



Appeal Decision

Site visit made on 1 October 2024

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/U4610/W/24/3343332

Lucky Lounge, 18-22 Gulson Road, Coventry CV1 2JH

- 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 Lucky Lounge (Mr Boja Yili) against the decision of Coventry City Council.
 - The application Ref PL/2023/0001956/FUL, dated 15 September 2023, was refused by notice dated 30 January 2024.
 - The development proposed is retention of temporary café and takeaway until 31st December 2024.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development above is taken from the Decision Notice. The description on the application form did not include an end date for the temporary permission, which was added following discussions between the main parties. I am satisfied that neither party is prejudiced by the description being used.
3. I understand from the evidence submitted by the appellant that a comprehensive redevelopment of the site will be the subject of a forthcoming application. I will deal with this in the "Other Matters" section below.

Main Issues

4. The main issues in this appeal are: -
 - The effect of the development on the character and appearance of the area.
 - The effect of the development on archaeology
 - The effect of the development on the living conditions of neighbouring residents from the flue extraction system.

Reasons

Character and appearance

5. The site lies on the western side of Gulson Road, opposite a Coventry University Building but adjacent to a mixture of residential, small scale commercial and student accommodation. I understand from the planning

history that the site was formerly used as a car workshop, and then the compound / site offices during the building of the new student accommodation.

6. The appeal site contains a structure, timber in nature, effectively screening shipping containers, and used as a café / takeaway. A previous application for permanent approval was refused.
7. The structure is lightweight in nature, and with the large expanses of timber in a prominent location between traditional structures, the appeal proposal does not sit well in this location and looks incongruous within the locality, failing to respect the character and appearance of the area with its outward external appearance and poor design.
8. As such, I find conflict with policies R2, R5 and DE1 of the Coventry Local Plan (2017) (the LP) which, amongst other matters, expect development to be of high-quality design and attention to detail. I also find conflict with the design aspects of the National Planning Policy Framework (the Framework), specifically those set out in Paragraph 135.

Archaeology

9. The appeal site is located within an archaeological constraint area and very close to a section of the medieval city walls. I understand that a scope of works has been agreed with the Council's Archaeologist, but this relates to the forthcoming application, and the consultee is concerned that the impact of the appeal proposal has not been taken into consideration. The appellant has stated that due to the nature of the works, there would be no archaeological impact. Without a formal report, there is no method of confirming whether there would be impact or not.
10. As such, as it relates to this appeal, I find conflict with policy HE2 of the LP, which expects development to sustain and reinforce special character and preserve the historic elements of Coventry.

Neighbouring residents

11. As part of the application, the Environmental Consultee requested full details of the odour extraction system, but this specific aspect of the proposals were not addressed, and general information with regard to the system was submitted, rather than the specific details.
12. Again, as it relates to this appeal, without the provision of information that would demonstrate how the flue system would work correctly, given the proximity of the system to neighbouring properties, I find conflict with policy DE1 of the LP where it relates to responding to the physical context of the site and surroundings.

Other Matters

13. I understand that during the production of this report, a comprehensive redevelopment scheme including a restaurant, has been approved by the Local Planning Authority. The appellant has asked that the appeal be decided, and enquired as to whether the temporary period could be extended to June 2025 due to the delay from the original application refusal to the appeal date, as well as giving time to meet the pre-application conditions on this new approval.

14. I am not in possession of any contract which would show the work is to begin within a reasonable timeframe, and also the appeal process should not be used to evolve planning proposals. In addition to this, consultees and interested parties were consulted on the basis of the original scheme and re-notification would be required to allow that to be fair to all parties. Therefore, an extension will not be granted.
15. In addition to this, without any firm start date, it is not guaranteed that this extension duration would see the termination of the use, and further extension could be sought. In any event, the harms that I have identified mean a dismissal is forthcoming, as the proposal must be assessed on its own merits, and the existing proposal is not acceptable in its current form.

Conclusion

16. The proposal does not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate I should take a different decision other than in accordance with this.
17. For the reasons outlined above, I conclude the appeal should be dismissed.

Paul Cooper

INSPECTOR