
Appeal Decision

Site visit made on 28 October 2019

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/U4610/W/19/3233806

Carpet Castle, Willenhall Lane, Coventry CV3 2EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Matt Hands (SME Group Plc) against the decision of Coventry City Council.
 - The application Ref OUT/2018/3101, dated 7 November 2018, was refused by notice dated 12 February 2019.
 - The development proposed is a 74 bedroom hotel with the demolition of existing vacant retail warehouse and offices.
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Decision

1. The appeal is allowed and outline planning permission is granted for a 74 bedroom hotel with the demolition of the existing vacant retail warehouse and offices at Carpet Castle, Willenhall Lane, Coventry CV3 2EA in accordance with the terms of the application, Ref OUT/2018/3101, dated 7 November 2018, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Matt Hands (SME Group Plc) against Coventry City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The application is made in outline. The appellant's submissions, including the application and appeal forms, consistently refer to all matters being reserved, as does the description used by the Council on its decision notice and in the publicity it carried out as part of the application process. Therefore, notwithstanding reference in the Council's report and statement to approval having been sought for access, I have considered the appeal on the basis that all matters are reserved, consistent with the appellant's descriptions and that on the decision notice. Accordingly, I have treated the submitted drawings as indicative insofar as they relate to those matters which are reserved for subsequent detailed approval.
4. Notwithstanding inconsistencies in some of the appellant's submissions with regard to the number of bedrooms proposed, I have considered the proposal on the basis that it relates to a 74 bedroom hotel, consistent with the description on the application form and the indicative floor plans.

Main Issues

5. The main issues are:

- the effect on the vitality and viability of existing centres; and
- whether the proposed development would provide a satisfactory environment for future occupants of the hotel, having regard to the presence of nearby industrial and commercial uses.

Reasons

Vitality and viability

6. The site is located around 2½ miles to the south east of the city centre, close to the Coventry Eastern Bypass (the A46), which runs around the eastern side of Coventry between the M69/M6 junction to the north and the M40 to the south of the city. The proposal relates to the demolition of an existing carpet showroom and a vacant office building on the site, and their replacement with a 74 bedroom hotel.
7. The site is not within a designated centre. Policy R4 of the Coventry City Council Local Plan (the Local Plan) states that proposals for main town centre uses will not be permitted in out-of-centre locations unless they satisfy the Sequential Assessment and the Impact Test (where appropriate). Policy R4 states that catchment areas for Sequential Assessments and Impact Tests will be considered on a case by case basis to reflect the specific proposals being considered. That approach reflects the advice in the Planning Practice Guidance (PPG), which states that the application of the sequential test will need to be proportionate and appropriate for the given proposal.
8. The appellant states that the hotel is intended to serve guests in transit on the eastern side of Coventry along the M69/M6/A46/M40 road corridors, and their sequential test has been carried out on that basis. The Council has expressed reservations about whether the proposed hotel could be restricted to a 'budget' hotel, as described by the appellant. However, whether or not it were a budget hotel, it is intended to serve a particular transport corridor, and the catchment area for the sequential test has been identified on that basis. Since its intended function is thus linked to a fixed geographic area, within which the site is located and the hotel would be built, there would be no need to further restrict that by condition. Therefore, and having regard to Policy R4 and the guidance in the PPG, I have considered the proposal, including the catchment area for relevant assessments, on the basis of its intended customer base as thus described.
9. Given its intended customer base, the principal factors affecting the hotel's location are likely to be its proximity, convenience and accessibility in relation to the transport corridor on the eastern side of Coventry which it is proposed to serve, and the availability of free parking on-site. Therefore, whilst I have been referred to the presence of brownfield sites in the city centre, I consider that city centre locations are unlikely to be considered attractive by prospective customers of the particular type of hotel proposed, given the greater likelihood of delays and inconvenience arising from city centre traffic, and as city centre land values would likely restrict the possibility of providing adequate free on-site parking.

