

Planning Ref:	FUL/2022/1691
Site:	126 De Montfort Way CV4 7DT
Proposal:	Proposed change of use from residential to Class C2 (residential care home) for up to, and including, 7no adults.
Case Officer:	Helen Sherratt

SUMMARY

Planning permission is sought for the change of use of an existing seven-bedroom residential property to a residential care home (Use Class C2). The scheme will include provision for 7no full time residents, providing specialised care for adults over eighteen years old with learning disabilities. A maximum of 6no carers will be employed.

BACKGROUND

The application has been recommended for approval. The application has received 31no public representations objecting to the proposal and 2no letters of support as well as a petition objecting to the scheme on the grounds of increased level of traffic and noise and it being an unsuitable use in a residential area, of which contains 92 signatures of residents.

KEY FACTS

Reason for report to committee:	<p>The application has 5 or more objections, a petition and has been called in by Cllr John Blundell on the following grounds:</p> <ul style="list-style-type: none"> • The scheme consists of inappropriate development and the over development of the site • The scheme will have a detrimental impact on existing parking provision and on the highway network in the local area • The scheme will detrimentally impact the amenity of neighbouring properties
Current use of site:	Residential dwelling
Proposed use of site:	Residential care home (Use class C2)

RECOMMENDATION

Planning committee are recommended to grant planning permission subject to planning conditions.

REASON FOR DECISION

- a) The proposal is acceptable in principle.
- a) The proposal will not adversely impact upon highway safety.
- b) The proposal will not adversely impact upon the amenity of neighbours.
- c) The proposal accords with Policies: AC2, AC3, DE1, DS3, H5 and H8 of the Coventry Local Plan 2016, together with the aims of the NPPF.

APPLICATION PROPOSAL

The proposal seeks permission for the change of use of an existing residential property to a residential care home (use class C2). The proposal will provide specialised care for adults over eighteen years old, for a maximum of 7no residents at any one time. No external alterations or extensions are proposed to the property, with only the atrium enclosing the swimming pool area due to be removed. 10 rooflights are proposed at ground floor level, in 2no bedrooms on the ground floor and the rehab therapy room and adjoining hallway. 2no high level windows are proposed at the site's eastern elevation at ground floor level.

At ground floor level, there is proposed to be 4no bedrooms, 2no with en-suite, a main kitchen, a communal lounge/dining area and a rehab therapy room. At first floor, there will be a further 5no bedrooms and a wet room with a staff office on the second floor. The applicant has confirmed that the additional 2no bedrooms will be for staff use.

Carers will be on site at all times, with a maximum of 6no present at any one time. The applicant has submitted a management plan in support of the planning application, of which sets out the following arrangements for carer shift patterns:

Time Period			
		Staff	Residents
7.30 am – 13.30 pm	ratio of	5-6	7
13.30 pm – 19.30 pm	ratio of	5-6	7
19.30 pm – 07.30 am	ratio of	2	7

In terms of visiting hours, these are proposed to be from 9:00 until 18:00, with any out-of-hours visits being pre-arranged with the management team.

The existing parking arrangements will be retained.

SITE DESCRIPTION

The application site relates to 126 De Montfort Way, a large 7no bedroom residential property. The property is detached and is of mid-20th century construction. The premises is currently unoccupied and at ground floor level comprises 2no bedrooms with en-suite, a lounge and kitchen/dining area as well as an enclosed swimming pool with associated shower room and plant room. At first floor, there are a further 5no bedrooms, all with en-suite as well as a main bathroom. The second floor of the property comprises an office. The property currently has provision for 4no vehicular parking spaces.

The surrounding area is predominantly residential, characterised by large properties set within spacious plots. A number of properties in the area have been converted to HMOs (Houses of Multiple Occupancy) for the purposes of providing student accommodation. The application site is approximately 0.5 miles (a 10-minute walk) from the Cannon Park Major District Centre of which comprises a large supermarket, cafes, shops, a taxi rank and bus stops. There is a regular bus service running from Cannon Park retail centre to Coventry City Centre with a journey time of 25 minutes.

