Takeaways.

This current application seeks permission to change the use of a small part of the ground floor from community/restaurant use to be included within the restaurant area and to increase the covers from 50no. to 129no.

As the principle of the restaurant use has already been established under the 2015 permission, the assessment is on whether the increase in floor area and covers would result in significant harm to the amenity of nearby residents or highway safety or not.

These areas are discussed in more detail below.

Highways considerations

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high-quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility 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. 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.

Parking provision should accord with the maximum standard expressed in Appendix 5 unless it has been clearly demonstrated that the site is in a highly accessible location where transport, by means other than the private car is a realistic alternative. In that respect lower levels of provision may be considered acceptable where the site is in close proximity to the City Centre, a train station, a high-quality rapid transport route or other

public transport interchange and where there is a package of measures (proportionate to the scale of development) to enable sustainable means of transport. Any variation from the maximum standard must be fully justified by proportionate evidence.

Policy R6 of the Coventry Local Plan directs restaurants, bars and Hot Food Takeaways to be located in defined centres and would not result in significant harm to the amenity of nearby residents or highway safety.

Appendix 5 sets out that a restaurant requires one off road car parking space per 10m² of internal floor area.

The existing restaurant floor area is 250sqm. Therefore, the existing use requires 25no car parking spaces where only 7no are being provided, a deficit of some 18no spaces, hence the conditions that have been attached to the original permission to restrict and limit the sites capacity.

A Transport Statement (TS) was submitted, REPORT - Transport Statement, dated September 2023 - Report Ref.23/018, in support of the current application, which suggests that the condition restricting the amount of covers and therefore visitors to the site was unlawful and suggest that the current application will only equate to 2no addition parking spaces being required.

The proposal seeks to change the use of a small area of some 37sqm to be incorporated within the restaurant use, making the total floor area some 287sqm. This then makes a requirement of 29no off road car parking spaces being required, however only 7no are still being provided. This makes a total deficit of 22no spaces, which the submitted Transport Statement has not appreciated.

The Transport Statement also reviewed the accident records which showed numerous incidents were recorded in the immediate locality of the site, and the majority being orientated around the Broad Street and Stoney Stanton Road traffic signal-controlled junction where traffic flows are relatively heavy.

This further emphasis the challenges with this site and why since 2015 the site has been restricted in its capacity and why in 2019 both applications to vary the number of covers from 50 have been refused.

There is already daily evidence of members of the public illegally parking on the pavement in front of the premises, whilst this is a matter for the parking enforcement team, it does highlight the existing parking pressures within the area.

Paragraph No.11 of the NPPF (Dec 2024) sets out that all developments that generate significant amounts of transport movement should be supported by a Transport Statement or Transport Assessment.

Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case-by-case basis (i.e. significance may be a lower threshold where road capacity is already stretched or a higher threshold for a development in an area of high public transport accessibility).

Paragraph No.116 of the NPPF (Dec 2024) states: *'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, following mitigation, would be severe, taking into account all reasonable future scenarios.'*

As there would be a significant reliance on on-street parking availability, the Local Highway Authority (LHA) requires an assessment of available parking capacity.

The Local Highway Authority (LHA) also notes a previous approval had conditioned formalizing the parking to the rear with markings however it is not clear if this has been done.

On this basis the applicant has provided insufficient evidence which has demonstrated that the overspill of 22no car parking spaces would not have a detrimental impact on the free flow of traffic and highway safety and is therefore contrary to Policy AC3 of the Coventry Local Plan and emerging Local Plan.

The next assessment is whether significant harm to the amenity of nearby residents would occur as a result of the change of use and increased capacity of the site.

This is discussed below.

IMPACT ON RESIDENTIAL AMENITY

Policy R6 of the Coventry Local Plan directs restaurants, bars and Hot Food Takeaways to be located which would not result in significant harm to the amenity of nearby residents.

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.

Parking provision should accord with the maximum standard expressed in Appendix 5 unless it has been clearly demonstrated that the site is in a highly accessible location where transport, by means other than the private car is a realistic alternative. In that respect lower levels of provision may be considered acceptable where the site is in close proximity to the City Centre, a train station, a high-quality rapid transport route or other public transport interchange and where there is a package of measures (proportionate to the scale of development) to enable sustainable means of transport. Any variation from the maximum standard must be fully justified by proportionate evidence.

Appendix 5 sets out that a restaurant requires one off road car parking space per 10m² of internal floor area.

As stated above, the existing restaurant floor area is 250sqm. Therefore, the existing use requires 25 car parking spaces (as per Appendix 5) where only 7 are being provided;

a deficit of some 18 spaces. However, the existing condition limiting covers to 50 suppresses the parking demand arising from the restaurant.

The proposal adds 37sqm making the total floor area 287sqm. This requires 29 car parking spaces where only 7 are being provided: a deficit of some 22 spaces.

The Transport Statement is therefore incorrect in its assessment and therefore its conclusions as far as it relates to the impact of the deficit of 22 spaces being provided within the surrounding residential streets and the impact that would have on the occupiers of the existing residential properties as it has only assessed whether 2 spaces could be accommodated within the surrounding streets.

An assessment of available parking capacity is required to cover the area where patrons of a proposed development may want to park. This generally covers an area of 200m (or a 2-minute walk) around the site.

The survey should be undertaken when the highest number of residents are at home, therefore in this instance the opening hours are from midday to midnight; the survey would be expected to be taken between the hours of 6pm to midnight on two separate weekday nights (i.e. Monday, Tuesday, Wednesday or Thursday) and one that covers a weekend day.

The adjacent street Awson Street which is characterised by circa 19th century terraces houses with minimal or no front gardens. This means residents rely solely on, on-street parking. There is already evidence of parking stress within the streets as several cars are parked on double yellow lines.

As stated above, a robust parking survey has not been submitted which demonstrates that the deficit of 22 car parking spaces can be accommodated on street. However, from my officers site visits it is apparent that there are not enough spaces on the street to accommodate the existing residents let alone an additional 22 cars.

It is considered that no new information or evidence has been supplied which has lifted the previous two times refusals for the request for additional covers.

The application is contrary to Policy R6 of the Coventry Local Plan by leading to increased noise and disturbance to occupiers of those houses during hours when they could reasonably expect less disruption.

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 proposal is not considered to be acceptable in principle. The proposed additional covers are likely to result in customers parking in adjacent residential side streets, leading to highway safety issues and increased noise and disturbance to occupiers of those houses during hours when they could reasonably expect less disruption. The reason for Coventry City Council refusing planning permission is because the development is not in accordance with Policies AC3 and R6 of the Coventry Local Plan 2017 and the emerging Local Plan Policies together with the aims of the National Planning Policy Framework.