

OFFICER REPORT

Application Number: FUL/2020/0328

261 Tile Hill Lane

Change of use to a restaurant (use class A3) together with new shopfront and installation of external extractor flue.

WITHIN GREEN BELT?	No
VISIBLE FROM GREEN BELT?	No
WITHIN CONSERVATION AREA?	No
LISTED BUILDING?	No

POLICY GUIDANCE

Local plan

The Coventry Local Plan 2016 to 2031 has been adopted on 05/12/2017. Policies that are relevant include: **AC2/AC3/DE1/DS3/R3/R4/R6**

National Policy

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

ADDRESS AND DATE OF NEIGHBOUR NOTIFICATION

Adjoining properties were notified on 6 March 2020 and a site notice was displayed on 12 March 2020; no responses have been received. .

RELEVANT HISTORY

S/1974/1267 - Change of use from office to retail, approved 23/09/1974

L/1995/1580 - Change of use of retail shop to hot food takeaway shop (Class A3), refused 06/02/1996 on Highways ground

L/1997/1736 - Change of use of 2 retail units (A1) to single restaurant use (A3) and create new shop front refused 16/02/1998 on highways and neighbours' amenity ground, subsequent appeal was dismissed on 25/06/1998

FUL/2015/4336 – Change of use from casino to place of worship (Use Class D1), approved 21/04/2016

FUL/2019/2688 - Change of Use to A3 and A5 with front alterations and flue extractor at rear elevation, withdrawn 06/01/2020

CONSULTATION RESPONSES

Highways – No objections subject to pre-commencement condition relating to Construction Method Statement

Environmental Protection – No objections subject to condition relating to noise assessment and installation of extraction and odour control system.

Public Health – Withdrawn their objection following removal of hot food takeaway element from the proposal.

SITE DESCRIPTION

The application site is a ground floor retail unit within 3-4 storey industrial type building located adjacent to a major interchange on the A45 with Tile Hill Lane. The application unit fronting Tile Hill Lane is between two retail units. There is a hot food takeaway on the ground floor fronting a service road, parallel to A45. The floors above ground floor of this metal and render clad building is a church, which was converted from a casino. The ground floor corner of the building is part of the church with entrance fronting Tile Hill Lane. The immediate surrounding is commercial in nature, particularly a large car showroom to the south and there are leisure and retail premises along the eastern side of A45 including McDonlads, KFC, Subway, Starbucks and Sainsbury's. There is a two-storey building opposite to the application site previously occupied by Barclays bank, currently vacant. To the north of the site, behind the houses fronting Tile Hill Lane, there is a large car park owned by the applicant. The access to the car park is from Tile Hill Lane via a vehicular access which is between the bank building and a dwellinghouse fronting Tile Hill Lane. The wider surrounding is mainly residential including immediate west of the site.

PROPOSAL DESCRIPTION

The application seeks permission to change the retail use (use class A1) of a unit to a restaurant (use class A3). The application proposal includes installation of an external flue in connection with extraction equipment and odour control and new shopfront. A sequential assessment, a parking survey and a noise assessment has been submitted with this application. The initial proposal for a hot food takeaway (use class A5) and restaurant (use class A3) has been amended following objection from public health as the proposed A5 use on this site contrary to adopted SPG on hot food takeaways and the applicant is seeking permission for A3 use only. The hours of operation is proposed Monday to Friday from 3pm to 11pm, Saturdays 3pm to 11:30pm and on Sundays from 5pm to 11:30pm. The proposed restaurant will employ 4 full and 2 part time employees.

The external flue will be located at the rear of the building. The new shopfront includes aluminium frame glazed shop windows and new entrance door together with security shutters with internal shutter box.

ISSUES AND ASSESSMENT

The main issues in determining this application are the principle of the development being the site is in an out of centre location, impact upon neighbouring amenity, and highway considerations.

Principle of development

Sustainable Development Policy DS3 of the Local Plan 2016 states that the Council will take a positive approach in considering development proposals that reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will work proactively with applicants to find solutions to enable proposals to be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area, including increased health, wellbeing and quality of life.

The main Policy involved in this case is Policy R6 (Restaurants, Bars and Hot Food Takeaways) and R4 (Out of Centre Proposals). Policy R6 of the Coventry Local Plan 2016 requires that restaurants, bars and hot food takeaways should be located within defined centres and will normally be discouraged outside these locations. Even in defined centres consideration will be given to: the harm to the amenity of nearby residents or highway safety; and the cumulative impacts due to the existence of any existing or consented proposed outlet. The Policy R6 is to minimise the environment and transport issues and to protect residential amenities.