PLANNING HISTORY

There have been a number of historic planning applications on this site; the following are the most recent/relevant:

Application Number	Description of Development	Decision and Date
R/2007/1692	Enclosure of existing swimming pool including hipped roof and atrium and raised walls and roof over existing plantroom	Withdrawn 01/08/2007
R/2007/1136	Enclosure of existing swimming pool, atrium and raised walls and roof over existing plantroom	Approved 27/02/2008

POLICY

National Policy Guidance

National Planning Policy Framework (NPPF). The NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that is relevant, proportionate and necessary to do so. The NPPF increases the focus on achieving high quality design and states that it is "fundamental to what the planning and development process should achieve".

The National Planning Practice Guidance (NPPG) adds further context to the NPPF and it is intended that the two documents are read together.

Local Policy Guidance

The current local policy is provided within the Coventry Local Plan 2016, which was adopted by Coventry City Council on 6th December 2017. Relevant policy relating to this application is:

Policy DS1: Overall Development Needs
 Policy DS3: Sustainable Development Policy
 Policy H4: Securing a Mix of Housing
 Policy H8: Care Homes, Supported Housing, Nursing Homes and Older Persons accommodation
 Policy H9: Residential Density
 Policy GE3: Biodiversity, Geological, Landscape and Archaeological Conservation
 Policy GE4: Tree Protection
 Policy JE7: Accessibility to Employment Opportunities
 Policy DE1 Ensuring High Quality Design
 Policy AC1: Accessible Transport Network
 Policy AC2: Road Network
 Policy AC4: Walking and Cycling
 Policy EM1: Planning for Climate Change Adaptation
 Policy EM2: Building Standards

Supplementary Planning Guidance/ Documents (SPG/ SPD):

SPD Delivering a More Sustainable City
 SPD Coventry Connected

CONSULTATION

Statutory

Highways

Further information requested in relation to parking provision and number of carers on site to ensure that parking demand can be accommodated (22/08/2022).

Following the submission of additional information, no objection, subject to a planning condition being imposed requiring the details relating to cycle parking provision (06/09/2022).

Non-Statutory

Environmental Protection

No objection (25/08/2022).

Immediate neighbours and local councillors have been notified; a site notice was posted on 24th August 2022.

31no letters of objection have been received, raising the following material planning considerations:

- a) The development proposal is incongruous with the character of the surrounding area.
- b) The increase in traffic and parking need brought about by the scheme will result in a detrimental highway safety impact.
- c) The scheme would cause a noise disturbance due to deliveries, staff and medical supplies and waste disposal and any resulting hazardous material.
- d) Concerns were raised in respect of potential anti-social behaviour and the scheme could pose a risk to children in the area.
- e) The site is already overdeveloped.
- f) A new care home in this area will make the broadband connection for local residents worse.
- g) There will be increased pressure on water and drainage services in the local area.
- h) A precedent for this type of development will be set.
- i) Waste collection bins will appear unsightly at the front of the property.

2no letters of support have been received, raising the following material planning considerations:

- j) The objective of the proposal is positive, but only if it can be demonstrated how it will fit within the local community setting.

Within the letters received the following non-material planning considerations were raised, these cannot be given due consideration in the planning process:

- k) Existing housing stock on the estate should be protected and remain in residential use and returned to single occupancy where HMOs have been created.
- l) A respondent stated that, when they bought their property, they were told that the only thing it could be used for is a Doctor's Surgery, not a nursing home.
- m) A respondent raises concerns about the impact the proposal would have on an existing medical issue.

- n) A respondent raises concerns as to the validity and financial position of the care company.

Any further comments received will be reported within late representations.

APPRAISAL

The main issues in determining this application are the principle of development, the impact upon the character of the area, and highway considerations.

Principle of development

Policy H8 of the Local Plan states that proposals for specialist and supported forms of housing for the elderly and those requiring care will be encouraged in areas that are accessible by a choice of means of transport and that are situated in close proximity to key local services.

The application site is located within a highly sustainable location, being approximately 0.5 miles to the south of the Cannon Park District Centre of which provides a wide range of shops, services, and public transport options, as well as a taxi rank and cycle lanes on the surrounding transport network. The proposed use is compliant with Policy H8 of the Local Plan and so the principle of development is considered to be acceptable. Please note however, that this assumption is subject to material considerations, as discussed below.

