APPLICATION No. - FUL/2011/0596

Description of Development - Change of use of part of existing public house into D1 use (non-residential institution) (regularisation)

Site Address - Malt Shovel 93 Spon End

Applicant - Mr M. Nagra

Ward - Sherbourne

RECOMMENDATION:
Planning Committee is recommended to grant planning permission subject to conditions.

INTRODUCTION:
Planning permission is sought for the change of use of part of an existing public house into D1 (non-residential institution) use. The specific use proposed in the Design and Access Statement is for a Holistic Therapy Centre, although if permission is granted then any D1 use could be implemented unless the permission is restricted by conditions. It is understood that the use has already commenced.

The change of use creates 2 no. treatment rooms, a waiting room and reception area all of which are on the ground floor of the building. The anticipated maximum occupancy level at any time would be 8 people. The existing basement/cellar would be used for storage purposes only. The application does not include external alterations to the premises, with the two doors to the front being retained. No part of the building is currently in operation as a public house and it is understood that the first floor is residential accommodation.

The site is located within Spon End Conservation Area, located west of the City Centre. The application property, formerly in use as a public house known as 'Malt Shovel' is a two storey rendered property with a steep pitched roof and large gable on the side elevation. The property has been extended to the rear with a large two storey brick and tile pitched roof extension and a single storey brick built extension with a mono-pitched roof. It adjoins another two storey...
building, which is in use at ground floor as a Private Members Social Club. Vehicular access into the site is off Spon End and there is space for the parking of a number of vehicles.

A Flood Risk Assessment has been submitted with the application as the building lies partially within Flood Zones 2 and 3 of the River Sherbourne, which flows beyond the rear of the site. The assessment concludes that the proposed change of use is likely to result in a greatly reduced occupancy than the previous use of the building and given the anticipated shallow depth of any flood water, the proposed change of use would not represent a significant risk.

**RELEVANT PLANNING HISTORY:**
The following are the most recent/relevant applications:

R/2006/1528 Erection of side and rear extensions, alterations to landscaping and car parking layout and use of premises as mixed use as pub/restaurant, Approved, 31st March 2001 – Not implemented

R/2001/5004 Single storey rear extension to form function room, Approved, 1st March 2002 - Implemented

**RELEVANT POLICIES:**
National Planning Policy  
PPS1 – Delivering sustainable development  
PPS5 – Planning for the historic environment  
PPS25 – Development and flood risk

Coventry Development Plan 2001  
OS6 – Change of land use  
OS9 – Access by disabled people  
EM4 – Flood risk and development  
AM1 – An integrated, accessible and sustainable transport strategy  
AM12 – Cycling in new developments  
BE2 – The principles of urban design  
BE9 – Development in Conservation Areas  
BE14 - "Locally Listed" buildings  
SCL3 – Small social, community, leisure and indoor sports facilities  
SCL10 – Health and social care  
SCL12 – Local health and social care facilities  
SCL14 – Re-use or redevelopment of facilities

Supplementary Planning Document – Creating a More Sustainable City (adopted January 009)

Supplementary Planning Guidance – Spon End and Nauls Mill Area of Local Distinctiveness, Area Character Statement and design guidelines and designation of two Conservation Areas (adopted August 2003)
CONSULTATION RESPONSES:
No objections from:
   o Environment Agency
   o CCC Highways officer
   o CCC Environmental Protection
   o CCC Conservation/Archaeology officer

Notification letters were sent to neighbouring properties and e-mails to Ward Councillors on 23rd May 2011. The application was advertised in the Coventry Telegraph on 23rd May 2011 and a site notice was erected on street furniture outside the front of the premises on 25th May 2011.

44 representations have been received, 23 of which are in opposition to the development and 21 in support.

The representations of support are based on the following grounds:
- With many public houses closing down as they are no longer viable businesses, it is 'fantastic' to see one being transformed into another use, bringing new business to the area and supporting Coventry's economic growth
- The city needs something like this and a new business setting up should be commended not hindered
- The objections are from people who do not live near the pub. It is likely that the fact it will not be a pub any longer will make the area quieter for neighbouring residents
- The owner has highlighted that it is their intention to retain traditional features of the pub and extensive historical research has already been carried out in this respect.
- If the pub was successful and well used or the hub of the community, it would never have closed down.
- If the building is boarded-up, there is greater potential for vandalism/arson
- There are enough pubs in the city without resurrecting one that has been closed for 3 years

The representations in opposition are on the following grounds:
- Closing a pub in this location undermines the sense of community in the area
- If the pub were to re-open as a genuine freehouse it would be viable. Other pubs are failing due to the 'excessive greed' of the pub companies that own them. People were interested in reopening it as a freehouse although it was never put on the market
- With new building work in the vicinity being built the viability of the building as a public house will be enhanced
- Pub would provide opportunities for employment to local people
- Concern over internal building work
- The pub is of historic interest and has been used for this purposes for centuries
It is however important to note that 3 of the representations objecting and 11 of the representations in support do not provide any reasons.