10. Therefore, given the particular nature of the development proposed in this instance and the distance to the city centre, I consider that it would not be particularly suited to a city centre location or likely to directly compete with city centre hotels in this instance. Rather, it would serve a localised need related to a specific transport corridor on the eastern side of the city.
11. Policy R3 of the Coventry City Council Local Plan (the Local Plan) identifies four Major District Centres (MDCs) which, it states, will complement but not compete with the city centre and will contain a scale of development which is demonstrated to not impact negatively on the city centre and supports the needs of their part of the city for, amongst other things, uses including hotels. Therefore, having regard to Policy R3, I am satisfied that it is not necessary to consider city centre sites for the purposes of the sequential assessment, and that MDCs would be the appropriate level of centre for such consideration.
12. Two of those MDCs, Cannon Park and Eastern Green, are located on the western side of the city, some distance from the M69/M6 interchange and from the A46 Eastern Bypass linking those motorways to the M40. As both would therefore entail a significant diversion from the eastern transport corridor which the proposed development is intended to serve, they would not provide the accessibility or convenience required by those travelling along that corridor. The development is not intended to serve the needs of those parts of the city, and therefore it is not necessary for those MDCs to be considered by the sequential test.
13. The MDC at Arena Park is located to the north of the city, close to a junction of the M6. However, it is evident from the submissions before me that the hotel is intended to serve customers travelling along the transport corridor to the east of the city, between the M6/M69 junction and the M40. Those travelling along the M6 towards that corridor may account for some of that trade, but only part of the hotel's intended customer base. For others it would represent a diversion, and I am not convinced that it would provide the convenience and ease of access which would make it a suitable location for a hotel intended to primarily serve that eastern bypass transport corridor. Therefore, it is not necessary for the Arena Park MDC to be considered in the sequential test.
14. Therefore, as the only MDC in proximity to that eastern transport corridor, for the purposes of the sequential test and considering the implications of the proposals for existing centres, it is appropriate and necessary only to consider Brandon Road MDC in this case.
15. The appellant has also considered Brade Drive District Centre (DC) for the purposes of their sequential test and impact test. However, as hotels are not included in the scale or types of development identified as being contained in DCs in Policy R3, I do not find it necessary to consider that centre for the purposes of the sequential assessment.

The sequential test

16. Brandon Road MDC is located adjacent to the A46 Eastern Bypass, around 350m from the site. Much of it appears to be a purpose-built centre of relatively recent construction, which includes a supermarket, petrol station and a number of large units housing national retailers, together with a number of smaller units occupied by smaller local and national businesses, as well as a gym, a Premier Inn hotel, cafes and a TGI Fridays restaurant.

17. Paragraph 87 of the Framework states that, when considering out of centre proposals, preference should be given to accessible sites which are well connected to the town centre, and that applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
18. As the application is in outline, the exact form and layout of the scheme is not fixed. The appellant has identified various parameters as a basis for considering whether sequentially preferable alternative sites exist which could accommodate the proposed hotel. Those parameters cover matters relating to the facilities proposed within the hotel, as well as its parking and servicing areas, and appear to reasonably reflect the range of variables the final hotel design may fall into, and proportionate to the development proposed. I am therefore satisfied that the appellant has demonstrated flexibility with regard to the specific format and scale of the proposal in this case.
19. The appellant refers to there being only one vacant unit in Brandon Road MDC, whilst the Council refers to there being numerous such units, although the evidence from both parties regarding those units referred to is very limited. At the time of my visit, a small number of units appeared to be vacant. However, those units appeared to be on the smaller side, and were dispersed across parts of the centre rather than adjacent to one another, and I am not convinced that any of those individual vacant units would be of a size or layout which would accommodate the entirety of the proposal, even with some flexibility in its layout.
20. The Council states that sequential assessments should consider the disaggregation of units. However, there is no such requirement within the Framework. Furthermore, whilst the appellant's submissions indicate that the hotel would include a bar/restaurant and fitness centre, such features are not uncommon within hotels and would evidently be integral and ancillary to it. It would therefore not be appropriate to require the sequential test to consider delivering those functions separately from the remainder of the hotel in any event.
21. Brandon Road MDC appears to be a busy and well-used centre. I have received no compelling evidence to suggest that its car parks are surplus to requirements, or that they would be available or capable of accommodating the proposed development, including its own car parking requirements which, I am satisfied, would be a necessary and appropriate aspect of the proposed development.
22. Therefore, on the basis of the evidence before me and my own observations, I am satisfied that it has been demonstrated that there are no sequentially preferable sites available within Brandon Road MDC which could accommodate the proposed hotel and its associated parking and servicing requirements, even with some flexibility in its scale and format as required by the Framework.
23. Policy R4 states that, where in-centre options are exhausted, edge of centre locations that are well connected and accessible to the centres themselves should also be considered in advance of out of centre sites. That requirement is consistent with the Framework.