Impact on visual amenity

Policy DE1 of the Local Plan seeks to ensure high quality design and development proposals must respect and enhance their surroundings and positively contribute towards the local identity and character of an area.

The National Planning Policy Framework, paragraph 130 states that “Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- a) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- b) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- c) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- d) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- e) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF further states (at paragraph 134) “development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and

supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings”.

Policy H8 of the Local Plan states that proposals should be of a high quality and design and be compatible with the character of the surrounding area.

No major external alterations or extensions are proposed as part of the development scheme, with the majority of re-configuration being internal. Neighbour objections that raise concerns as to the impact on visual amenity and the subsequent negative effect on the character and appearance of the surrounding area are noted. However, the property will remain as existing externally and no additional window or door openings that could potentially lead to overlooking issues are proposed. The internal layout of the property is proposed to accommodate 7no residents, and this would not be materially different from the authorised use as a single seven-bedroom dwelling.

Neighbour comments raising concerns as to the location of ‘unsightly’ commercial waste bins are noted and a planning condition requiring further information on the proposal’s waste management strategy has been imposed. Subject to this, the development proposal is not considered to result in a detrimental impact on visual amenity and the scheme is compliant with Policy DE1 and Policy H8 of the Local Plan and relevant sections of the National Planning Policy Framework.

Impact on residential amenity

Policy H8 of the Local Plan states that proposals should be of a high quality and design and be compatible with the character of the surrounding area.

A number of neighbour objections raise concerns as to the impact of the scheme on residential amenity, in respect of increased noise levels and the risk of anti-social behaviour by residents. Whilst noted, the Environmental Health Officer has no objections to the development proposal and it would be inappropriate to assume that the change of use would generate greater levels of noise and disturbance than the existing authorised residential use, as there is insufficient evidence to support this. In terms of noise when residents use the rear amenity space, noise levels are not considered to be higher than that of a residential property. Notwithstanding this, a 10-foot-high brick wall and mature hedgerow encloses the property at the majority of its boundary, thereby providing visual and aural screening.

A management plan has been submitted in support of the planning application, of which sets out that between the hours of 7.30 and 19.30, 5-6 carers would be present on site, with two carers being present overnight. This is considered to provide a sufficient level of support to residents and would replicate the structure of a family dwelling. Visiting hours have been limited to 9:00 until 18:00, with out of hours visits being pre-arranged and agreed by the management team.

Neighbour comments have raised concerns as to potential overlooking from the high-level windows proposed at ground floor level on the northern elevation fronting onto

Tocil Croft. Whilst noted, these window openings will provide daylight to a principal habitable room (carer's bedrooms) as well as being approximately 2.5 metres above ground level, therefor avoiding issues relating to overlooking and privacy, both for neighbouring properties and future occupiers.

The scheme is not considered to have a greater impact on the amenity of surrounding residential properties than the current residential use and so complies with Policy H8 of the Local Plan and relevant sections of the National Planning Policy Framework.

Highway considerations

Policy AC1 'Accessible Transport Network' states that development proposals which are expected to generate additional trips on the transport network should: a) Integrate with existing transport networks including roads, public transport and walking and cycling routes to promote access by a choice of transport modes. b) Consider the transport and accessibility needs of everyone living, working or visiting the city. c) Support the delivery of new and improved high quality local transport networks which are closely integrated into the built form. d) Actively support the provision and integration of emerging and future intelligent mobility infrastructure.

Policy AC3 of the Local Plan acknowledges that the provision of car parking can influence occurrences of inappropriate on-street parking which can block access routes for emergency, refuse and delivery vehicles, block footways preventing access for pedestrians, reduce visibility at junctions and impact negatively on the street scene. Proposals for the provision of car parking associated with new development will be assessed on the basis of parking standards set out in Appendix 5. The car parking standards also include requirements for the provision of electric car charging and cycle parking infrastructure.

In relation to the current parking standards set out in Appendix 5, the proposed C2 use would require a maximum of 4no vehicular parking spaces based on the number of beds and 6no members of staff.

Most neighbour objections relate to the impact of the proposal on highway safety and local parking provision. The Highway Authority has been consulted and following the submission of additional information, have concluded the existing property is able to accommodate 4no vehicles and is therefore compliant with the current parking standards.