The proposal is to convert a retail unit into a restaurant outside a defined centre or a local centre. The restaurant is one of the main town centre uses as per the revised NPPF and the Coventry Local Plan 2016. Policy R4 of the Coventry Local Plan 2016 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). The NPPF 2019 (paragraph 86 and 87) advises on this stating that main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. As per Policy R4, an Impact Test would not be required in this case as the gross floor area of the proposed development is 547m² and less than 1000m².

The applicant has carried out a Sequential Assessment as per Coventry Local Plan 2016 and the NPPF and submitted the findings with this application. As per policy requirement, the assessment was carried out in neighbouring centres namely Cannon Park and Earlsdon Street District Centre, Jardine Crescent, Winsford Avenue, Station Avenue and Charter Avenue Local Centres. The assessment demonstrated that there are no sequentially preferable sites within these centres to meet applicant's requirement. Therefore, the site is justified in principle.

In addition, although, the site does not form part of any defined centre nor does the site have any designation in the local plan, the site and the surrounding area are in mixed use comprising various commercial and industrial uses. There are a number of other freestanding eateries and a large supermarket located to the west/southwest of the site (along the west side of A45). There is a parade of commercial properties around 180m to the east on Tile Hill Lane. Due to the existing mixed uses within the area, in addition to high background noise from road use from busy A45 and Tile Hill Lane it is not considered that the addition of a small scale restaurant would affect the surrounding residential amenities significantly. There is a fairly large car park opposite to the site under applicant's ownership and available to the restaurant customers, therefore, it is considered that the proposal would unlikely to have any significant impact on highway safety. There are bus stops outside the application building on Tile Hill Lane. Considering the application site is located within an area predominantly commercial in character, well connected by public transport and away from residential amenities, compatible with the nearby uses, principle of the proposal is acceptable.

It is noted that the planning permission was refused for the site to be used as hot food takeaway in 1996 and 1998 during the development plan period under the Coventry Unitary Development Plan 1993. A subsequent appeal was also dismissed in 1998. The reason for refusal was mainly highway safety and impact on residential amenities from hot food takeaway use. One of the significant changes since then is the use of the building as a casino has been ceased and upper levels of the building converted to a chapel. This reduced the night time vehicles movement which could have been worsen from a hot food takeaway use. In addition, the hot food take generally increases noise and disturbance in its vicinity. The current proposal is only for a restaurant and not a takeaway in addition, there is a large car park available nearby for its customers. Therefore, it is considered that there are significant material changes have taken place on the site and surrounding including improvement to the nearby interchange on A45. Therefore, in this current situation, considering the current application proposal in light of the NPPF and the Coventry Local Plan 2016 it is considered that the proposal is acceptable.

Impact on neighbouring amenity

Policy H5 requires new development to be designed and positioned so it does not adversely affect the amenities of the occupiers of neighbouring properties. There are no residential accommodations within the application building and the nearest dwellinghouse No. 271 Tile Hill Lane to west is around 20m. There are two other commercial uses, a supermarket and a tanning studio on the ground floor of the application building and the service yard access which are closer to No. 271. In addition, there is a large car showroom to the south behind the rear garden of the nearby houses on Tile Hill Lane. Given the existing commercial activity within the ground floor of the building as well as in the surrounding area together with the background noise from nearby highways, it is not considered a restaurant use would result any more significant impact in terms of noise and disturbance than that what already exists. The submitted extraction and odour control system are satisfactory to the Environmental Protection (EP) Officers and therefore cooking smell and odour would not affect the neighbouring occupiers. However, the EP officers recommended a condition requiring submission of a further noise assessment following installation of the plant and extraction system to ensure the potential noise and vibration from the plant and extraction system would not be detrimental to occupiers of the building and neighbouring residential occupiers. The external flue in connection with the extraction system would be located at the rear and not readily visible from any publicly accessible area, therefore, the visual amenity would remain neutral.

Highways

A Parking Assessment and car Park Management Plan have been submitted with application to demonstrates that parking provisions for the customer would sufficient. In particular, the applicant owns a car park with spaces over 70 which would be shared by customers and users of the application building. The Highways Authority find the parking provisions for the proposed restaurant in addition to other users of the application building satisfactory and raise no objection subject to a pre-commencement condition requiring submission of

Construction Method Statement to ensure impact on highways during construction/refurbishment works remains minimum.

The Shopfront

The new shopfront would be similar to existing shop windows with new open lath security shutter would be colour coated in white. The shutter box would be installed internally without any projection beyond fascia board. This design feature accords with the SPG for Installation of Security Shutters and Grilles and would not affect the visual amenity of the street scene.

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 proposed development is considered to be acceptable in principle and will not result in any significant impact upon neighbour amenity and highway safety,. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies DE1, DS3, R4, R6, AC2 and AC3 of the Coventry Local Plan 2016, together with the aims of the NPPF.