24. The site is around 350m from Brandon Road MDC, and therefore just beyond the 300m edge of centre radius referred to in Policy R4 and the Framework. The appellant's sequential test does not consider whether there are alternative edge of centre sites within 300m of the MDC boundary which could accommodate the proposed development. However, the site is only marginally beyond that limit, and is well connected to the MDC by roads with segregated footpaths, thus allowing access to the centre on foot and by cycle, as well as by car. There are also bus stops on Willenhall Road immediately outside the site. There would therefore be little material distinction in practice between the site and one marginally closer to the MDC within the edge of centre radius.
25. Nonetheless, the site is technically in an out of centre location. Therefore and in the absence of any consideration as to whether there are available, sequentially preferable edge of centre sites which could accommodate the development, the proposal would not fully accord with the requirements of Policy R4 or the Framework. I must weigh that, albeit limited, policy conflict in the overall planning balance.

Impact test

26. The main parties disagree as to whether an impact test is required for the proposed hotel development, having regard to apparent inconsistencies between Policy L4, which requires an impact test for all main town centre uses, and the Framework and PPG, which refer to impact assessments only in relation to retail and leisure developments, not all main town centre uses.
27. However, the appellant has nonetheless carried out an assessment considering the likely impact of the proposed development on Brandon Road MDC. For the reasons set out above, having regard to the hotel's intended function and likely customer requirements with regard to accessibility and convenience in relation to the transport corridor to the east of Coventry, its effects would be relatively localised, and limited to the areas closest to that corridor. I am therefore satisfied that it would not have likely adverse implications for other hotels within the city centre or those other MDCs referred to, or for the vitality or viability of those other centres. The scope of the appellant's impact test is therefore appropriate in this particular case.
28. Whilst there are other hotels close to the site, only one of them is within the Brandon Road MDC boundary. That hotel, a Premier Inn, is located adjacent to the Coventry Eastern Bypass, and can be glimpsed from that adjacent route. Its presence is also identified and advertised by prominent signage, which is visible from the A46 and the nearby roundabout. The Premier Inn is easily accessible from the A46 and, as a result of its location adjacent to a restaurant and drive-through café, and close to other commercial uses within Brandon Road MDC, is likely to be attractive to people travelling along that adjacent route and wishing to break their journey. There is nothing significant in the evidence before me to suggest that this existing hotel would be adversely affected by a further hotel opening up further from those commercial units and from the major transport route. Therefore, I am satisfied that the existing hotel within Brandon Road MDC would not be unduly affected by the proposed development.
29. The proposed hotel would not directly compete with any of the retail units which comprise the majority of the premises within Brandon Road MDC. It would include a restaurant/bar and fitness centre. However, those functions

would be of limited scale and ancillary to the main hotel use, and would not have a significant impact on other similar, larger dining and gym facilities within the MDC, which are more prominent and easily accessible from the adjacent transport corridor. Indeed, the development of a further hotel, bringing more potential customers to the area, may be of benefit to the retail premises and other food and drink outlets within the MDC, particularly compared with the existing development on the appeal site.

30. Although the Council has raised objections to the scope of the appellant's impact test with regard to the specific centres to be considered, it has not raised any specific objections to the conclusions of the impact test which has been carried out for Brandon Road MDC. Therefore, even if I accept the Council's view that an impact test is required, on the basis of the evidence before me I conclude that the proposed development would not have adverse implications for the existing hotel or other units within that MDC, or for the vitality or viability of that existing centre overall. The proposal would therefore not conflict with Policies R3 or R4, or with the Framework, in that regard.

Whether a satisfactory environment would be provided for future occupiers

31. The site is within an industrial and commercial area, and is adjoined to the sides and rear by industrial buildings and their service and delivery yards, and by a drive-through restaurant.
32. Those surrounding uses may result in activity and background noise in the vicinity of the site, including on an evening, and no noise survey has been carried out at this stage. However, as a hotel would accommodate people only for very limited periods, future occupiers would not expect the same level of amenity as would be associated with a permanent residence, and it is not uncommon for hotels to be located in commercial areas or on busy main roads, where background noise and activity would be higher than would generally be expected in a residential area. Furthermore, the site is on the outer edge of that industrial and commercial area, and immediately opposite residential properties on the other side of Willenhall Road.
33. Overall therefore, and on the basis of the indicative drawings, I am satisfied that the site is large enough to comfortably accommodate a hotel with a footprint of the size indicated, and also allow some flexibility in its specific location within the site so as to minimise its proximity and exposure to those parts of the adjacent industrial and commercial sites which may result in higher levels of noise. On that basis, I am also content that detailed noise mitigation, which may include boundary treatments, building insulation and/or appropriate glazing, could be achieved as part of a reserved matters application, and subject to the carrying out of a detailed noise survey at that stage.
34. Therefore, on the basis of the evidence before me and my own observations, I conclude that there is scope within the site to achieve a design solution which would provide a satisfactory environment for future occupants of the hotel, having regard to the presence of nearby industrial and commercial uses. As matters of detailed design, including the size, layout and location of the hotel, would be subject to consideration at reserved matters stage, a condition specifying the number of bedrooms is not necessary at this stage.
35. Policy H3 of the Local Plan, cited in the Council's reasons for refusal, is entitled 'Provision of New Housing' and, based on its content, is evidently intended to

