



Appeal Decision

Site visit made on 15 May 2019

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/U4610/W/19/3223761

Old Crown Inn, 89 Windmill Road, Coventry CV6 7AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Future Properties 4 U Limited against the decision of Coventry City Council.
 - The application Ref FUL/2018/3452, dated 30 November 2018, was refused by notice dated 15 February 2019.
 - The development proposed is Change of Use of former public house to 11 bed house in multiple occupation.
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Decision

1. The appeal is allowed and planning permission is granted for Change of Use of former public house to 11 bed house in multiple occupation at Old Crown Inn, 89 Windmill Road, Coventry CV6 7AT in accordance with the terms of the application, Ref FUL/2018/3452, dated 30 November 2018, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Future Properties 4 U Ltd against Coventry City Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on local community facilities; and
 - Whether the proposal makes adequate provision for parking off-road and the effect of any lack of provision on the amenity of the area and highway safety.

Reasons

4. The appeal site is a disused brick public house located on a corner plot on the junction of Recreation Road and Windmill Road. This is a predominantly residential area with community shops and services scattered throughout. The building is locally listed.
5. Windmill Road is a busy road with smaller residential streets leading from it. Opposite the appeal site is a health centre and along the road I was able to see two local convenience stores.

6. The proposal includes a small rear extension and would result in the creation of eleven en-suite rooms, an office and a communal kitchen area to create a house in multiple occupation (HMO). The existing access on Recreation Road would be used and off-road parking is provided for nine cars with a new fence separating the amenity area, which also provides space for cycle and bin storage.

Clarification of the use proposed

7. The petition with 166 signatures and other letters submitted to the Council query the nature of the accommodation proposed and who the occupants might be. Small HMOs are recognised as being residential in character and planning permission is not required to convert a dwelling to HMO use with no more than six people sharing the facilities. For a larger HMO use, such as that proposed in this application, this would constitute a use on its own and would not fall within any of the use classes set out in the Town and Country Planning (Use Classes) Order 1987 (as amended). For clarification, I have dealt with the appeal as a proposal for the use of the premises as an eleven bedroom HMO for ordinary residential purposes.

Community facilities

8. The Council's objection is that there is insufficient information to justify the loss of the pub causing a detrimental impact on the sustainability of the community. The appellants have provided a detailed Community Use Report (CUR) which outlines the declining sales over a ten year period and changes in the pub market, with which the Old Crown Inn was unable to compete. In addition to this, the CUR also identified eight nearby public houses or social clubs within a maximum of one kilometre of the appeal site, providing similar facilities, notwithstanding the recent closure of one of these. I was also able to see a number of the other similar facilities nearby when looking around the area.
9. Policy CO2 of the Coventry City Local Plan 2017 (LP) sets out three criteria which helps to prevent the loss of community premises which does not include 'main town centre uses'. This includes retention of a community facility where there is an outstanding local need, the site remains viable or could be made so through diversification and preventing change of use if it is not compatible with nearby uses. Although the appellants state that the policy is not directly relevant, I do consider that the social element of a public house does provide a community facility. Notwithstanding the National Planning Policy Framework (The Framework) definition of 'main town centre uses' (which includes pubs) it is reasonable to apply moderate weight to the principles of this policy.
10. At the time of my site visit, the building was empty and was clearly no longer being used as a pub. A Marketing Report also states that Admiral Taverns had concluded that the pub had reached an 'end of life' position, being an unviable premises. As described above, I noted other similar public houses and social clubs offering alternative facilities which are reasonably close by on foot.
11. Although the loss of the pub may result, at worst, in existing users having the inconvenience of having to walk a slightly greater distance to other facilities, I do not regard such inconvenience as a clear threat to the viability and vitality of the local area. No evidence has been submitted to establish how the remaining facilities would be less accessible to the local community or that there would be a harmful effect on the viability of the local facilities and

services. There appeared to me to be other similar commercial premises available in the area which clearly help maintain its vitality. In these circumstances the loss of the pub in this location would not have a harmful impact. It would, however, result in more people living locally and this would be more likely to contribute to the local area being sustained. I therefore find no conflict with Policy CO2 of the LP.

12. Policy DS3 is a broader policy which discusses delivery of sustainable development. Given the location of the building in a residential area, with easy links to bus routes and other public transport, I consider that the provision of a dwelling here would be sustainable. In addition to this, I am mindful of the nearby local shops and facilities, along Windmill Road as well as surrounding streets, all within walking distance of the appeal site. In this respect, therefore, I find no conflict with Policy DS3 of the LP.