APPRAISAL:
The main issue in determining this application is the principle of the change of use and the impact upon the heritage asset.

Principle of change of use

Policy SCL14 of the CDP states that proposals for the re-use or redevelopment of social, community, leisure, indoor sport, education, health or social care facilities will be considered on the basis of:

• whether there is an outstanding local need for social, community, leisure, indoor sport, education, health or social care uses which could reasonably be met at that location;
• the suitability of the location for such facilities having regard to the criteria in Policies SCL2 and SCL3;
• compatibility with nearby uses; and
• compatibility with other Plan policies.

Policy SCL3 is applicable in this case as this refers to local facilities serving less than 30 people at any one time. The policy highlights that applications for social/community uses will be considered on the basis of compatibility with nearby uses and other Plan policies and accessibility by pedestrians and cyclists.

The change of use would result in the loss of a community facility, albeit it has not been operating for the benefit of the community for approximately one year. The replacement facility, whilst not strictly a social or community facility, would not be dissimilar to a public house in that both are effectively privately owned and admission is at the discretion of management and also members of the community could benefit from the facility.

The applicant has not provided any information to demonstrate that there is not any outstanding local need for the uses set out in the first bullet point above. However, the Local Planning Authority is not aware of there being any particular deficiencies in the area. In close proximity to the site are 4 other public houses with many more in the nearby area and there is also a well used community facility on the opposite side of the road at Bethel Evangelical Church. It is therefore considered that the immediate area actually has a wealth of community facilities and it is also important to note that the site is situated in close proximity to the city centre where there are numerous community facilities.

The proposed use could also be considered to be a 'health or social care facility' and in this respect it would accord with Policy SCL14. Policies SCL10 of the CDP supports the development and improvement of health care facilities well distributed to meet the needs of Coventry people and Policy SCL12 states that such uses would be considered on the basis of the criteria in Policy SCL2 or SCL3 depending on the scale of the facility. The proposal will provide a
community health facility, which although private, would offer health and wellbeing benefits to the community that it is situated within.

Policy OS6 of the CDP states that except where specific proposals are shown on the proposals map, the general policies of the plan will apply and development should be compatible with nearby uses. The proposed use is not noise generating nor would it give rise to significant odour or other forms of pollution. In this respect, it would not be harmful to any existing nearby residential or commercial uses. Whilst there is a social club in the adjoining building, the two uses are considered to be compatible as it is likely that any significant noise generation from the social club is likely to be on weekends and in particular in the evening. The applicant has stated that they intend to open between the hours of 09:00 and 17:00 Monday-Saturday and therefore it is considered that the existing social club use is unlikely to conflict with the proposed use. A condition is however recommended restricting the hours of operation to avoid conflict between the use of the application site and adjoining licensed establishment.

Both policies SCL3 and AM1 of the CDP encourage the planning of developments in accessible locations and Policy AM1 promotes alternatives to the use of the private car. Policy AM12 together with SPD 'Creating a more sustainable city' both require the provision of cycle parking within new developments. The application site is located in an accessible location, on a bus route, and whilst over 400 metres from the city centre, is within comfortable walking distance for many to the city centre. Whilst the applicant has not shown any cycle parking provision on their plans, officers recommend a condition requiring appropriate cycle parking provision within the application site. The application site also contains a car park and there is ample space for the needs of the development. For these reasons, the proposal complies with Policies SCL3 and AM1.

This section and the remainder of the report have demonstrated that there does not appear to be any deficiency in social, community or leisure facilities in the immediate area and that the proposed change of use is compatible with other relevant Plan policies. It has also highlighted that the use is compatible with other nearby uses and therefore the location is considered to be suitable. For these reasons, the proposal accords with Policies SCL2 and SCL14 of the CDP.

Impact on Heritage Asset

Given the location of the property within Spon End Conservation Area and the fact that the building is locally listed officers consider that it is important to retain the building. The retention of the locally listed building is critical in retaining the historic interest of the area.

Spon End and Nauls Mill Area of Local Distinctiveness' area SPG identifies the application site as being within Zone 1 – Old Spon End and Broomfield Place. The text mentions little of the public house and a number of design guidelines and recommendations are applicable to the area. The proposed change of use
does not contravene any of the guidelines and therefore is in accordance with the document.