refer to new housing development. As such, it is not directly relevant to the current proposal for a hotel. Policy DE1, also cited in the reasons for refusal, does not make explicit reference to living conditions or compatibility with adjacent uses, and I am content that an appropriate scheme could be provided which would accord with the design criteria in that policy as part of a detailed reserved matters application. The Framework requires developments to create places with a high standard of amenity for existing and future users. For the reasons given, I conclude that there would be no conflict with that requirement insofar as it relates to the amenity of future guests of the hotel.

Other Matters

36. The Council has queried the need for the proposed hotel, with reference to other hotels in the area. However, Policy R4, the Framework and the PPG do not specify a requirement to demonstrate a need for new main town centre uses as part of the decision-making process, only that they must be subject to the sequential and impact test requirements. I have considered the appeal accordingly.
37. On the basis of the evidence before me, I am satisfied that the removal of what appears to be a long-vacant office building from the site would not have adverse implications for the supply of employment land in the area.
38. I have had regard to concerns raised that the proposed hotel could lead to additional noise and disturbance for nearby residents, including in combination with the drive-through restaurant on the adjacent site. Whilst the site is opposite residential properties, it is part of a commercial and industrial area which extends along and back from this part of Willenhall Road, and which includes a petrol station as well as the adjacent drive-through restaurant and other nearby industrial buildings. There is therefore likely to be some degree of activity and background noise on an evening at present.
39. The Council has not raised any specific objections with regard to the effect of the proposed hotel on the living conditions of existing nearby residents. Therefore, and on the basis of the evidence before me, I have no reason to conclude that the hotel or its ancillary bar and restaurant would give rise to levels of activity which would significantly increase the degree of noise and disturbance experienced by nearby residents, in the context of those existing surrounding commercial uses, or in combination with them. On the basis of the indicative drawings before me, I consider that there is sufficient space within the site to allow the hotel and its parking areas to be laid out in such a way as to minimise any effects on nearby residents with regard to privacy, outlook, noise and disturbance, and I am satisfied that such matters could be adequately dealt with as part of a detailed reserved matters submission. Matters relating to potential noise and disturbance during construction could be dealt with via condition.
40. The Council has confirmed that the level of parking indicated on the submitted plans would be more than sufficient to cater for a hotel of the size proposed. I am therefore satisfied that adequate parking could be accommodated within the site, and have no reason to believe that the development would result in an increase in on-street parking in the vicinity.
41. The Council has provided details of previous decisions relating to the site. However, those schemes referred to related to different uses to that proposed

in this case and are not directly comparable to the scheme before me, which I have considered on its own planning merits.

Planning Balance

42. Whilst not within the city centre, the proposed hotel would contribute towards the provision of hotel accommodation in Coventry, the need for which has been identified in various strategies which have been drawn to my attention.
43. The existing offices on the site appear to have been vacant for some time, with little apparent interest in, or likelihood of, their re-use. As well as creating employment opportunities, a hotel of the size proposed would also be likely to have greater economic benefits for the area compared with that office and the existing retail unit of the site, as a result of customers visiting and spending in retail and restaurant units within and close to the nearby MDC.
44. I am satisfied that the scope of the sequential and impact assessments are sufficient with regard to the centres covered, and that there are no sequentially preferable sites available in Brandon Road MDC. Whilst not technically in an edge of centre location, the site is only marginally beyond that limit, and is well-connected to the MDC by roads and footpaths, allowing pedestrian and cycle access, and to other areas by public transport. On that basis, and as I have found no other harm arising from the scheme, I conclude that the likely economic and employment benefits of the proposed development represent material considerations which outweigh the minor technical conflict with the development plan sequential test policy in this case.