Parking provision

13. The scheme proposes that nine parking spaces would be provided off-road within the site. The Highway Authority have no objections to the proposed scheme subject to conditions to secure car parking and cycle storage prior to the first occupation of the building. These areas are clearly identified on the plans. As such sufficient parking would be provided and I attach significant weight to the absence of objection from the Highway Authority.
14. The Framework has a core principle of making the fullest possible use of public transport, walking and cycling, and advises that parking standards should take account of (amongst other things) the accessibility of development and the levels of car ownership (paragraph 39). Any local parking standard should only be imposed where there is clear and compelling justification.
15. As identified, the site is in a sustainable location with a range of services and employment and where there are opportunities to travel other than by car. I noted a bus service and there is a train station locally. The use of sustainable transport should therefore be encouraged. Nor has it been demonstrated that even if there was a material deficiency it would be bound to have a harmful effect on highway safety. Further, the previous use is also likely to have resulted in some on-street parking demand which would be displaced by the proposal.
16. There is no evidence provided by the Council as to how parking on the street could have a harmful effect on amenity. At my site visit, I saw few parking restrictions along Windmill Road and the surrounding streets, nor did there appear to be much on-street parking at the moment which could indicate a high degree of evidence of a clear parking problem. Any parking on Recreation Road is controlled via double yellow lines. Therefore, I consider that it has not been demonstrated that the proposal would materially harm the amenity of the area.
17. The Council is also concerned about the effect on highway safety as a result of the access, stating this is from a narrow busy road. I note from the plans that the existing access point off Recreation Road is to be utilised by the proposed development. I noted that Recreation Road is a no-through road and at the time of my site visit was not heavily used in comparison to Windmill Road. I am also mindful of the extant use of the building for a pub and the existing access point. There is no evidence to demonstrate that the appeal

development would result in a material change in the parking and access demands and as such there would be no harm to highways safety.

18. The development proposed provides more than the 8.25 spaces as required by Appendix 5 of the Coventry Development Plan (2017) – Car and Cycle Parking Standards for New Development. Secure cycle parking is available within the site and as such the development complies with these standards.
19. Overall on the issue, I find that as the site lies in a sustainable location, where development using alternative means of transport should be encouraged, the proposed nine parking spaces are adequate to accommodate the scale of HMO use proposed and this level of parking provision would be unlikely to harm highway safety and local amenity. The proposal therefore broadly accords with LP policy H3 which seeks for sustainably located residential development and LP policy AC1 which expects development to promote sustainable transport.

Other Matters

20. The building has been identified by the Council as a non-designated heritage asset (NDHA). The Framework is clear that the effect of an application on the significance of a NDHA must be taken into account and that a balanced judgement will be required with regard to the scale of any harm or loss and the significance of the heritage asset.¹
21. The Framework advises at paragraph 189 that applicants should be required to describe the significance of any heritage assets affected, to understand the potential impact of the proposal on their significance. The appellants have provided consideration of the significance of the asset and a schedule of works demonstrating that the less attractive modern additions would be removed and the work to the building would help to preserve the building and its features. I am satisfied that the proposal would not cause harm to the significance of the heritage asset.
22. Concerns are raised about safeguarding with regard to the nearby primary school. As previously described, the appeal proposal is for the use of the building as a dwelling which is in multiple occupation. This is entirely appropriate within this predominantly residential area and without any evidence to demonstrate that occupants would put school children at risk, I consider the proposal would not introduce or exacerbate any problems which might already exist.

Conditions

23. In its report to planning committee, the Council suggests seven conditions and I will consider these under the same numbers. The three year period in which the planning permission may be implemented is a statutory requirement (1). I consider that it is necessary in the interests of clarity to specify the plans that are approved and that the development shall be undertaken in accordance with these unless further modified by any condition set out below (2).
24. I consider that it is necessary to confirm the details of cycle and bin storage to protect the character and appearance of the local area and the NDHA (3). It is also necessary to impose a condition to ensure that the parking spaces are laid out and retained as proposed in the interests of highway safety (7).

¹ Paragraph 197

25. A condition requiring details of external building materials is reasonable and necessary as alterations are proposed to a prominent NDHA (4) as is a condition to ensure compliance with the Proposed Schedule of Works (6).
26. In the interests of air quality it is necessary to restrict dry NOx emission rates and provide an electric recharging point (5).

Conclusion

27. For the reasons given above and taking all other matters into account I conclude that the appeal should be allowed.

Rebecca Thomas

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved documents Drg No.3653 101C, 102B, 104C, Proposed Schedule of Works REV 30/01/19.
- 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.
- 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.
- 5) Any gas boilers installed on site shall have a dry NO_x 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.
- 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.
- 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.