The loss of the community facility must be balanced against the protection of this heritage asset. A number of the representations in opposition to the development highlight the historic nature of the building. This indicates that the building has had a positive contribution to the local character and a sense of place. It is widely accepted that heritage assets are more likely to be preserved if they are brought into a suitable use rather than left vacant.

The proposal is in harmony with PPS5 which states that to conserve heritage assets wherever possible, heritage assets are put to an appropriate and viable use that is consistent with their conservation and it requires that the positive contribution of such heritage assets to local character and sense of place is recognised and valued. The use proposed appears to be viable as it is currently in operation and it conserves the heritage asset as it ensures that the building is retained and maintained with no external alterations proposed. Whilst it is outside the control of the local planning authority as the building is not listed, the company that is operating from the premises has also expressed a desire to maintain, where possible, traditional features of the public house. It is also important to note that some of the uses within policy SCL14 would not necessarily help preserve this heritage asset, as for example, an indoor sport facility on the site would almost certainly require the removal of the building to allow for a larger purpose built development.

The Council's Conservation Officer has highlighted that the building has been in use as a public house for around 200 years and regrets its loss as a pub. However, they have indicated that it is encouraging that the new tenant appears to be taking a welcome approach to the conversion and has retained the existing doors and windows so that the building remains a positive presence in the conservation area.

The officer has indicated that any conversion must preserve as much of the internal layout of the Malt Shovel as possible as this contributes greatly to the character of the building with a series of small rooms leading off the entrance hall. Although internal alterations are outside of planning control, the Council's Conservation Officer has made contact with the new tenant and has visited the premises to discuss the conversion works and provide advice so that the character of the building can be preserved. The visit highlighted that the tenant has retained significant internal features of the building, thus preserving the historic nature of the building.

Policy BE14 of the CDP relates to locally listed buildings and seeks to prevent the partial or complete loss of such buildings. As stated above, the application will retain the building, albeit in a different use, and this is likely to help preserve the building in accordance with the policy. Policy BE9 in harmony with PPS5 and Section 72 of the Planning (Listed Buildings and Conservation Areas) (Act 1990) highlights that development within a Conservation Area will only be permitted if it would preserve or enhance the character or appearance of the area.
The proposal does not involve any external alterations and internal alterations are not subject to planning permission. Therefore it is considered that the change of use has a neutral impact upon the character and appearance of the area and thus accords with Policy BE9.

Other considerations

Policy OS9 highlights that proposals for the development, extension, alteration or change of use of any building which may be used by the public should include adequate provision for access through and use by disabled people. The application property currently does have level access and the applicants have a duty to meet DDA requirements under other legislation.

Policy EM4 of the CDP requires development to be designed and located to minimise the risk of flooding and to maximise the absorption of surface water run-off by the ground. As the application site is partially within Flood Zones 2 and 3 a Flood Risk Assessment has been submitted with the application and concludes that there is a minimal risk of flooding, with the most likely affected area being the basement which is to be used for storage purposes only. The Environment Agency have reviewed the flood risk assessment and have raised no objections to the development and therefore the proposal is considered to accord with CDP Policy EM4.

Conclusion / Reason for Approval

The application is considered acceptable and the reason for Coventry City Council granting planning permission is because the development is in accordance with Policies OS6, SCL2, SCL14, EM4, AM1, AM12, BE2, BE9, BE14, SCL10 and SCL12 of the Coventry Development Plan 2001, and relevant SPG/SPD and national planning policy as set out in the report.

Therefore the application is considered acceptable as the loss of the community facility is unlikely to result in deficiencies of such uses in the locality and the proposal would help preserve a heritage asset by bringing it back into use.
SCHEDULE OF CONDITIONS

Condition(s)

1. Within three months of the date of this permission cycle parking facilities shall have been provided in accordance with details first submitted to and approved in writing by the Local Planning Authority and thereafter those facilities shall be available for use at all times whilst the use hereby permitted is in operation.

2. The use hereby permitted shall not operate from the premises before 08:00 hours or after 19:00 hours on any day.

LIST OF BACKGROUND PAPERS

PROPER OFFICER: Group Manager Planning and Building Control
Author: Andrew Cornfoot

ALL BACKGROUND PAPERS OPEN TO PUBLIC INSPECTION at City Services & Development Directorate, Civic Centre 4, Much Park Street and www.coventry.gov.uk
Planning Application File: FUL/2011/0596
Coventry Development Plan 2001