Conditions

45. I have had regard to those conditions suggested by the Council, and have made some amendments to the format and wording of those which I have included, for precision.
46. I attach a condition specifying the drawing identifying the site location as an approved plan, for certainty. As all other drawings are indicative, and relate to matters reserved for subsequent detailed approval, I have not included them as approved plans in this instance.
47. The proposed hotel would be a more sensitive use than the existing uses of the site, and there is the potential for contamination within the site in association with former or surrounding commercial uses. Conditions relating to the investigation (and remediation as necessary) of land contamination issues are therefore necessary to ensure that the site is safe and suitable for the proposed use. A condition requiring drainage details is necessary to ensure that the development is satisfactorily drained without flooding, or pollution from run-off from vehicle parking areas. A condition requiring a construction management plan, including measures to minimise dust and noise, is necessary in the interests of the living conditions of nearby residents. In the interests of supporting the local economy through access to employment, a condition requiring a scheme for local recruitment in the construction and operation of the development is necessary and reasonable. These conditions are required to be pre-commencement conditions as it is fundamental to have the details approved prior to the development commencing on site.
48. I have not included conditions requiring a noise survey or details of noise mitigation measures, electric vehicle charging points or energy saving

measures. Nor have I included requirements relating to specific measures such as grey water harvesting or green roof technology within the drainage condition. Those matters relate to detailed scheme design. They can thus be considered and conditioned, and any appropriate surveys required, at the reserved matters stage. Similarly, matters relating to the timetable for the implementation of landscaping and arrangements for the replacement of planting that fails can be considered and conditioned as part of a detailed landscaping scheme at the reserved matters stage, and are not necessary as part of this outline permission.

Conclusion

49. For the reasons given, and having regard to all other matters raised, the appeal is allowed.

Jillian Rann
INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Block Plan drawing no 53.37/A.1.0.
- 5) Development shall not commence until an assessment of the risks posed by any contamination within the site, including intrusive site investigation as necessary, has been carried out, and the results have been submitted to and approved in writing by the local planning authority. The assessment shall include a survey of the extent, scale and nature of contamination and an assessment of the potential risks to human health, property (existing or proposed) including buildings, service lines and pipes, adjoining land, ground waters and surface waters and ecological systems.

In the event that the assessment indicates that remediation is necessary, development shall not commence until a Remediation Statement has been submitted to and approved in writing by the local planning authority. The Remediation Statement shall include details of all works to be undertaken, proposed remediation objectives and criteria, a timetable for the carrying out of any necessary remediation works, and details of the verification or validation of those works. No part of the development hereby permitted shall be occupied until any necessary remediation scheme has been carried out and completed in accordance with the details thereby approved, and until any necessary verification or validation report has been submitted to and approved in writing by the local planning authority.

If any contamination is found during the course of construction of the approved development that was not previously identified, no further development shall take place until a scheme for the investigation and remediation of that contamination has been submitted to and approved in writing by the local planning authority. Any remediation works thereby approved shall be carried out and completed, and any necessary verification or validation report shall be submitted to and approved in writing by the local planning authority, before any part of the development is first occupied.

- 6) Development shall not commence until a scheme for the disposal of foul and surface water from the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:
 - a) details and calculations with regard to the means of surface water disposal from the site;
 - b) an assessment of the potential for disposing of surface water by means of a sustainable drainage system, the results of that assessment and details of any sustainable drainage measures proposed. Where sustainable drainage measures are proposed, the submitted details shall include:

- i) details of the method(s) employed to delay and control the discharge of surface water from the site; and
 - ii) details of measures to prevent pollution of the receiving groundwater and/or surface waters, including the installation of oil or petrol separators within the proposed vehicle parking and access areas as necessary.
 - c) a management and maintenance strategy for any sustainable drainage measures or any other surface water drainage systems for the lifetime of the development.
 - d) details relating to the management of surface water on the site during the construction of the development;
 - e) foul drainage plans.
- 7) No development shall take place, including any demolition, site clearance or site preparation works, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of measures to mitigate dust and noise from the site during the construction phase. Such measures shall be implemented in accordance with the details thereby approved before any construction works commence at the site, and the construction of the development shall thereafter be carried out and managed in accordance with the details thereby approved.
- 8) Development shall not commence until a scheme for the recruitment of employees for both the construction period and post-occupation of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out and operated in accordance with the details thereby approved.