The Highway Authority has no objections to the scheme in on the grounds of highway safety and the proposal will not create an unprecedented level of additional vehicular activity on the surrounding road network. A planning condition requiring the provision of secure cycle parking has been imposed and, subject to this, the scheme is compliant with Policy AC1 and AC3 of the Local Plan and relevant sections of the National Planning Policy Framework.

Other Matters

A neighbour comment has been received raising concerns that the development proposal could potentially worsen the broadband connection in the area. Whilst this comment has been noted, there is insufficient evidence to suggest that this is accurate and is not a material planning consideration.

A neighbour comment has been received of which raises concerns as to the precedent set by the development scheme, in the instance it is granted planning consent. Each planning application is determined against local and national planning policy and guidance and is weighed upon its own individual merit. As such, the notion of precedent for residential care facilities being set for the local area, if this scheme were to be granted planning consent, is incorrect.

A neighbour comment has been received that raises concerns as to the potential pressure placed on existing waste and drainage services in the local area, brought about by the development scheme in the instance that it is granted planning approval. Whilst noted, the scheme will not generate an unprecedented level of additional activity at the site and will be similar to its current use as seven-bedroom family home. As such, it is considered that it has been adequately demonstrated that the scheme would not place pressure upon the local waste and drainage infrastructure.

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;
- a) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- b) 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 subject to relevant conditions. The reason for Coventry City Council granting planning permission is because the development is in accordance with: Policies AC2, AC3, DE1, DS3, H5 and H8 of the Coventry Local Plan 2016, together with the aims of the NPPF.

CONDITIONS:/REASON

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.

Reason: *To conform with Section 91 of the Town and Country Planning Act 1990 (as amended)*

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Existing Ground Floor Plan CD_22_04/001/ Rev A
 - Existing First Floor Plan CD_22_04/002/Rev A
 - Existing Second Floor Plan CD_22_04/003/ Rev A
 - Site Plans CD_22_04/004/Rev A

Existing Elevations CD_22_04/005/Rev A
Existing Elevations CD_22_04/006/Rev A
Proposed Ground Floor Plan CD_22_04/10/Rev A
Proposed First Floor Plan CD_22_04/11/Rev A
Proposed Second Floor Plan CD_22_04/12/Rev A
Proposed Elevations CD_22_04/13/Rev A
Proposed Elevations CD_22_04/14/Rev A
Design and Access Statement/ 22_04
Management Plan - Quality Management System (Policies and Procedures).
Staffing Establishment (September 2022).

Reason: *For the avoidance of doubt and in the interests of proper planning*

3. The development hereby permitted shall be occupied by no more than 7 permanent residents at any time.

Reason: *To ensure that the development is not used in an over-intensive manner, prejudicial to or likely to cause nuisance to occupiers of nearby properties in accordance with Policies DE1, H3 and H5 of the Coventry Local Plan 2016.*

4. Prior to occupation of the development hereby permitted, details of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided in full accordance with the approved details prior to first occupation of the building and thereafter those facilities shall remain available for use at all times and shall not be removed or altered in any way.

Reason: *In the interests of encouraging the use of alternative modes of transport with the aim of creating a more sustainable city in accordance with Policies DS3, AC3 and AC4 of the Coventry Local Plan 2016.*

5. Prior to first use the development hereby approved, details of on-site waste management, including bin storage details, shall be submitted to and approved in writing by the Local Planning Authority. The details shall thereafter be retained as such, unless otherwise agreed by the Local Planning Authority.

Reason: *To safeguard the amenities of the adjoining occupiers of the development in accordance with Policy DE1 of the Coventry Local Plan 2016.*

6. The use hereby permitted shall not commence unless and until the communal car parking spaces to be provided have been completed and marked out in full accordance with the approved drawings and made available for use by the occupants and / or visitors to the premises and thereafter those spaces shall be retained for parking purposes at all times and shall not be removed or altered in any way.

Reason: *To ensure the satisfactory provision of off-street vehicle parking facilities in accordance with the Council's standards and in the interests of highway safety and the satisfactory development of the site in accordance with Policies AC1, AC2 and AC3 of the Coventry Local Plan 2016.*